

Fairview Orchards/Fairview Meadows Subdivision Project



Final Environmental Impact Report

Responses to Comments Document

SCH #2016062057

Lead Agency: County of Alameda
Community Development Agency

September, 2017



LAMPHIER-GREGORY

Table of Contents

	<i>Page</i>
Chapter 1: Introduction	
Purpose of the Final Environmental Impact Report	1-1
Chapter 2: Executive Summary and Impact Overview	
Site and Project Description	2-1
Summary of Impacts and Mitigation Measures	2-2
Summary of Alternatives	2-2
Table 2.1: Summary of Project Impacts and Mitigation Measures	2-4
Chapter 3: Commenters on the Draft EIR	
Chapter 4: Master Responses to Recurring Comments	
Master Response A: Consistency with Fairview Area Specific Plan.....	4-1
Master Response B: Traffic-Related Issues.....	4-4
Master Response C: Construction-Period Impacts.....	4-7
Master Response D: Merits of the Project	4-11
Chapter 5: Responses to Individual Comments on the DEIR	
Letter A: State Clearinghouse, and Responses	5-2
Letter B: Sierra Club San Francisco Bay, Southern Alameda County Group, and Responses.....	5-5
Letter C: Miller Starr Regalia (representing D Street Investments LLC), and Responses	5-33
Letter D: John Driscoll and Chanthanom Ounkeo, and Responses	5-57
Letter E: JoAnne Gross, and Responses.....	5-60
Letter F: Chris Higgins, and Responses	5-62
Letter G: Cathy Langley, and Responses	5-69
Letter H: Michael Loss, Pres., Carlson Court Homeowners Association, and Responses	5-76
Letter I: Jeri Mares, M.A. and William Mares, MWS, and Responses	5-79
Letter J: Cynthia Richardson, and Responses	5-81
Letter K: Stephen Saxon, President, Tract 4523 Homeowners Association, and responses	5-83
Letter L: Susan Stuchlik, and Responses	5-87
Letter M: Stuchlik Family, and Responses	5-91
Letter N: Cynthia Richardson, Summary Letter	5-97
Comments made at February 17, 2017 Planning Commission Hearing, and Responses	5-110
Chapter 6: Revisions to the Draft EIR	

Introduction

Purpose of the Final EIR

This Environmental Impact Report (EIR) is an informational document prepared by the County of Alameda (as Lead Agency) containing environmental analysis for public review and for County decision-makers to use in their consideration of approvals for discretionary actions needed on the proposed Fairview Orchards and Fairview Meadows Residential Subdivisions Project, respectively Tract Maps 8296 and 8297 (Project).

On January 27, 2017, the County of Alameda released a Draft EIR for the Project. The 45-day public review and comment period on that Draft EIR ended on March 15, 2017. During the public review and comment period, the County of Alameda held one (1) public hearing at a meeting of the Alameda County Planning Commission on February 21, 2017 at 224 W. Winton Avenue, Hayward. The purpose of this public meetings was to inform the public about the contents of the Draft EIR and to receive oral comments on the Draft EIR with regard to its adequacy and accuracy.

The County of Alameda has prepared this document pursuant to CEQA Guidelines Section 15132, which specifies that the Final EIR shall consist of the following:

- The Draft EIR or a revision of that Draft
- A list of persons, organizations, and public agencies commenting on the Draft EIR
- Comments and recommendations received on the Draft EIR (either verbatim or in a summary)
- The response of the Lead Agency to significant environmental points raised in the review process
- Any other information added by the Lead Agency

This Final EIR incorporates the Draft EIR by reference, includes some limited revisions to the Project Description, and provides the other components listed above, including public comments and the Lead Agency's responses to those comments. This Response to Comments document, together with the Draft EIR and the Draft EIR Appendixes, constitute the Final EIR for the Project. Due to its length, the text of the Draft EIR is not included with this Response to Comments document, but is included by reference as part of the Final EIR.

Following the required 10-day agency review of the Response to Comments document, the County of Alameda Planning Commission will consider certification of the Final EIR, certifying that it adequately discloses the environmental effects of the proposed Project and that the Final EIR has been completed in conformance with the California Environmental Quality Act (CEQA). Before the County Planning Commission may consider approval of the discretionary actions recommended as part of the Project, the Commission must independently review and consider the information contained in the Final EIR.

No New Significant Information

If significant new information is added to a Draft EIR after notice of public review has been given, but before certification of the Final EIR, the lead agency must issue a new notice and recirculate the Draft EIR for further comments and consultation.

This Response to Comment document does not contain significant new information as defined under Section 15088.5 of the CEQA Guidelines. More specifically:

- No new significant environmental impacts other than those disclosed in the Draft EIR have been identified as resulting from the Project, or as resulting from a new mitigation measure proposed to be implemented.
- No substantial increase in the severity of a previously identified environmental impact has been identified as resulting from the Project or from a new mitigation measure, and no additional mitigation measures are necessary to reduce impacts to a level of insignificance.
- There is no feasible alternative or mitigation measure considerably different from those previously analyzed in the Draft EIR that would clearly lessen significant environmental impacts of the Project and that the Project sponsor has declined to adopt.
- The Draft EIR was not so fundamentally or basically inadequate or conclusory in nature that meaningful public review and comment were precluded.

The Project Description (Chapter 3 of the Draft EIR) has not been changed in any substantive way, although the Project objectives have been expanded or clarified. As indicated in the following responses to comments on the Draft EIR, no substantive text changes or corrections to the Draft EIR have been initiated by the County staff as Lead Agency, or are required in response to comments received on the Draft EIR.

Information presented in the Draft EIR and in this document supports the County's determination that recirculation of the Draft EIR is not required.

Organization of this Final EIR

This Final EIR contains summary information about the proposed Project and responses to comments that were raised during public review and comment period on the Draft EIR. Following this Introduction chapter, the document is organized as follows:

- *Chapter 2: Executive Summary* summarizes the proposed Project, identified environmental impacts and recommended mitigation measures.
- *Chapter 3: Commenters on the Draft EIR* lists all agencies, organizations, and individuals that submitted written comments on the Draft EIR during the public review and comment period, and/or that commented at the February 2017 public meeting before the Planning Commission.
- *Chapter 4: Master Responses to Comments on the Draft EIR* provides comprehensive responses to numerous similar comments made by multiple commenters on specific issues relative to the Draft EIR.
- *Chapter 5: Individual Responses to Written Comments on the Draft EIR* contains each of the comment letters received on the Draft EIR, and presents individual responses to those CEQA-related comments raised.

Use of the Final EIR

Pursuant to CEQA, this Final EIR is a public information document for use by governmental agencies and the public. The information contained in this Final EIR is subject to review and consideration by the County of Alameda prior to its decision to approve, reject, or modify the proposed Project. The County of Alameda Planning Commission must ultimately and independently certify that they have reviewed and considered the information in the Final EIR and that the Final EIR has been completed in conformity with the requirements of CEQA before making any decision regarding the proposed Project. This EIR identifies significant effects that would result from the proposed Project.

Public Agency Approvals

The County of Alameda Planning Commission will make findings regarding certification of the EIR and will take final action on the Project, including consideration of the following approvals and permits:

- **Tentative Map approval:** Pursuant to the County's Subdivision Ordinance (Title 16 of the General Ordinance)
- **Design Review:** Pursuant to the County's Residential Design Standards and Guidelines

Subsequent administrative permits and approvals necessary for the Project include:

- Grading permit
- Building Permits
- Encroachment permits for any work done in the D Street right-of-way.

The Project is also expected to require certain permits and/or approvals from other outside agencies. These other agencies, acting as responsible agencies and relying on this EIR for their decision-making process include, but are not limited to:

- San Francisco Regional Water Quality Control Board (RWQCB): The Regional Water Quality Control Board is considered a trustee agency related to stormwater pollution prevention plans.

Areas of Public Concern

Public comments primarily concerned the environmental and CEQA topics discussed below, in addition to other topics addressed in Chapter 13 of the Draft EIR.

Consistency with Fairview Area Specific Plan

Commenters expressed concern about the Project's consistency with specific policies of the Fairview Area Specific Plan. In particular, there was concern that the proposed grading activities would affect the natural topography of the area.

Traffic

Commenters expressed concern about the effects of the Project on nearby traffic conditions. Issues of particular concern include the lack of sidewalks in nearby areas; making pedestrian travel less safe; the impact of additional Project-generated trips on nearby intersections; the impact of the proposed restriction of street parking on D Street near the Project entrance; and concern that D Street is too narrow to safely accommodate additional trips generated by the Project, including emergency vehicles.

Construction-Period Impacts

Several commenters expressed concern as to the air quality and health risk impacts of construction activity on adjacent neighbors. Many commenters expressed concern about the noise impacts of the proposed 7-day per week construction schedule. In addition, commenters expressed concern about the presence of the nearby Hilltop Care convalescent home, whose senior residents are particularly sensitive to noise.

Merits of the Project

The County received numerous comments that pertain to the relative merits of the Project, but that do not raise issues with the environmental analysis provided in the Draft EIR and are beyond the purview of this EIR and CEQA.

Executive Summary and Impact Overview

This EIR analyzes the potential for environmental impacts resulting from implementation of the proposed Fairview Orchards and Fairview Meadows Residential Subdivisions, Tracts 8296 and 8297 Project (“Project”) in the Fairview area of unincorporated Alameda County, California. The Applicant is D Street Investments LLC. The Lead Agency is the County of Alameda Planning Department.

Site and Project Description

Project Site

The Project includes two separate sites totaling 9.78 acres, which are comprised of seven separate parcels that connect at a single point bordering D Street. The Project sites have frontage on the south side of D Street, extending between approximately 600 and 900 feet northeast of the D Street and Fairview Avenue intersection. The addresses for the Project parcels include 3231, 3247, 3289 and 3291 D Street. The Project has been divided into two Tracts for purposes of the County’s processing:

- Tract #8296 is approximately 4.61 acres in size and comprised of 3 parcels (Assessor’s Parcel Number (APN) 417-0240-001, 417-0250-001 and 417-0240-021) and is referred to as the western or downhill parcel or site.
- Tract #8297 is approximately 5.17 acres in size and comprised of 4 parcels (APNs 417-0240-004-00, 417-0240-005-00, 417-0240-006-00 and 417-0240-012-04,) and is referred to as the eastern or uphill parcel or site.

The Project sites are within the jurisdiction of Alameda County and have a General Plan designation under the Fairview Area Plan (a part of the County General Plan, adopted September 1997) of Single-Family Residential. The properties are zoned R-1-B-E, a residential zoning district with minimum 10,000 square foot lot sizes.

The two sites are separated by a private parcel containing the existing Hilltop Care Convalescent Home. The convalescent home will continue operations, and is not a part of the Project. The Project sites are bordered to the north by the Carlson Court residential development, and a separate site west of Carlson Court planned for future residential development, and several smaller developed parcels. To the east the Project is bordered by the older Machado Court residential subdivision, to the south by the partly developed Jelincic subdivision; and to the west by older, small subdivisions and an EBMUD water tank. The Five Canyons residential development is located east of the Project area, separated by large private parcels and the Five Canyons Open Space area.

Proposed Development

The Project proposes to subdivide the two Project sites into a total of 31 single-family residential lots. The upper site (Tract #8297) would include 15 separate residential lots, and a common lot that serves as a buffer from the existing residential units along D Street and will also contain a detention basin. The lower site (Tract #8296) would include 16 separate residential lots. Each of these individual lots would

range in size from 10,013 square feet to 17,141 square feet. Each of the 31 lots would be developed with a detached, single-family home. The architectural design and layout of individual homes are not part of the Project.

Both of the Project sites would be graded to prepare the sloping terrain of the sites for development of homes. All of the new home sites on the upper Tract 8297 are proposed to be graded to create level building sites. On the lower Tract 8296, the uphill home sites would also be graded for level building pads, whereas home sites on the downhill portion of the site would be graded to accommodate split pad foundations.

The “Project” as defined as all discretionary actions by Alameda County to approve the Project (certification of the Environmental Impact Report, Tentative Map approval pursuant to the County’s subdivision ordinance, and subsequent Design Review approval pursuant to the County’s Residential Design Standards and Guidelines), County administrative approvals (including a grading permit, building permits and an encroachment permit for work done in the D Street right-of-way), as well as subsequent site development (including demolition, clearing, grading, infrastructure improvements, paving, building, landscaping) and all other necessary actions to develop, sell and occupy the proposed homes. Discretionary approval from other agencies is not anticipated to be required for Project approvals. The Regional Water Quality Control Board is considered a trustee agency related to stormwater pollution prevention plans.

Summary of Impacts and Mitigation Measures

The analyses in Chapters 4 through 12 of the Draft EIR provide a description of the existing setting, potential impacts of Project implementation, and recommended mitigation measures to avoid or reduce potentially significant impacts that could occur as a result of Project implementation. **Table 2.1** lists a summary statement of each impact and corresponding mitigation measures, as well as the level of impact significance after mitigation.

Significant and Unavoidable Impacts

No significant and unavoidable impacts have been identified. All impacts are either less than significant, or can be reduced to a level of less than significant with implementation of mitigation measures as recommended in this EIR, as summarized below.

Alternatives

The three alternatives analyzed in Chapter 14 of the Draft EIR are summarized below:

- **Alternative A - No Project, No Development.** Alternative A assumes the proposed Project is not approved and the site would remain in an undeveloped state, with no development of roadways or residences. Although the site is designated for residential use at the same density as currently proposed, the No Project Alternative assumes that development would not occur on this site for the foreseeable future.
- **Alternative B - Reduced Density (25% Reduction).** Alternative B assumes the site would be developed generally as proposed, but with a 25% reduction in density (i.e., from 31 to 23 residential units) which would result in a reduction in magnitude of certain environmental effect.
- **Alternative C - Greater Consistency with the Fairview Area Specific Plan.** Alternative C presents a conceptual development program for the Project sites that would be in greater conformance

with the design principles and guidelines of the Fairview Area Specific Plan, particularly those guidelines that seek to retain existing natural topography. This alternative is intended to seek greater policy consistency with applicable County plans and policies for the site.

CEQA Guidelines require that an “environmentally superior” alternative be selected and the reasons for such a selection disclosed. In general, the environmentally superior alternative is the alternative that would be expected to generate the least amount of significant impacts. Identification of the environmentally superior alternative is an informational procedure, and the alternative selected may not be the alternative that best meets the goals or needs of the applicant or the County.

Alternative A, the No Project/No Development Alternative, has no impacts as it does not propose any change to the site. The No Project Alternative would be environmentally superior to the Project because the potentially significant adverse impacts associated with the Project would be avoided. However, the No Project alternative would fail to satisfy the most basic of the primary Project objectives. CEQA Guidelines Section 16126.6 (e)(2) provides that, if the environmentally superior alternative is the “no project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives.

With respect to most environmental considerations, there is generally very limited environmental benefit that would result from reducing the density of development at the Project sites to below densities as allowed under the Fairview Area Specific Plan. Therefore, the Project and Alternative B are environmentally equal, and without substantially different consequences.

Given that the intent of the Fairview Area Specific Plan includes protecting and preserving important environmental resources and significant natural features, and promoting development that is sensitive to variations in topography and the rural residential character of the area, Alternative C is more fully consistent with the principles and guidelines of the Plan, and is environmentally superior to the Project.

TABLE 2.1: SUMMARY OF PROJECT IMPACTS AND MITIGATION MEASURES

Potential Environmental Impacts	Recommended Mitigation Measures	Resulting Level of Significance
Aesthetics		
Aesthetics-1: Scenic Vistas. The Project would not result in substantially altered views from identified scenic routes or public areas. Due to intervening topography, structures, and landscaping, the Project site is not substantially visible from Fairview Avenue, which represents the only identified scenic route in the area. There are no scenic vistas from parks or other public viewing locations from which the Project site is visible.	No mitigation warranted.	LTS
Aesthetics-2: Scenic Highways. The Project site is not distinctly visible from I-580, which is an eligible state scenic highway. The Project would not substantially obscure, detract from, or negatively affect the quality of the views from I-580. When viewed from I-580, no trees, rock outcroppings or buildings on the site are visible.	No mitigation warranted.	LTS
Aesthetics-3: Visual Character. The Project's visual character would be generally consistent with, or similar to other existing development in the area. The Project would increase the number of residential structures on site and result in a change to the site's existing visual character, but that resulting character would not be substantially different than other surrounding properties and would not significantly degrade the visual character or quality of the site or its surroundings.	No mitigation warranted.	LTS

TABLE 2.1: SUMMARY OF PROJECT IMPACTS AND MITIGATION MEASURES

Potential Environmental Impacts	Recommended Mitigation Measures	Resulting Level of Significance
<p>Aesthetics-4: Light and Glare. The Project would add additional sources of light adjacent to other, similar residential uses. With this required detailed review, impacts related to light and glare would not be significant.</p>	<p>No mitigation warranted.</p> <p>Lighting quality, intensity and design is required to be reviewed as a part of the County's Design Review process to ensure that potential light and glare impacts on neighbors is minimized.</p>	LTS
Air Quality		
<p>AQ-1: Consistency with the Clean Air Plan. As a project consistent with local land use designations and zoning, the Project is consistent with assumptions regarding future growth and overall vehicle miles travelled, as included in the Bay Area Clean Air Plan.</p>	<p>No mitigation warranted.</p>	LTS
<p>AQ-2: Construction-Period Dust and Emissions. Construction of the Project would result in temporary emissions of dust and criteria air pollutants that may result in both nuisance and health impacts. Without appropriate measures to control these emissions, these impacts would be considered significant</p>	<p>Mitigation Measure Air Quality-2: Construction Management Practices. The Project shall demonstrate compliance with the following BAAQMD-recommended "Basic" and "Enhanced" construction mitigation measures:</p> <p><u>Basic Measures:</u></p> <ol style="list-style-type: none"> 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. 3. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. 4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour. 5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. 6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California 	Less than Significant

TABLE 2.1: SUMMARY OF PROJECT IMPACTS AND MITIGATION MEASURES

Potential Environmental Impacts	Recommended Mitigation Measures	Resulting Level of Significance
	<p>airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.</p>	
	<ol style="list-style-type: none"> 7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. 8. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD’s phone number shall also be visible to ensure compliance with applicable regulations. 	
	<p><u>Enhanced Measures:</u></p>	
	<ol style="list-style-type: none"> 9. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe. 	
	<ol style="list-style-type: none"> 10. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph. 	
	<ol style="list-style-type: none"> 11. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity. 	
	<ol style="list-style-type: none"> 12. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established. 	
	<ol style="list-style-type: none"> 13. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time. 	
	<ol style="list-style-type: none"> 14. All trucks and equipment, including their tires, shall be washed off prior to leaving the site. 	
	<ol style="list-style-type: none"> 15. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel. 	

TABLE 2.1: SUMMARY OF PROJECT IMPACTS AND MITIGATION MEASURES

Potential Environmental Impacts	Recommended Mitigation Measures	Resulting Level of Significance
	<ol style="list-style-type: none"> 16. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent. 17. Minimize the idling time of diesel powered construction equipment to two minutes. 18. The project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NOX reduction and 45 percent PM reduction compared to the most recent ARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available. 19. Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings). 20. Require that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NOx and PM. 21. Require all contractors use equipment that meets CARB's most recent certification standard for off-road heavy duty diesel engines. 	
<p>AQ-3: Operational Emissions. The Project would result in increased emissions from on-site operations and emissions from vehicles traveling to the site, but the level of Project emissions would not be considered to be significant.</p>	No mitigation warranted.	LTS
<p>AQ-4: Carbon Monoxide Emissions. The Project would generate increased CO emissions, primarily from Project-related vehicles, but these levels would not exceed screening criteria and the impact would be less than significant.</p>	No mitigation warranted.	LTS

TABLE 2.1: SUMMARY OF PROJECT IMPACTS AND MITIGATION MEASURES

Potential Environmental Impacts	Recommended Mitigation Measures	Resulting Level of Significance
AQ-5: TAC Emissions - Construction Period. Construction activities would expose nearby sensitive receptors to toxic air contaminants during the construction period, but the maximum exposure risk would be below the thresholds of significance under BAAQMD criteria for cancer, chronic hazard, and PM2.5 exposure.	No additional mitigation measures needed, beyond implementation of Enhanced Construction Mitigation Measures (Measure AQ-2)	LTS
AQ -6: TAC Emissions and Exposure – Operations. Operation of the Project would not be a source of significant levels of toxic air contaminants that could pose a health risk to others.	No mitigation warranted.	LTS
AQ -7: Odors. The Project would not be a source of significant levels of construction-period or operational odors.	No mitigation warranted.	LTS
Greenhouse Gas Emissions		
GHG-1: Greenhouse Gas Emissions. Construction and operation of the proposed Project would be additional sources of GHG emissions, primarily through consumption of fuel for transportation and energy usage on an ongoing basis. However, additional emissions due to the Project are below threshold levels and are therefore considered a less than significant impact.	No mitigation warranted.	LTS
GHG-2: Conflict with GHG Reduction Plans. The Project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.	No mitigation warranted.	LTS

TABLE 2.1: SUMMARY OF PROJECT IMPACTS AND MITIGATION MEASURES

Potential Environmental Impacts	Recommended Mitigation Measures	Resulting Level of Significance
Biological Resources		
<p>Bio-1: Special Status Plant Species. Although the Project sites are highly disturbed and the flora is dominated by non-native species, there remains a possibility that the Project could have a substantial adverse direct effect on certain special status plant species for which site surveys have not yet been conducted and for which occurrence cannot be definitively determined.</p>	<p>Mitigation Measure Bio-1a: Presence/Absence Surveys. Conduct appropriately-timed surveys for the following special status plant species:</p> <ol style="list-style-type: none"> 1. Bent-flowered fiddleneck (<i>Amsinckia lunaris</i>), March - June 2. Big-scale balsamroot (<i>Balsamorhiza macrolepis</i>), March - June 3. Fragrant fritillary (<i>Fritillaria liliacea</i>), February - April 4. Diablo helianthella (<i>Helianthella castanea</i>), March - June 5. Hairless popcorn flower (<i>Plagiobothrys glaber</i>), March – May <p>If none of these species is found, no further measures are required.</p> <p>Mitigation Measure Bio-1b: Salvage of Special Status Plants. If any special status plants are found on site during the presence/absence surveys per Mitigation Measure Bio-1a, any such special status plants shall be salvaged prior to construction. Salvage shall be conducted in consultation with CDFW, and may consist of seed collection and relocation or plant transplantation.</p>	Less than Significant
<p>Bio-2: Special Status Animals - Alameda Whipsnake. The Project could have a substantial adverse effect, either directly or through habitat modifications, on Alameda whipsnake (AWS). The AWS is a federally and state listed species that is protected under the federal Endangered Species Act and the California Endangered Species Act. Although the habitat value on the Project sites is poor for AWS, there is a chance that a dispersing individual could enter the Project sites via the currently barrier free property line to the south. Although presence of AWS is unlikely, it is possible that an individual could use the property for forage and dispersal and there is</p>	<p>Mitigation Measure Bio-2: Minimize Potential Take of AWS. The Project applicant shall ensure that the following construction-period measures are implemented to minimize the potential take of AWS:</p> <ol style="list-style-type: none"> 1. In order to prevent AWS from entering construction areas during Project development, it is recommended a wildlife exclusion fence be placed at the property boundary at the southern end of the Project Area. The fence should be at least three feet high and should be entrenched three to six inches into the ground. It is recommended that exclusion funnels are included in the fence design so that terrestrial species are able to vacate the Project Area prior to disturbance. 2. Monofilament netting, which is commonly used in straw wattle and other erosion preventatives, should not be used on the Project site in order to prevent possible entrapment of both common and special status terrestrial wildlife species. 3. Trenches should be backfilled, covered or left with an escape ramp at the end of each work day. Trenches left open overnight should be inspected each morning for trapped wildlife species. 	Less than Significant

TABLE 2.1: SUMMARY OF PROJECT IMPACTS AND MITIGATION MEASURES

Potential Environmental Impacts	Recommended Mitigation Measures	Resulting Level of Significance
a potential for take of individual snakes during Project construction.	4. Prior to initial ground disturbance, a qualified biologist should perform a pre-construction survey in order to insure no AWS are present. The biologist may remain on site for initial ground disturbance if suitable AWS refugia will be disturbed, e.g. small mammal burrows, foundations, large woody debris.	
Bio-3: Disturbance of Nesting Birds. Project construction activities could interfere with migratory and nesting birds, but would not otherwise 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. Construction activities, particularly tree removal, could adversely affect nesting birds protected by the Migratory Bird Treaty Act and/or Fish and Game Code of California.	Mitigation Measure Bio-3: Conduct a Pre-Construction Nesting Bird Survey. Pre-construction surveys for nesting birds protected by the Migratory Bird Treaty Act of 1918 and/or Fish and Game Code of California shall be conducted within 30 days prior to initiation of construction, grading or ground-disturbing activities. <ol style="list-style-type: none"> 1. The survey area shall include the Project site and areas within 100 feet of the site, to the extent that access can be obtained. 2. If active nests are found, the Project shall follow recommendations of a qualified biologist regarding the appropriate buffer in consideration of species, stage of nesting, location of the nest, and type of construction activity. The buffer shall be maintained until after the nestlings have fledged and left the nest. 3. If there is a complete stoppage in construction activities for 30 days or more, a new nesting-survey shall be completed prior to re-initiation of construction activities. 	Less than Significant
Bio-4: Wetlands. The Project would not have a substantial adverse effect on federally protected wetlands or state protected wetlands through direct removal, filling, hydrological interruption, or other means.	No mitigation warranted.	LTS
Bio-5: Conflicts with Local Policies and Plans. The Project does not pose any direct conflicts with local policies or ordinances protecting biological resources.	No mitigation warranted.	LTS
Bio-6: HCP/NCCP. The Project would not conflict with any applicable habitat conservation plan or natural community conservation plan.	No mitigation warranted.	LTS

TABLE 2.1: SUMMARY OF PROJECT IMPACTS AND MITIGATION MEASURES

Potential Environmental Impacts	Recommended Mitigation Measures	Resulting Level of Significance
Cultural Resources		
<p>Cultural-1: Historic Resources. The Project would not cause a substantial adverse change in the significance of a historic resource or of an historic property. None of the existing structures on the Project site are eligible for listing on the CRHR or the NRHP, and none are listed on any local register of historic places.</p>	<p>No mitigation warranted.</p>	<p>LTS</p>
<p>Cultural-2: Archaeological Resources, Paleontological Resources, Tribal Cultural Resources, and/or Human Remains. It is possible construction work associated with the Project could disturb as-yet unknown archaeological resources, paleontological resources, tribal cultural resources and/or human remains.</p>	<p>Mitigation Measure Cultural-2: Halt Construction/Assess Significance of Find/Follow Treatment Plan. Prior to the initiation of ground-disturbing activities (including clearing vegetation and demolition procedures), the developer or contractor shall inform all supervisory personnel and all contractors whose activities may have subsurface soil impacts of the potential for discovering archaeological resources, paleontological resources, tribal cultural resources and/or human remains, and of the procedures to be followed if these previously unrecorded cultural resources are discovered. These procedures shall include:</p> <ol style="list-style-type: none"> 1. halting all ground-disturbing activities within 100 feet of the area where a potential cultural resource has been found; 2. notifying a qualified archaeologist of the discovery; and 3. following a treatment plan prescribed by the appropriate professional if the cultural resource is deemed significant, in accordance with federal or state law. <p>In the event cultural resources as defined above are encountered during ground disturbing activities, the developer shall, subject to approval by the County of Alameda, retain an on-call archaeologist to review the excavation work, assess the significance of the potential cultural resource and prescribe a treatment plan. The archaeologist will consult with a paleontologist or tribal cultural resource specialist as required. The archaeologist shall report any finds in accordance with current professional protocols. The archaeologist shall meet the Professional Qualifications Standards mandated by the Secretary of the Interior and the California Office of Historic Preservation.</p>	<p>Less than Significant</p>

TABLE 2.1: SUMMARY OF PROJECT IMPACTS AND MITIGATION MEASURES

Potential Environmental Impacts	Recommended Mitigation Measures	Resulting Level of Significance
	<p>In the event that any human remains are uncovered at the Project site during construction, there shall be no further excavation or disturbance of the site or any nearby area until after the Alameda County Coroner has been informed and has determined that no investigation of the cause of death is required, and (if the remains are determined to be of Native American origin) the descendants from the deceased Native American(s) have made a recommendation to the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98.</p>	
Hydrology and Water Quality		
<p>Hydrology-I: Water Quality Standards and Requirements. Construction of the proposed Project would involve grading activities that would disturb soils at the site. Such disturbance would present a threat of soil erosion by subjecting unprotected bare soil areas to runoff during construction, which could result in siltation and degradation of water quality in receiving waters.</p>	<p>No mitigation required.</p> <p>The Project would disturb more than one acre and therefore the Project applicant is required to comply with the NPDES Construction General Permit issued by the SWRCB. The Project will be required to comply with these regulations and related state and federal laws, which the SWRCB and the County consider to be necessary to avoid substantial adverse water quality and stormwater flow impacts.</p> <p>Construction General Permit. The Project applicant shall submit a Notice of Intent to the SWRCB, indicating their intention to be covered under the Construction General Permit, and providing necessary information on the types of construction activities that are proposed to occur on the site.</p> <p>SWPPP. As required by the NPDES General Construction Permit and prior to any grading activity on the site, the Project applicant shall prepare and implement a SWPPP. The SWPPP shall be consistent with the terms of the Construction General Permit, recommendations of the RWQCB staff, the Manual of Standards for Erosion and Sedimentation Control Measures by the Association of Bay Area Governments, and local policies and regulations commendations of the County of Alameda (Chapter 13.08: Stormwater Management and Discharge Control, and Chapter Ch. 15.36, Grading, Erosion and Sediment Control).</p> <p>Stormwater Quality Control Plan BMPs. BMPs shall be utilized during construction to prevent excessive stormwater runoff, to prevent stormwater runoff from carrying materials onto adjacent properties, public streets or to creeks, and to minimize contamination of stormwater runoff. These detailed BMP shall be included as part of the SWPPP, and as part of a Stormwater Quality Control Plan (SWQCP) to be submitted to</p>	<p>Less than Significant</p>

TABLE 2.1: SUMMARY OF PROJECT IMPACTS AND MITIGATION MEASURES

Potential Environmental Impacts	Recommended Mitigation Measures	Resulting Level of Significance
the County, and shall be implemented at the site during grading and construction. Typical BMPs may include, but are not limited to:	<ul style="list-style-type: none"> • Stormwater drainage connections and runoff controls shall be designed and constructed prior to beginning demolition and/or grading in order to control any stormwater runoff created during these activities. Connections and flow controls shall be established based on estimated natural or current runoff, if needed. • Only clear land which will be actively under construction in the near term (e.g., within the next 6-12 months), minimize new land disturbance during the rainy season, and avoid clearing and disturbing sensitive areas (e.g., steep slopes and natural watercourses) and other areas where site improvements will not be constructed. • Provide temporary stabilization of disturbed soils whenever active construction is not occurring on a portion of the site through water spraying or application of dust suppressants, and gravel covering of high-traffic areas. Provide permanent stabilization during finish grade and landscape the Project site. • Safely convey runoff from the top of the slope and stabilize disturbed slopes as quickly as possible. • Delineate the Project site perimeter to prevent disturbing areas outside the Project limits. Divert upstream run-on safely around or through the construction. • Sediment controls shall be provided at the edge of disturbed areas including such facilities as silt fences, inlet protections, sediment traps and check dams. Silt fences or straw wattles shall be installed prior to any grading at the project site and shall be operable during the rainy season (October 15 to April 15). • Between October 15 and April 15, all paved areas shall be kept clear of earth materials and debris, and all sediment barriers shall be inspected and repaired at the end of each working day and, in addition, after each storm. • Runoff from the Project site should be free of excessive sediment and other constituents. • Control tracking at points of ingress to and egress from the Project site. • Retain sediment-laden waters from disturbed, active areas within the Project site. 	

TABLE 2.1: SUMMARY OF PROJECT IMPACTS AND MITIGATION MEASURES

Potential Environmental Impacts	Recommended Mitigation Measures	Resulting Level of Significance
	<ul style="list-style-type: none"> • Perform construction activities in a manner to keep potential pollutants from coming into contact with stormwater or being transported off site to eliminate or avoid exposure. • Store construction, building, and waste materials in designated areas, protected from rainfall and contact with stormwater runoff. Dispose of all construction waste in designated areas, and keep stormwater from flowing onto or off these areas. Prevent spills and clean up spilled materials. 	
<p>Hydrology-2: Post Construction Effects on Water Quality. Future residents of the Project would increase the potential for discharge of residential and urban-related pollutants into stormwater runoff. Additionally, the construction of homes, roads and other infrastructure associated with Project would increase impervious surface area on the site, allowing stormwater flows across the site to serve as a vehicle for pollution entering the stormwater drainage system.</p>	<p>No mitigation required.</p> <p>Pursuant to the Municipal Regional Stormwater NPDES Permit (MRP), the Project is required to meet performance standards for new development as defined in the NPDES Provision C.3 requirements. These C.3 provisions require the Project to implement source controls and stormwater treatment measures in the Project’s plans and designs to address soluble and insoluble stormwater runoff pollutant discharges.</p> <p>Post-Construction BMPs. The Project shall implement Tier 2 post-construction BMPs as defined in Table 2 of the Regional Board Staff Recommendations for New and Redevelopment Controls for Stormwater Programs section of Alameda County’s Stormwater Management Plan. Under Tier 2 BMPs, drainage from all paved surfaces, including streets, parking lots, driveways and roofs should be routed through an appropriate treatment mechanism before being discharged into the storm drain system. The BMPs are designed to meet the “maximum extent practicable” definition of treatment as specified in the federal Clean Water Act. Specific post-construction BMPs to be implemented at the Project site should include, but are not limited to the following:</p> <ul style="list-style-type: none"> • Minimize directly connected impervious area at residential lots. All rainfall from residential rooftops and in-lot impervious surfaces should be routed through lawn areas or other pervious surfaces within yards, where infiltration can filter pollutants through the soil before such runoff reaches the storm drain system. Although existing soils on the Project sites have been identified as having moderate to moderately slow infiltration rates, the upper layers of soils generally consist sandy and silty clays for which infiltration-based stormwater management solutions can be effective. • Biofilters, also known as vegetated swales are vegetated slopes and channels that should be designed into the Project to transport shallow depths of runoff slowly 	<p>Less than Significant</p>

TABLE 2.1: SUMMARY OF PROJECT IMPACTS AND MITIGATION MEASURES

Potential Environmental Impacts	Recommended Mitigation Measures	Resulting Level of Significance
<p>Hydro-3: Post-Construction Effects on Stormwater Runoff and Drainage System Capacity. Development of the site would increase the amount of impervious surface due to construction of streets, sidewalks, driveways and single-family homes, thereby potentially increasing stormwater runoff. Without controls, this increased runoff could substantially alter the existing drainage patterns from the site, or could contribute runoff water that would exceed the capacity of existing stormwater drainage systems.</p>	<p>over vegetation. Biofilters can be effective at the site if flows are slow and depths are shallow. This can generally be achieved by grading the site and sloping pavement in a way that promotes sheet flow of runoff. For biofilter systems, features that concentrate storm flows (such as curb and gutter, paved inverts, and long drainage pathways across pavement) must be minimized. The slow movement of runoff through the vegetation will provide an opportunity for sediments and particulates to be filtered and degraded through biological activity. A biofilter system may also provide an opportunity for stormwater infiltration which can further remove pollutants and reduce runoff volumes.</p> <ul style="list-style-type: none"> Retention and detention systems should be designed primarily to store runoff for one to two days after a storm, prior to discharge into the storm drain system. A properly designed retention/detention system will release runoff slowly enough to reduce downstream peak flows, allow fine sediments to settle, and uptake dissolved nutrients from the runoff in wetland vegetation. <p>Post-Construction BMP Design Criteria. The post-construction water quality treatment BMPs shall be designed and constructed to incorporate, at a minimum, the hydraulic sizing design criteria as published in the Alameda County Clean Water Program's C.3 Technical Guidance Manual for treatment of stormwater runoff.</p>	Less than Significant
No mitigation required.	<p>Pursuant to the Municipal Regional Stormwater NPDES Permit (MRP), the Project is required to meet performance standards for new development as defined in the NPDES Provision C.3 requirements. These C.3 provisions enable the County to use its planning authority to require appropriate flow controls to prevent increases in runoff flows from new development and redevelopment projects. Specifically, the 2008 Engineering Design Guidelines prepared by the County Public Works Department requires, among other things, that the design of storm drain facilities for certain projects that may adversely affect creeks or the capacity of storm drain system must control increases in peak runoff flow and volume by detaining excess stormwater and releasing it at rates which match pre-development conditions. Because flows from the Project site ultimately drain to both Sulphur Creek and Deer Canyon Creek, and to storm drain facilities within D Street that have capacity limitations, the flow controls are required:</p>	

TABLE 2.1: SUMMARY OF PROJECT IMPACTS AND MITIGATION MEASURES

Potential Environmental Impacts	Recommended Mitigation Measures	Resulting Level of Significance
	<p>Detention of Increased Stormwater Flows. The Project's storm drain system shall be designed to provide for over-sized underground conduits (pipes) and/or detention basin that provide for the detention of increased storm water flows attributable to the Project. The amount of required detention storage shall be equal to the difference in volume of the increased runoff attributed to the Project, less the volume of existing runoff from the site(s). Assurances shall be provided for the continued maintenance of these storage facilities.</p>	
<p>Hydro-4: Flooding Potential. The Project's increase in runoff flow rates and volumes during significant storm events could potentially exceed the capacity of existing or planned stormwater drainage systems in a manner that could result in flooding on- or off-site.</p>	<p>No mitigation required.</p> <p>The Municipal Regional Stormwater NPDES Permit (MRP) performance standards and the 2008 Engineering Design Guidelines prepared by the County Public Works Department apply to required flow controls for the typical 10-year design storm, as well as for larger (i.e., 100-year) design storms.</p>	Less than Significant
<p>Hydro-5: Groundwater Recharge. The Project would not 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. The Project would not cause the production rate of pre-existing nearby wells to drop to a level that could not support existing or planned land uses.</p>	No mitigation warranted.	LTS
<p>Hydro-6: Flood Zone Hazards. The Project site is not within a FEMA-designated 100-year flood zone. Since the Project site is not located near the coast, it is also outside the coastal flood zone. Accordingly, the Project would have no impact related to flood zone hazards.</p>	No mitigation warranted.	No Impact

TABLE 2.1: SUMMARY OF PROJECT IMPACTS AND MITIGATION MEASURES

Potential Environmental Impacts	Recommended Mitigation Measures	Resulting Level of Significance
<p>Hydro-7: Flooding (Levee or Dam Failure, Seiche, Tsunami, Mudflow, or Climate Change Induced Sea Level Rise). The Project would not result in any impacts related to flooding as a result of a dam or levee failure, or inundation by seiche, tsunami, mudflow or sea level rise.</p>	No mitigation warranted.	No Impact
Land Use		
<p>Land Use-1: Division of an Established Community. Development at the Project site would not divide an established community. The Project site is located within a previously developed neighborhood and is not located between nor used for passage between existing communities.</p>	No mitigation warranted.	No Impact
<p>Land Use-2: Conflicts with Land Use Plan, Policy or Regulation. The Project would conform to the vast majority of the applicable land use policies and guidelines of the Fairview Area Specific Plan, but would conflict with certain policies and guidelines that were adopted by the County to avoid or mitigate environmental effects, including substantial changes to topography and natural characteristics, and result in potentially significant adverse effects.</p>	<p>Mitigation Measure Land Use-2: Topography Preservation. The grading of the Project sites shall provide for split pads on Lots 1, 2, 8 and 15 of Tract 8297. Custom grading with the same effect, or pier and grade beam construction may be substituted on all or a portion of these lots, to the satisfaction of the Planning Director.</p>	Less than Significant
<p>Land Use-3: Conflict with a Conservation Plan. Development at the Project site would not conflict with any conservation plan.</p>	No mitigation warranted.	No Impact

TABLE 2.1: SUMMARY OF PROJECT IMPACTS AND MITIGATION MEASURES

Potential Environmental Impacts	Recommended Mitigation Measures	Resulting Level of Significance
Noise		
<p>Noise-1: Construction Noise. Construction activities associated with the Project would not expose persons to, or generate noise levels in excess of standards established in the County General Plan or County Municipal Code, but would substantially increase temporary and periodic ambient noise levels in the Project vicinity above levels existing without the Project.</p>	<p>Mitigation Measure Noise-1: Reduce Construction Noise Levels. The following mitigation shall be implemented to reduce construction noise emanating from the Project site to the surrounding sensitive land uses:</p> <ol style="list-style-type: none"> 1. Comply with construction hours established within the Noise Ordinance to limit hours of exposure. The County’s Municipal Code limits construction activities to the hours of 7:00 a.m. to 7:00 p.m. on weekdays and between the hours of 8:00 a.m. and 5:00 p.m. on weekends. 2. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment. 3. Unnecessary idling of internal combustion engines should be strictly prohibited. 4. Locate stationary noise-generating equipment, such as air compressors or portable power generators, as far as possible from sensitive receptors. Construct temporary noise barriers or partial enclosures to acoustically shield such equipment where feasible. 5. Construct solid plywood fences around construction sites adjacent to operational business, residences or other noise-sensitive land uses where the noise control plan analysis determines that a barrier would be effective at reducing noise. 6. Erect temporary noise control blanket barriers, if necessary, along building façades facing construction sites. Noise control blanket barriers can be rented and quickly erected. 7. Utilize "quiet" air compressors and other stationary noise sources where technology exists. 8. Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the Project site. 9. Route construction-related traffic along major roadways and away from sensitive receptors where feasible. 10. The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that 	<p>Less than Significant</p>

TABLE 2.1: SUMMARY OF PROJECT IMPACTS AND MITIGATION MEASURES

Potential Environmental Impacts	Recommended Mitigation Measures	Resulting Level of Significance
<p>Noise-2: Construction Vibration. The proposed Project could expose sensitive residential receptors to excessive groundborne vibration or groundborne noise levels during construction</p>	<p>construction activities can be scheduled to minimize noise disturbance.</p> <p>11. Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.</p> <hr/> <p>Mitigation Measure Noise-2: Best Management Practices to Assure Acceptable Vibration Levels. The following mitigation shall be implemented into the Project to avoid structural damage due to construction vibration and to reduce the perceptibility of vibration levels at nearby sensitive land uses:</p> <ol style="list-style-type: none"> 1. Minimize or avoid using clam shovel drops, vibratory rollers, and tampers near the shared property lines of the adjacent land uses. 2. When vibration-sensitive structures are within 25 feet of the site, survey condition of existing structures and, when necessary, perform site-specific vibration measurements to direct construction activities. Contractors shall continue to monitor effects of construction activities on surveyed sensitive structures and offer repair or compensation for damage. 3. Construction management plans shall include predefined vibration reduction measures, notification of scheduled construction activities requirements for properties adjoining the site, and contact information for on-site coordination and complaints. 	Less than Significant
<p>Noise-3: Vehicular Traffic Noise. Traffic generated by the Project would not result in a substantial temporary, periodic or permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project.</p>	No mitigation warranted.	LTS

<p>Aircraft-Related Noise. The Project would not generate any discernable increase in air traffic, and no change in noise from aircraft would occur that would substantially increase ambient noise levels at the Project site. Interior noise levels resulting from aircraft would be compatible with the proposed Project uses.</p>	<p>No mitigation warranted.</p>	<p>No Impact</p>
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<p>Noise and Land Use Compatibility. Consideration of the noise environment potentially affecting future Project residents is not considered a significant impact in this EIR, but is nevertheless presented for informational purposes. The exterior façades of the proposed residences located within 70 feet of the centerline of D Street would be exposed to exterior noise levels greater than 60 dBA Ldn, with the highest noise exposures occurring at unshielded residential façades nearest D Street. Noise levels at these unshielded façades are calculated to reach 65 dBA Ldn.</p>	<p>No mitigation warranted.</p> <p>The following measure should be included in the Project's design to maintain interior noise levels at or below 45 dBA Ldn, consistent with General Plan policies:</p> <ul style="list-style-type: none"> Residential units located adjacent to D Street on Tract No. 8296 should be provided with forced-air mechanical ventilation, so that windows can be kept closed at the occupant's discretion to control noise. 	<p>No Impact</p>
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Transportation

<p>Transp-1: Intersection Impacts. Traffic generated by the Project would increase traffic levels at the study intersections, but would not change the existing level of service at any studied intersections.</p>	<p>No mitigation warranted.</p>	<p>LTS</p>
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<p>Transp-2: Cumulative Traffic Impacts. Traffic generated by the Project, when added to other cumulative traffic levels at Project study intersections, would not change level of service under Cumulative Baseline conditions at any studied intersections.</p>	<p>No mitigation warranted.</p>	<p>LTS</p>
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<p>Transp-3: Freeways and Arterials. The Project would not conflict with an applicable congestion management program, a level of service standards, travel demand measures or other standards established by the County Congestion Management Agency for designated roads or highways. Even if all 31 peak-hour trips generated by the Project were to travel on I-580 during the peak hours, the Project's contribution to freeway congestion would be virtually unnoticeable.</p>	<p>No mitigation warranted.</p>	<p>LTS</p>
<p>Transp-4: Site Hazards. The Project's proposed site access and roadway configuration is adequate to accommodate the anticipated volume of traffic to and from the Project sites without resulting in a significant traffic hazard.</p>	<p>No mitigation warranted.</p> <p>The Project's proposed design, including its proposed access roads, is not clearly a significant hazard constituting a CEQA impact, particularly given the low-volume of cross-traffic on this essentially dead-end segment of D Street. However, the following recommendation of the technical transportation consultant suggests consideration of a design measure to enhance the sight distance for vehicles exiting the Project sites:</p> <ul style="list-style-type: none"> • Parking Restrictions. To enhance sight distance on D Street near the Project entrances, on-street parking on the south side of D Street should be prohibited for a distance of more than 300 feet, from approximately 30 feet east of the Tract 8297 intersection to 30 feet west of the Tract 8296 intersection. 	<p>LTS</p>
<p>Transp-5: Pedestrian Impacts. The Project will increase levels of pedestrian and bicycle use in the vicinity. However, the Project would not conflict with adopted policies, plans, or programs regarding pedestrian or bicycle facilities, or otherwise decrease the performance or safety of such facilities within the study area.</p>	<p>No mitigation warranted.</p> <p>However, the following recommendations from the transportation technical consultant could be incorporated into the site plan or Project conditions of approval to improve pedestrian circulation and safety:</p> <ul style="list-style-type: none"> • Sidewalk Bulbouts. Consider providing "bulbouts" to reduce the curb-to-curb roadway width to 24 feet at the intersections of the Project's proposed internal access streets with D Street. Such a reduction in width on the northern-most 10 to 20 feet of both local access streets would allow for a reduction in pedestrian crossing distances for pedestrians traveling east or west on D Street. 	<p>LTS</p>
<p>Transp-6: Transit Impacts. The Project may increase levels of transit usage in the vicinity. However, the Project has adequate access to existing transit services and would not impede or interfere with existing services.</p>	<p>No mitigation warranted.</p>	<p>LTS</p>

<p>Transp-7: Construction-Period Traffic Disruption. Construction-related impacts resulting from daily trips generally would not be considered significant due to their temporary and limited duration. However, depending on the construction phasing and truck activity, these activities could result in significant traffic interruption.</p>	<p>Mitigation Measure Transportation-7: County Review of Construction Plan. The Project applicant shall prepare a Construction Operations Plan detailing the anticipated schedule of trips involving construction workers and equipment, and delivery of materials and supplies to and from the Project site during the various stages of construction activity. The Plan will be reviewed by the County of Alameda for compliance with applicable regulations.</p>	Less than Significant
<p>Alter Air Traffic Patterns. The Project does not represent a level of population or housing growth that would require any change to existing air transportation services, and would have no impact on air traffic patterns, including the location of airports or flight paths as they relate to air traffic safety.</p>	No mitigation warranted.	No Impact
Utilities		
<p>Util-1: Water Supply. There are sufficient water supplies available to serve the Project from existing entitlements and resources, and no new or expanded entitlements are needed to serve the Project.</p>	No mitigation warranted.	LTS
<p>Util-2: Wastewater Treatment Requirements. The Project's wastewater treatment and disposal demands would not require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, and would not exceed the wastewater treatment requirements set by the SF Regional Water Quality Control Board.</p>	No mitigation warranted.	LTS

Util-3: Storm Drainage Facilities. The Project will not require or result in the construction of new off-site storm water drainage facilities or the expansion of existing facilities.	No mitigation warranted.	LTS
Util-4: Solid Waste. The Project will be served by landfills that have sufficient permitted capacity to accommodate the Project's solid waste disposal needs, and the Project will comply with all federal, state and local statutes and regulations related to solid waste.	No mitigation warranted.	LTS
Util-5: Energy. The Project would not require more energy than the local energy provider (PG&E) has the capacity to serve, nor would it require construction of new energy facilities or expansion of existing facilities which could cause significant environmental effects. The Project would be subject to the requirements of currently applicable federal, state and local statutes and regulations relating to energy standards.	No mitigation warranted.	LTS
<i>Other Less than Significant Effects of the Project</i>		
Ag-1: The Project will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use; will not conflict with existing zoning for agricultural use, or a Williamson Act contract; will not conflict with existing zoning for, or cause rezoning of, forest land, timberland or timberland zoned Timberland Production; will not result in the loss of forest land or conversion of forest land to non-forest use; and will not involve other changes in the existing environment which, due to their location or nature, could result in conversion	No mitigation warranted.	No Impact

of Farmland to non-agricultural use or conversion of forest land to non-forest use.		
Geo-1: Fault Rupture. The Project would not expose people or structures to potential substantial adverse effects involving rupture of a known earthquake fault	No mitigation warranted.	No Impact
Geo-2: Seismic Shaking. The Project is located in a seismically active region and is likely to be subject to moderate to strong ground shaking during the life of the buildings, including the potential for liquefaction. However, the Project would conform to regulatory requirements intended to ensure safety.	No mitigation warranted. All future homes constructed at the Project site will be required to be designed in accordance with all seismic provisions of the most recent version of the California Building Code (CBC, 2016, in effect in January 1, 2017), and with County of Alameda and State of California Standards for seismic construction.	LTS
Geo-3: Liquefaction. The Project would not expose people or structures to potential substantial adverse effects involving liquefaction	No mitigation warranted.	LTS
Geo-4: Landslides. According to the Geotechnical Investigation Report, a large swale within the northeastern portion of the site where previous subsurface explorations were performed, that does contains deep soil deposits (of 13 to 14 feet), and the topography appears irregular and possibly may contain old slide deposits. Additionally, areas where clayey sands were encountered were moist and may be subject to creep (a gradual, downslope soil movement)	No mitigation warranted. The Geotechnical Investigation Report recommends the following for development of the Project: <ul style="list-style-type: none"> In Tract 8297, grading procedures should commence with an over-excavation of fill, soft soils deposits and residual soils from the area of Lots 4 thru 6. 	Less than Significant
Geo-5: Instability as a Result of the Project. Some residential building pads will be established at areas with significant fill thickness.	No mitigation warranted. The Geotechnical Investigation Report recommends the following for construction of all proposed residential building foundations and slabs within the Project: <ul style="list-style-type: none"> Foundations in Cut Pads. In excavated, level building pads that expose bedrock materials at the surface, geotechnical conditions would be acceptable for implementation of conventional strip footing foundations that are structurally 	Less than Significant

integrated to slab-on-grade floors.

- **Foundations in Fill Pads.** It is recommended that where level building pad grades have been established by the placement of fill, a foundation system that employs drilled, cast-in-place reinforced concrete piers that extend into the underlying bedrock materials, be utilized. Structural loads should determine pier spacing. The piers should contain steel reinforcement over their entire length, with reinforcement as directed by the project Structural Engineer.
- **Concrete Slab-On-Grade.** Concrete slabs-on-grade will provide satisfactory floor area for the garage and patio areas. In order to reduce the potential for slab cracking, detailed recommendations are presented.

Geo-6: Instability as a Result of the Project: Retaining Walls. The Project proposes to construct four types of new retaining walls; each of the four distinct conditions and configurations require specific design parameters to ensure stability for each condition.

No mitigation warranted.

Less than Significant

The Geotechnical Investigation Report recommends the following for construction of all proposed retaining walls within the Project:

- All retaining walls shall have a drain blanket consisting of Class II Permeable material (conforming to Caltrans specifications) of minimum 12-inches in width or a Geo-composite drain, extending for the full height of the wall, except for 18-inches of compacted soil cover at the surface.
- **Retaining Walls at the Base of Cut at Rear of Lots 7, 8 and 9 (Tract 8297).** A retaining wall designated to the base of a cut into the hillside that would expose bedrock, may be designed for a drained condition and to resist lateral pressures exerted from soils having an equivalent fluid weight of 40 pcf.
- **Retaining Wall at Top of Cut and Below Existing Retaining Wall on Lots 1, 2 And 3 (Tract 8296).** There are three important issues to consider with this retaining wall; 1) the potential for the excavations to accommodate the proposed wall to undermine the existing wall; 2) the additional (surcharge) pressures being transmitted to the proposed wall from the existing wall above; and 3) the limited support to the wall foundation due to the sloping terrain in front of the wall. As such, it is recommended that a “soldier beam wall” option be selected for this application, as it is able to be constructed in phases. This would avoid the undermining of the wall above, and the drilled pier support can be designed neglecting the upper portion of pier embedment.
- **Mechanically Stabilized Earth Retaining Walls at the Base of Fill, Lots 10 through 15 (Tract 8296).** Detailed recommendation for modular concrete unit walls with geo-grid reinforced backfill (i.e., Keystone, Allan Block, etc.) have not yet been established, as the Project design has not yet reached that level of detail. This type of wall should be designed by the Soils Engineer of Record, for

	<p>the Project.</p> <ul style="list-style-type: none"> • Structural Retaining Walls at the Split Level Transition in Pads 9 through 16 (Tract 8296). Walls in the interior foundation footprint used to retain a vertical configuration in the step between upper and lower pads on Lots 9 through 16 (Tract 8296) should be designed for a drained condition and to resist lateral pressures exerted from soils having an equivalent fluid weight of 55 pcf. 	
<p>Geo-7: Expansive Soil. Soil testing results correspond to moderate to highly expansive and creep-susceptible clays.</p>	<p>No mitigation warranted.</p> <p>The detailed Geotechnical Recommendations take these soils conditions into consideration. Implementation of these recommendations during construction would further minimization the potential negative effects associated with expansive soils.</p>	LTS
<p>Haz-1: Construction-Period Hazardous Materials Use. The Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, and would not 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.</p>	<p>No mitigation warranted.</p> <p>The Project construction contractor shall implement feasible Best Management Practices (BMPs) during construction to ensure conformity with applicable regulations and further minimization of the potential negative effects of routine use of hazardous materials.</p>	LTS
<p>Presence of Hazardous Materials. A search of relevant public agency databases containing records of past occurrences involving hazardous wastes was conducted for the Project site. On the basis of these database records, there would be no impact related to the potential exposure of construction workers or future residents to hazardous materials on the Project site.</p>	<p>No mitigation warranted.</p>	No Impact
<p>Safety Hazards Due to Nearby Airport or Airstrip. The closest airport to the Project site is the Hayward Air Terminal, located approximately 3.5 miles to the west. The Project site is not within an airport land use plan, nor is the Project close enough for</p>	<p>No mitigation warranted.</p>	No Impact

the airport to pose a unique safety hazard to residents or workers in the Project area.		
Emergency Response Plan. There are no emergency response or evacuation plans in effect in the Project area. The Project would not impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan.	No mitigation warranted.	No Impact
Wildland Fires. The Project is not located within a fire hazard severity zone and consequently building code requirements that apply to developments within a fire hazard severity zone would not be required.	No mitigation warranted.	No Impact
Loss of Mineral Resources and a Mineral Resource Recovery Site. The Project site contains no known mineral resources. The Conservation Element of the Alameda County General Plan does not identify any mineral resources in the vicinity.	No mitigation warranted.	No Impact
Population Growth. The Project would not result in significant increases in population, demand for housing, or expansion of public or private services. Other than direct increase in development on the site analyzed in this document, the Project would not be anticipated to have a growth-inducing effect.	No mitigation warranted.	LTS
Growth Inducement. Other than direct increase in development on the site analyzed in this document, the Project would not be anticipated to have a growth-inducing effect.	No mitigation warranted.	No Impact
Fire Protection. The addition of the relatively small number of new residences would not affect fire department service ratios or response times, nor would any new fire protection facilities need to be provided.	No mitigation warranted.	No Impact

<p>Police Protection. The addition of such a small number of residences would not affect County Sheriff service ratios or response times, nor would any new facilities be needed.</p>	<p>No mitigation warranted.</p>	<p>No Impact</p>
<p>Public Schools. The proposed Project would not generate enough students to adversely affect the service ratios of the School District, nor would it result in the need for additional schools to be built.</p>	<p>No mitigation warranted. The Project would be subject to and would be required to pay the appropriate amount pursuant to the County School Impact Fee applicable to new residential development in Alameda County. Payment of the fee would ensure that the Project would fund its incremental share of school improvements to accommodate the cumulative student demand for schools and school facilities resulting from the increase in population.</p>	<p>LTS</p>
<p>Park Use. The Project would not increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. The Project does not include recreational facilities nor does it require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.</p>	<p>No mitigation warranted.</p>	<p>No Impact</p>

Commenters on the Draft EIR

Pursuant to CEQA Guidelines Section 15132, the following is a list of all agencies, organizations and individuals that submitted written comments on the Draft EIR during the public review and comment period, and/or that commented at the February 2017 public meeting before the Planning Commission.

Public Agencies Commenting in Writing

Letter A: State Office of Planning and Research, CEQA Clearing House (letter acknowledging that the Draft EIR had been published and circulated in compliance with CEQA requirements)

Organizations and Individuals Commenting in Writing

- Letter B: Sierra Club, San Francisco Bay – Southern Alameda County Group, Jewell Spalding, Chair, 3/16/17
- Letter C: Miller Starr Regalia (law firm representing the Project applicant - D Street Investments LLC, 3/16/17
- Letter D: John Driscoll and Chanthanom Ounkeo, 2/7/17
- Letter E: JoAnne Gross, 2/20/17
- Letter F: Chris Higgins, 2/19/17
- Letter G: Cathy Langley, 3/15/17
- Letter H: Michael Loss, President of Carlson Court Homeowners Association, 2/15/17
- Letter I: Jeri Mares, M.A. and William Mares, MWS, 3/03/17
- Letter J: Cynthia Richardson, 2/23/17
- Letter K: Stephen Saxon, President, Tract 4523 Homeowners Association, 3/16/17
- Letter L: Susan Stuchlik, 3/13/17
- Letter M: Susan Stuchlik, Donald Stuchlik, Anthony Stuchlik, Adrienne Stuchlik and Michael Stuchlik (no date)
- Letter N: Cynthia Richardson (summary of comments from several other commenters, no date)

Commenters at the Alameda County Planning Commission Hearing

The following is a list of persons who provided verbal comments on the Draft EIR at the public hearing before the County Planning Commission on February 21, 2017. Speakers, including Commissioners, are listed generally in order of presentation.

Speaker 1: John Driscoll

Speaker 2: Don Sutlan

Speaker 3: Cathy Langley

Speaker 4: Chris Higgins

Speaker 5: Commissioner Moore

Speaker 7: Commissioner Rhodes

Master Responses to Recurring Comments

This section of the Response to Comments document contains master responses to comments on the following frequently- raised issues: (A) consistency with Fairview Area Specific Plan (Specific Plan); (B) traffic-related issues and concerns, and (C) construction period effects. Each of these issues are first summarized, followed by discussion of how each topic is addressed in the Draft EIR, together with any further clarification or analysis as may be warranted to address the comment.

Master Response A: Consistency with Fairview Area Specific Plan

*The County has received several comments on the analysis presented in the Draft EIR as to the Project's consistency with the Fairview Area Specific Plan. Some comments suggested that the Project is inconsistent with the Specific Plan and thus cannot be approved, whereas the applicant's legal representative asserts in their comment that the Project should be found to be consistent with the Specific Plan, and as a result, no mitigation measures to address inconsistencies are warranted. Other comments from this perspective assert that a determination of consistency with the Specific Plan should only be made only by County decision-makers (in this case the County Planning Commission). The following **Master Response A** provides the County's general responses to all comments pertaining to the Project's consistency with the Specific Plan.*

As noted in the Draft EIR (page 9-1) "The Fairview Area Specific Plan is part of the Alameda County Eden Area General Plan, and as such is the controlling document to guide land use decisions with planning policies, principles and guidelines applicable to the Project site. The Fairview Area Specific Plan (hereafter referred to as the Specific Plan or Plan) provides detailed planning policy for the Fairview sub-area of the County, and provides detail not contained, or expected to be, in the adopted County General Plan. The Plan provides land use, circulation, development, environmental, infrastructure and implementation policies for the Fairview Area. The Specific Plan may be administered as, and thus have the force of zoning. Policies and regulations developed in the Specific Plan take precedent over, and replace standard zoning and the provisions of the Alameda County Zoning Ordinance within the Plan Area."

The Draft EIR (beginning at page 9-3) includes a thorough and comprehensive assessment of the Project's consistency with those Fairview Area Specific Plan policies that are applicable to the Project site (see Draft EIR, Table 9.1), with conclusions as to the degree to which the Project is consistent with, or inconsistent with those policies.

A1: Policy Inconsistency as a CEQA Impact

County staff acknowledges that pursuant to CEQA Statutes and adopted Guidelines, conflicts with applicable plans, policies or regulations do not necessarily result in a significant effect on the environment. As stated in Section 15358 (b) of the CEQA Guidelines, "effects analyzed under CEQA must be related to an adverse physical change." Further, Appendix G of the CEQA Guidelines makes explicit that the CEQA analysis of whether a project would conflict with an applicable land use plan, policy, or regulation should focus on those plans, policies or regulations adopted for the purpose of avoiding or

mitigating an environmental effect. Conflicts with land use policy do not necessarily indicate a significant environmental effect under CEQA, unless an adverse physical change would occur.

As noted on page 9-11 of the Draft EIR, the Draft EIR does consider conflicts with those specific policies of the Specific Plan that were adopted to protect environmental qualities to represent potentially significant environmental impacts. County staff is certain that this approach is fully consistent with CEQA Guidelines, Section 15064.7. These CEQA Guidelines provide that, “each public agency is encouraged to develop and publish thresholds of significance that the agency uses in the determination of the significance of environmental effects.” These thresholds “may utilize or identify quantitative, qualitative or performance levels where non-compliance would mean the effect is significant.”

For this Project, the Specific Plan consistency analysis presented in the Draft EIR made the following determinations:

- The Project is substantially consistent with the majority of principles and guidelines of the Specific Plan.
- Certain inconsistencies with the Specific Plan (i.e., long and/or tall slopes, flat building pads or similar-appearing residences) are not adverse environmental effects under CEQA, but rather are policy matters relevant to the County’s decision-making process when considering the merits of the Project.
- Certain other inconsistencies with the Specific Plan pertain to principles and policies that are not mandatory requirements but instead are advisory guidelines, against which a clearly defined conflict cannot be measured (i.e., not qualifying as a CEQA threshold). These types of inconsistencies are not indicated as being an adverse environmental effect under CEQA.
- The Project is in sharp conflict with certain policies and principles of the Specific Plan, and these conflicts result in physical changes to existing topography, where the topography is clearly recognized as an essential environmental quality in the Specific Plan. These policy conflicts include inconsistencies with Principle D.2.a/2.b-3/2.b-7 (due to substantial regrading of the Project sites, and deep excavations that would not retain natural topographic features or blend with its natural landforms). Other conflicts include inconsistencies with Principle D.3.b (based on mass site grading proposed across areas where existing slope exceeds 20%, rather than individual lot grading) and Principle D.3.c (because flat pad lots are used throughout most of the Project sites that do not retain a natural appearance, instead of custom foundations). The Draft EIR indicates that the physical changes to existing topography resulting from the Project, where existing topography is clearly recognized as an essential environmental quality, is an adverse environmental effect under CEQA.

To reduce the severity of topographic changes as proposed by the Project, the Draft EIR recommends Mitigation Measure Land Use-2: Topography Preservation. Pursuant to this mitigation measure, grading of the Project would provide for split pad foundations on Lots 1, 2, 8 and 15 of Tract 8297. Custom grading with the same effect, or pier and grade beam construction may be substituted on all or a portion of these lots, to the satisfaction of the Planning Director. The Draft EIR finds that implementation of this mitigation measure would retain natural topography to an adequate level, such that it would conform to the policy intent and performance measures of the Specific Plan, and would reduce this impact to a less than significant level.

A2: Alternative C – Greater Consistency with Fairview Specific Plan

Alternative C as presented in the Draft EIR represents a conceptual development program for the Project site that would be in greater conformance than the Project with all of the design principles and

guidelines of the Fairview Area Specific Plan, and in particular with those guidelines that seek to retain existing natural topography and blend development into existing landforms. The conceptual development of Alternative C is intended to meet the requirements of CEQA Guidelines, Section 15126.6. These Guidelines require alternatives to be capable of accomplishing most of the basic objectives of the Project, even if the alternative would impede to some degree the attainment of all Project objectives or would be more costly. EIR Alternatives are also required to be reasonably feasible, to avoid or lessen significant environmental effects of the Project (i.e., those physical changes to existing topography resulting from the Project, where existing topography is clearly recognized as an essential environmental quality), and to provide a “reasonable range” of alternatives necessary to permit a reasoned choice. County staff believes that Alternative C meets these CEQA requirements.

Alternative C represents an alternative project design that is intended to be more consistent with certain Specific Plan policies and principles than is the proposed Project, particularly as to retention of natural topographic features, shaping of essential or primary grading to blend with natural landforms, and other principles related to grading. Many of the Specific Plan’s design principles do not address CEQA considerations (i.e., substantial adverse physical changes to the environment). However, clear and evident non-conformity with the Specific Plan’s design principles regarding preservation of natural topography do constitute a potentially significant environmental impact for the purposes of CEQA. Alternative C represents a reasonable approach to grading that could reduce the extent of cut and fill throughout both Tracts, could keep grading and site preparation activity to a minimum, and could result in development that is more sensitive to variations in topography. Alternative C represents an alternative design that would avoid or lessen these significant environmental effects of the Project, and would do so in a manner that achieves equal or greater mitigation for the Project’s impacts to natural topography than would be achieved with implementation of Mitigation Measure Land Use-2: Topographic Preservation. Therefore, Alternative C would be more fully consistent with the principles and guidelines of the Specific Plan adopted for the purpose of protecting topography as a vital environmental quality of the Fairview area, and the Draft EIR finds it to be environmentally superior to the Project.

The environmentally superior alternative may or may not be the alternative that best meets all of the goals or needs of the applicant or the County.

A3: Fairview Area Specific Plan Consistency Determination

County staff agrees with those comments that indicate determination of the Project’s consistency with the Specific Plan is ultimately the responsibility of County decision-makers (i.e., the County Planning Commission or County Board of Supervisors), and that these County decision-makers have a significant degree of discretion and may rely on subjective interpretation when making that determination. Staff also agrees that such a determination should be made in light of the Specific Plan as a whole, and not based on an inconsistency with one or even a few individual policy considerations. The Draft EIR is not intended to, nor does it presuppose these ultimate County decision-maker determinations.

Rather, the Draft EIR and this Response to Comments document are informational documents (as stated in the Introduction in the Draft EIR). This EIR is intended to:

- provide County decision-makers and the public in general with detailed information about environmental effects that the Project is likely to have;
- identify ways in which these significant effects might be minimized; and
- identify alternatives to the Project.

The information contained in the EIR is intended to be objective and impartial, and to enable the reader to arrive at an independent judgment regarding the significance of the impacts resulting from the Project.

This EIR does not control the County's ultimate discretion over the Project, nor does it provide the final determination of the Project's overall consistency with the Fairview Area Specific Plan. This EIR is intended to inform the County Planning Commission, and the Commission must certify this EIR as legally adequate before taking any action on the Project. County decision-makers will also be further informed as to staff's opinions and recommendations on the merits of the Project, and staff's assessment of the Project's overall consistency with the Fairview area Specific Plan, via a staff report that is not a part of the CEQA process.

Master Response B: Traffic-Related Issues

B1: Trip Generation Estimates

The County received multiple comments on the Traffic Analysis presented in the Draft EIR as to the validity of estimates of vehicle trips generated by the Project.

The number of new vehicle trips estimated to result from the Project (as presented on page 11-22 of the Draft EIR) is derived from trip generation forecasts for single-family dwellings based on extensive data collected by the Institute of Transportation Engineers (ITE). The use of ITE is a standard amongst transportation professionals, and relies on over 350 studies referenced for single-family detached housing developments. ITE data is typically collected in areas with little or no transit service, thus providing a conservatively high forecast of potential trip generation for the Project. Other data sources, such as the San Diego Association of Governments (SANDAG) 2002, include traffic generation rates that are similar to the ITE standard rates of approximately 10 trips per single-family dwelling unit, with similar AM and PM peak hour distributions.

The American Community Survey (ACS) produces population, demographic and housing unit estimates. For the 2011-2015 ACS estimate, the average household size in Alameda County was 2.78 persons per household, a minor increase from the 2010 census, where the average household size was 2.71 persons per household. This minor increase in average household size is fully accounted for in the conservatively established ITE trip rates used in the Draft EIR.

Traffic impacts were evaluated based on adopted County criteria, which, similar to most jurisdictions, focus on the AM and PM peak hours, which represent "worst-case" conditions for traffic flow over the course of a typical weekday. As a rule, the peak hour volume is typically about 10 percent of daily volumes.

B2: Project-related Traffic Impacts

The County received multiple comments on the Traffic Analysis presented in the Draft EIR, suggesting that the analysis under-estimated or overlooked the significant traffic impacts that would be caused by the Project.

Using the trip generation estimates for the Project as described in the Draft EIR (Table 11.7, p. 11-21), the Project's new vehicle trips were added to the existing roadway network (including current intersection traffic volumes) to generate Existing plus Project traffic volumes. As noted in the Draft EIR (page 11-26), the Project would add on average, approximately 1 trip every 2 minutes to the local

roadway network during peak hours, and those trips would be dispersed via multiple routes. The resulting level of service (LOS) for all study intersections was then calculated using the Traffix/Synchro traffic model. Results from the traffic model were then compared to applicable CEQA thresholds as obtained from the Alameda Countywide Transportation Plan, and from the Fairview Area Specific Plan (which contains LOS significance criteria specific to the Fairview area's internal street system).

As indicated in Table 11.9 of the Draft EIR, the results of the traffic model indicate that addition of Project-generated trips would not degrade any study area intersection LOS, and the LOS at all study intersections would remain at LOS C or better, except at D Street/Foothill Boulevard. At the D Street/Foothill Boulevard intersection (study intersection #5) the existing AM peak hour level of service is at LOS D, and the existing PM peak hour level of service is over threshold levels (at LOS E). The addition of Project traffic would not change the operating LOS during either the AM or PM peak hour. The net change in average delay during the PM peak hour, with the addition of Project trips, would be less than one second (i.e., less than the threshold of adding 5 or more seconds of delay to any intersection). This same methodology was also applied to Cumulative plus Project conditions, with similar conclusions. The Project's effect on traffic conditions to the surrounding roadway network would be minimal, and the Project's impact related to traffic congestion would be less than significant. As such, no mitigation measures are required of the Project.

This methodology, and the thresholds used to identify significant impacts, are standard practice for all of Alameda County's project-related EIRs. However, it is not uncommon that the thresholds used to define significant traffic impacts pursuant to CEQA (i.e., the level of service thresholds) do not match the public's perception of acceptable traffic performance. For example:

- An "acceptable" level of service C is defined as an intersection delay of between 20 and 35 seconds per vehicle, where a given green phase may not serve queued vehicles and overflow occurs. The number of vehicles stopping is significant, though many still pass through the intersection without stopping.
- Another frequent discrepancy between CEQA-based thresholds and public concerns is at intersections that are already operating at poor (or substandard) levels of service. At such intersections, CEQA impacts are only identified if a project adds traffic that would increase average intersection delay by more than 5 seconds per vehicle during peak hours. This threshold identifies whether the project's effects are a significant contribution to the poorly performing intersection, but does not address the underlying issue of the existing substandard intersection operations.
- The CEQA thresholds also do not address other public concerns related to driving behavior, such as speeding.

B3: D Street Access and Safety

The County received multiple comments on the Traffic Analysis presented in the Draft EIR, comments which assert that D Street is too narrow to safely accommodate the additional trips generated by the Project, or that the Project will exacerbate existing conflicts between vehicles, including emergency vehicles.

Safe Intersection Geometry

West of Fairview Avenue (within unincorporated Fairview area, to 2nd Street near central Hayward), D Street is a two-lane, two-way street with a center double-yellow line with centerline reflectors. D Street

east of Fairview Avenue has a relatively narrow paved width, with only about 30 feet or less of pavement out of the total 50-foot right-of-way. County standard roadways are 36 feet curb-to-curb dimensions. The narrow pavement width is compounded by on-street parking along both sides of D Street, except where red curb painting prohibits parking for a distance of about 110 feet east of Carlson Court.

D Street extends east of its intersection with Fairview Avenue for about a quarter mile to serve adjacent properties, but has no through connections except to other cul-de-sacs and Old Quarry Road, and an emergency gate between Thurston Court and Lori Way. As a result, traffic volumes on D Street are relatively low. As indicated on Figure 11-2 of the Draft EIR, traffic volumes on D Street east of the Fairview Avenue intersection are about 75 to 80 vehicles per hour during the AM and PM peak hours (Study Intersection #2, combining all D Street turning movements). Peak hour traffic volumes drop to 50 to 60 vehicles per AM and PM peak hour (respectively) further to the west, at the intersection of Carlson Court (Study Intersection #1).

As noted in the DEIR (page 11-30), the Project will add two new intersections along D Street, resulting in a total of three intersections of local side streets that connect to D Street within approximately 130 feet of each other, including the existing D Street/Carlson Court intersection. The proposed intersection configuration results in northbound and southbound local side streets intersecting D Street in an offset manner, which would be undesirable if a high volume of conflicting turning movements was anticipated. However, traffic volumes on this segment of D Street (east of Fairview Avenue and Maud Avenue) are relatively low. Less than 170 peak hour vehicles in total, in both directions on D Street, are predicted to occur during the maximum "Cumulative plus Project" conditions. Left turn volumes from D Street onto each of these three side streets will be very low, as detailed in the Draft EIR's analysis (page 11-31).

The EIR traffic consultant concluded that the Project's proposed site access configuration is not anticipated to result in a significant volume of conflicting vehicle turning movements, based on the relatively low volume of conflicting thru-traffic movements. The EIR traffic consultant also concluded that the proposed site access configuration is adequate to accommodate safe site distances, and to accommodate the anticipated volume of trips to and from the Project site, in combination with other existing and cumulative traffic on the nearby roadways. The proposed offset intersection configurations would not substantially increase hazards or result in significant impacts related to site access.

Width of D Street and Sight Distance

The Draft EIR analysis found that on-street parking on D Street between the proposed local street intersections could potentially obscure safe turning movements. The Draft EIR recommends improving sight distance safety at the Project's new intersections with D Street by prohibiting on-street parking on the south side of D Street from approximately 30 feet east of the Tract 8297 intersection, to 30 feet west of the Tract 8296 intersection (including about 100 feet of street frontage between the two intersections). As stated in the Draft EIR (page 11-23), the Project's residents will have adequate on-street parking on the two new local streets internal to the Project sites, and would not be dependent upon on-street parking on D Street. In addition, the Project would remove two existing residences that face D Street, thereby reducing the demand for on-street parking on that segment. With elimination of on-street parking along D Street, the Project would reduce rather than exacerbate poor sight visibility on D Street. With this recommendation, parking would be restricted for 30 feet directly east of the upper parcel's new intersection, but the nearest affected property (at 3301 D Street) would retain 50 feet along D Street for on-street parking. No properties along D Street west of the lower parcel would be subject to any parking restrictions.

Emergency vehicles would normally access the Project site from the west via the D Street/Fairview Avenue intersection. Under unusual conditions, they may also open a normally closed gate and arrive from the east via Thurston Court. Emergency vehicles, including large fire apparatus (e.g., pumper and ladder trucks), can safely be accommodated on the existing D Street roadway, and the Project's new internal streets are designed to accommodate emergency vehicles.

B4: Sidewalks in the Project Vicinity

The County received multiple comments on the Traffic Analysis presented in the Draft EIR pertaining to the concern that D Street, Maud Street and Fairview Avenue do not have complete sidewalks.

These comments are correct regarding the lack of continuous sidewalks in the area. The Draft EIR recognized the lack of sidewalks on D Street east of Fairview Avenue, the presence of only isolated sidewalk segments in the vicinity, and how the fragmented sidewalk network represents a constraint to pedestrian activity (see DEIR page 11-9). The most extensive existing sidewalks are those recently installed along the west side of Maud Avenue. There is a sidewalk along D Street between Maud Avenue and the intersection of D Street and Fairview Avenue, but D Street east of Fairview Avenue towards the Project site has only a few short segments of sidewalks, most of which are far below County standards in terms of width and accessibility.

As indicated on page 11-19 of the Draft EIR, pedestrian safety is a CEQA threshold concern. Specific CEQA thresholds pertaining to pedestrian safety and pedestrian circulation indicate that a potentially significant impact would be recognized if a project were to conflict with adopted policies, plans, or programs supporting pedestrian transportation, or if the project were to adversely affect nearby pedestrian facilities by creating a safety issue or exacerbate a currently unsafe pedestrian condition.

The Project would not provide sidewalks or other direct pedestrian connections to the existing sidewalks on D Street at Fairview Avenue and near Maud Avenue (approximately 550 feet to the west of the Project frontage), but would provide a new segment of sidewalks along its D Street frontage. As such, the Project does not conflict with adopted policies, plans or programs regarding pedestrian facilities, or otherwise decrease the performance or safety of existing facilities. Accordingly, the Draft EIR concluded that the Project's impact related to conflicts with plans and policies for pedestrian facilities would be less than significant, and no mitigation measures are required. The DEIR (page 11-35) does recommend that the Project's roadway design at each of the local street intersections at D Street provide pedestrian bulbouts to reduce the curb-to-curb roadway width to 24 feet. Reducing the roadway width on the northernmost 10 to 20 feet of both local access streets would allow for a reduction in pedestrian crossing distances and increased safety for pedestrians traveling east or west on the south side of D Street.

Master Response C: Construction-Period Impacts

C1: Construction Schedule

The County received several comments on the analysis presented in the Draft EIR as to the impacts of construction, particularly the expectation that construction would be done seven days a week.

Construction is expected to begin in the spring of 2018 and take approximately 24 to 28 months. The approximately 2-year construction schedule is broken down into the following general phases, each phase corresponding to the types of work expected:

- Initial tasks include site clearance and site grading. This phase is expected to last approximately 2 months.
- Once the grading is complete, underground utility infrastructure would be put into place. This phase is also expected to last approximately 2 months (months 2 thru 4).
- Once utilities are installed, the next phase would involve balance grading for new streets, installation of curb and gutters, roadway subbase and pavement, and site cleanup. This phase is expected to last approximately 3 months (months 5 thru 7).
- Remaining phases would involve construction of new homes, expected to occur in two separate phases over the next 17 to 18 months (months 8 through 24/25).

Completion of the Project is anticipated by end of 2019.

C2: Construction Period Noise Effects

The County received several comments on the analysis presented in the Draft EIR as to the impacts of construction noise on the community overall, and in particular the expectation that construction would be done seven days a week.

The Draft EIR identifies the relevant portions of the Alameda County Code pertaining to outdoor noise (p. 10-7). These provisions set standards for allowable noise levels during daytime (7:00 a.m. to 10:00 p.m.) and nighttime (10:00 p.m. to 7:00 a.m.) in unincorporated areas of Alameda County. The Draft EIR also references Ordinance Code Chapter 6.60.070, which details special provisions or exceptions to the noise standards. Chapter 6.60.070 (E) Construction states, “*The provisions of this chapter shall not apply to noise sources associated with construction, provided said activities do not take place before 7:00 a.m. or after 7:00 p.m. on any day except Saturday or Sunday, or before 8:00 a.m. or after 5:00 p.m. on Saturday or Sunday.*” However, it is possible for the Planning Commission to limit construction to exclude or further limit construction hours on Sunday, and/or reduce construction hours on Saturdays.

The Draft EIR concludes that the exceptions for construction noise provided in Chapter 6.60.070 (E) of the County ordinances means that general construction noise is not considered to be in excess of the local General Plan or noise ordinance, provided that construction activity is conducted within the hours stipulated in the ordinance. However, the Planning Commission may impose some additional limitations on weekend hours, such as a noon starting time on Sundays or perhaps 10:00 a.m. on Saturdays.

The Draft EIR concludes that construction noise could produce potentially significant impacts if it would substantially increase temporary and/or periodic ambient noise levels in the Project vicinity, above levels that exist without the Project. Construction activities are considered to be temporarily or periodically significant if they would increase ambient noise levels at sensitive receptors to an hourly average noise level exceeding 60 dBA L_{eq} , and/or increase the ambient noise levels by a least 5 dBA L_{eq} for a period of more than 1 year. Because the duration of the Project’s construction activities could take up to 28 months to complete, the Draft EIR concluded that construction noise is a potentially significant impact.

In an effort to balance responsible development with protection of the quality of life of current and future residents, the County has exempted construction noise from its noise standards, but it does require implementation of aggressive Best Management Practices for construction activity with the potential to disturb nearby receptors. These construction-period Best Management Practices for noise attenuation are presented in the Draft EIR in Mitigation Measure Noise-1, detailed on p.10-10 and 10-11. The Draft EIR concludes that implementation of this mitigation measure (including its identified best

management practices) would reduce construction-period noise levels to a less-than-significant level. This conclusion is based on the properties of noise propagation (i.e., that construction-generated noise levels drop off at a rate of about 6 dBA per doubling of the distance between the source and receptor), and that shielding of construction noise by buildings or by terrain can provide an additional 5 to 10 dBA noise reduction (DEIR, p. 10-10). The Draft EIR thoroughly analyzes the potential for construction noise impacts and includes mitigation measures to reduce the impacts to below applicable significance thresholds.

C3: Construction Period Air Quality Effects

The County received several comments on the analysis presented in the Draft EIR as to the air quality and health risk impacts of construction activity on adjacent neighbors.

The Draft EIR considered the potential adverse effects of Project construction on surrounding air quality, by focusing on three types of air quality concerns. These included generation of fugitive dust caused by earth moving activities, emission of criteria pollutant emissions from construction equipment, and emissions of toxic air contaminants during construction. Each of these air quality concerns are further discussed below.

Fugitive Dust and Applicable Mitigation

The Draft EIR (page 5-17) identifies that Project-related construction activities (e.g., demolition, site preparation, earthmoving) would generate short-term emissions of fugitive dust. Construction-related fugitive dust emissions would vary from day to day depending on the level and type of activity, silt content of the soil, and the weather. In the absence of mitigation, construction activities may result in significant quantities of dust that may adversely affect (on a temporary and intermittent basis), local visibility and PM10 and PM2.5 concentrations. Fugitive dust generated by construction could also include larger dust particles transmitted through the atmosphere up to or within several hundred feet of the site and could result in nuisance-type impacts.

The Draft EIR recommends mitigation measures to address potential impacts associated with construction-period fugitive dust emissions. For most projects that involve new construction of less than 114 single-family homes (i.e., below screening size thresholds), implementation of “Basic” construction mitigation measures (as identified in in the Draft EIR, Mitigation Measure AQ-2) represent a pragmatic and effective approach to the control of fugitive dust emissions. These “Basic” measures to address fugitive dust include watering exposed surfaces, covering of haul trucks, removing visible mud and dirt track-out using street sweepers, and reducing vehicle speeds on unpaved surfaces. However, because the Project does include substantial grading and cut and fill activities, and because it is immediately adjacent to sensitive receptors (immediately adjacent single-family homes and the Hilltop Convalescent Care Center), additional “Enhanced” mitigation measures are also recommended in the Draft EIR to address fugitive dust impacts. These “Enhanced” measures include frequent watering to maintain a minimum soil moisture content of 12 percent, suspending grading activities when average wind speeds exceed 20 mph, installing wind breaks (e.g., trees, fences) on the windward sides of actively disturbed areas, planting or seeding of disturbed areas as soon as possible, phasing of ground-disturbing activity to reduce the amount of disturbed surfaces at any one time, washing of all trucks and equipment prior to leaving the site, and applying a compacted layer of wood chips, mulch, or gravel to site access points to a distance of 100 feet from the paved road.

Studies have demonstrated (e.g., Western Regional Air Partnership, U.S.EPA) that application of these best management practices significantly control fugitive dust emissions. Individual measures have been

shown to reduce fugitive dust by anywhere from 30 percent to more than 90 percent, and in the aggregate, these Best Management Practices will substantially reduce fugitive dust emissions from the Project to a less than significant level.

Criteria Pollutants and Applicable Mitigation

The Draft EIR (page 5-17) indicates that the Project (at 31 single-family residential lots) would not exceed the screening size used by the County as standard practice for determining when criteria pollutant emissions during construction are likely to approach a significant level. The County has adopted a conservative screening size or threshold of 114 single-family dwellings for evaluating such impacts, above which the emission of criteria pollutants could be deemed significant (and for which advanced air quality modeling would be required). The Project, at 31 single-family lots, is well below this screening level and is therefore not anticipated to result in emissions of criteria pollutants during construction that would be expected to exceed threshold levels.

Nevertheless, because the Project is located immediately adjacent to sensitive receptors (including single-family homes and the Hilltop Convalescent Care Center), the Draft EIR identifies mitigation measures (Mitigation Measure AQ-2), which will further reduce criteria pollutant emissions during construction. These mitigation measures include minimizing idling time for diesel-powered equipment to a maximum of 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations), and requiring that all construction equipment be maintained and properly tuned in accordance with manufacturer's specifications and checked by a certified visible emissions evaluator. Additional measures to further reduce criteria pollutant emissions during construction include:

- further minimizing equipment idling time of diesel powered equipment to two minutes
- using off-road equipment during construction that is demonstrated to achieve a project wide fleet-average of 20 percent NOX reduction and 45 percent PM reduction, as compared to the most recent California Air Resources Board fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available, and
- using only low volatile organic compound (VOC) paint and coatings that exceed local requirements (i.e., Bay Area Air Quality Management District or BAAQMD Regulation 8, Rule 3: Architectural Coatings).

Although construction-period criteria pollutant emissions were not found to be significant (i.e., the Project would not exceed identified screening levels), these mitigation measures were conservatively identified for the Project to even further reduce potential effects to adjacent sensitive receptors.

Toxic Air Contaminants and Applicable Mitigation

The Draft EIR (page 5-21) indicates that the Project (at 31 single-family residential lots) would not exceed the size of single-family residential project that, in the EIR preparer's experience, has been found to generate significant levels of toxic air contaminant emissions (i.e., PM2.5 and diesel particulates) during construction.

Nevertheless, the Project is located immediately adjacent to sensitive receptors (including single-family homes and the Hilltop Convalescent Care Center), and includes substantial cut and fill activity throughout a majority of the two sites (nearly 10-acres in combined area. Therefore, the Draft EIR

identifies mitigation measures (Mitigation Measure AQ-2) to further reduce emissions of toxic air contaminants (TAC) during construction. In addition to the “Basic” and “Enhanced” measures described above for fugitive dust and criteria pollutant emissions, these additional measures, which are capable of substantially reducing construction-period TAC emissions, include:

- requiring that all diesel-powered construction equipment, diesel trucks, and generators used at the site be equipped with Best Available Control Technology for emission reductions of NO_x and PM, and
- requiring that all contractors use equipment that meets CARB’s most recent certification standard for off-road heavy duty diesel engines.

Implementation of these measures is subject to verification by the Building Inspection Department and the Air Quality Management District.

The current standard for Best Available Control Technology on diesel-powered equipment is Tier 4 engines. Tier 4 refers to the latest emission standards established by the U.S. Environmental Protection Agency and the California Air Resources Board applicable to new engines found in off-road equipment. As of January 1, 2014, these emissions standards apply to new engines and remanufactured engines that power the types of equipment commonly found in most construction applications, including backhoes, graders, bulldozers and haul trucks. Tier 4-compliant engines significantly reduce emissions of diesel particulate matter, PM_{2.5} and oxides of nitrogen (NO_x) to near zero levels. Relative to previous emissions standards, Tier 4 compliant engines reduce emissions by over 95 percent for most construction equipment. Although construction-period TAC emissions were not assumed to be significant based on the relatively smaller scale of the Project’s construction activity, required use of Tier 4 engines would substantially reduce potential TAC emissions associated with Project construction and would substantially reduce the potential for health risks to adjacent sensitive receptors to levels that are less than significant.

Master Response D

Numerous commenters expressed their views regarding the merits of the proposed Project, including opposing the approval of the Project, Project design, or provided informational comments that do not specifically address the adequacy of the EIR.

The County received numerous comments that pertain to the relative merits of the Project, but do not raise issues related to the environmental analysis provided in the Draft EIR, and comments that are otherwise beyond the purview of the EIR and/or CEQA. The merits of the Project and Project design components will be addressed as part of the County’s review and approval process, independent of the CEQA process. Although not directly responded to in this document, each of the comments on the merits of the Project are noted and hereby made part of the public record. All comments, irrespective of the topic, are included in the Final EIR and therefore will be provided to the Alameda County Planning Commission for their review and consideration prior to making any decision to approve, modify, or reject the proposed Project.

Responses to Individual Comments on the DEIR

This chapter includes copies of the written comments received by hand-delivered mail or electronic mail during the public review and comment period on the DEIR. Specific responses to the individual comments in each correspondence follow each letter.

Each correspondence is identified by an alphabetical designator (e.g., "A"). Specific comments within each correspondence are identified by a numeric designator that reflects the numeric sequence of the specific comment within the correspondence (e.g., "B-1" for the first comment in Comment Letter B).

Responses focus on comments that pertain to the adequacy of the analysis in the DEIR or to other aspects pertinent to the potential effects of the Project on the environment, pursuant to CEQA. Comments that address topics beyond the purview of the EIR or CEQA are noted as such for the public record.

Master Responses to recurring comments may be found in Chapter 4 of this document.



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA

GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH

STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

March 16, 2017

Andrew Young
Alameda County
224 W. Winton Avenue, Room 111
Hayward, CA 94544

Subject: Fairview Orchards & Fairview Meadows Residential Subdivision
SCH#: 2016062057

Dear Andrew Young:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on March 15, 2017, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

A handwritten signature in cursive script that reads "Scott Morgan".

Scott Morgan
Director, State Clearinghouse

**Document Details Report
State Clearinghouse Data Base**

SCH# 2016062057
Project Title Fairview Orchards & Fairview Meadows Residential Subdivision
Lead Agency Alameda County

Type EIR Draft EIR

Description Project proposes to subdivide two parcels equaling 9.78 acres into 31 single family residential lots. The lots would range in size from 10,013 sq. ft. to 17,141 sq. ft. As part of the Project, the 31 lots would each be developed with a detached, single-family home.

Lead Agency Contact

Name Andrew Young
Agency Alameda County
Phone 510-670-6555 **Fax**
email
Address 224 W. Winton Avenue, Room 111
City Hayward **State** CA **Zip** 94544

Project Location

County Alameda
City Hayward
Region
Lat / Long 37° 40' 44.5" N / 121° 02' 51.1" W
Cross Streets D Street
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways I-580 & SR 238
Airports
Railways
Waterways Sulphur Creek, San Lorenzo Creek
Schools Fairview/East Ave. Elem.
Land Use Residential/Residential-1-B-E Zone/Single Family Residential

Project Issues Air Quality; Archaeologic-Historic; Biological Resources; Noise; Public Services; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Traffic/Circulation; Water Quality; Landuse; Geologic/Seismic

Reviewing Agencies Resources Agency; Department of Fish and Wildlife, Region 3; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 4; State Water Resources Control Board, Division of Drinking Water, District 4; Regional Water Quality Control Board, Region 2; Native American Heritage Commission; State Lands Commission

Date Received 01/30/2017 **Start of Review** 01/30/2017 **End of Review** 03/15/2017

Letter A Response – State Clearing House

The letter from the California Office of Planning and Research (State CEQA Clearinghouse) indicates that the County has complied with CEQA in processing the public review of the Draft EIR. No response is necessary.



Serving Alameda, Contra Costa, Marin and San Francisco counties

March 16, 2017

Andrew Young, Senior Planner

Reply to jewellspalding@mac.com

Alameda County Planning Department

224 W. Winton Avenue, Room 111

Hayward, CA 94544

Re: Comments to DEIR on FAIRVIEW ORCHARDS /FAIRVIEW MEADOWS , TRACTS 8296 & 8297 RESIDENTIAL SUBDIVISION PROJECT

Dear Mr. Young:

On behalf of the Sierra Club, we have the following comments to the above draft environmental impact report (DEIR).

Initially, we cannot support any project that is inconsistent with the Fairview Specific Plan. Although on the one hand claiming it is consistent, the DEIR throughout concedes that “the Project is not consistent with several selected principles and guidelines of the Fairview Area Specific Plan that are applicable to the Project site, particularly those adopted to preserve the existing topography and blend development into existing land forms.”

B-1

Before the County is a discretionary application seeking to combine seven separate existing parcels with existing residences (that the applicant has apparently boarded up to the detriment of the neighborhood), into two vesting tentative subdivision track maps seeking to subdivide a total of 9.7 acres into 31 lots. The configuration is further a concern since two existing parcels are on one side of an existing residential nursing home and the other two are on the other side of the nursing home. The elevation of the hillside would be lowered by 20 feet.

B-2

Based on our investigation, there are fifty five elderly residents, including those on Medi-Care, and the home has the capacity of 79. These residents are “sensitive receptors” under the Clean Air Act. The surrounding neighborhood also has many young families with small children, additional “sensitive receptors.”

We additionally note that the applicant’s proponent and owner is Marc Crawford, Chair of the Castro Valley Municipal Advisory Board, who led that Commission a few years ago to reject Fairview residents request that the Fairview Specific Plan should be tied to the Castro Valley General Plan, with which shares a border with and overlaps with Fairview.

B-3

This DEIR erroneously claims that the Fairview Specific Plan is tied to the more urban Eden General Plan, leaving Fairview as an island, miles away from the Eden Area Plan communities. During the revision of the last Eden Plan, staff specifically excluded Fairview from the environmental review for

B-4

the Eden Area, although claiming later to the State with respect to the Housing Element Plan that an environmental review was performed for Fairview. (If Staff denies this, produce the copy, including notice. It does not exist.)

Because the Fairview Specific Plan is more consistent with its neighboring Castro Valley General Plan, and part of Fairview is even governed by the Castro Valley General Plan, while inconsistent with the Eden Plan, and specific plans must be tied to and consistent with General Plans, the DEIR is incomplete for failing to examine the project against the policies of the Castro Valley General Plan. (See e.g. pdf p. 123 [“The Castro Valley General Plan indicates that that there are no known paleontological resources within the study area as defined in that Plan, which is immediately adjacent to the Fairview Area.”].)

Additionally, for over ten years the Planning Department has held committee meetings reviewing and revising the Fairview Specific Plan, in part so that the “policies” which this applicant claims are non-binding are binding. In this regard, we note that the DEIR concedes that

. . . the Project is not consistent with several principles and guidelines of the Fairview Area Specific Plan. These inconsistencies with principles and guidelines of the Fairview Area Specific Plan would result in substantial regrading of the Project that would not retain natural topographic features, **grading to create padded lots that do not retain a natural appearance, grading that does not complement and blend with natural landforms, and mass grading for flat building pads in areas currently exceeding 20% slope.**

(DEIR pdf p. 110 & p. 6-16, emphasis added.)

The project likewise needs to be examined against the proposed revisions to the Fairview Specific Plan. Also omitted by the DEIR is that the County has finally retained a consultant to examine the Fairview Specific Plan and that in January 2017, the Board of Supervisors was scheduled to adopt legislation creating the Fairview MAC. In this regard, the adequacy of the EIR should be examined by the to be adopted MAC to provide a recommendation to the Planning Commission.

According to Staff’s report to the Planning Commission, The DEIR identified potentially **significant impacts** of the Project on **air quality**, potential undiscovered subsurface archaeological resources, **biological resources, noise, and land use policies** related to topography and land forms. **Other potentially significant impacts, on aesthetics, water quality, cultural resources, traffic, . .**

B-5

1. Local Scenic Route

According to the DEIR, “Among the major rural roads in the scenic route system is Fairview Avenue (which would have been substantially more rural in character in 1966). However, as discussed further in the analysis section, the Project site is not *substantially* visible from Fairview Avenue.” We disagree both with the application of the Scenic route element contending that it is only relevant “as it existed in 1966,” which would defeat the application of many scenic routes and that the Project is not “*substantially* visible [sic.] from Fairview.” (Italics added.) Also see comments at

B-6

p. 4-5 Scenic Vistas. We note that only one photo is provided from Lone Tree Cemetery; compare p. 4-6.

The DEIR states that “The Project would be considered to have a significant impact on a scenic vista if it were to **result in the placement of a negative-appearing building or land use within a designated public vista**, or would substantially block a vista from being seen from a public viewing location.” DEIR pdf 66. It then concludes no mitigations are needed because “The Project would not result in a substantially altered view from identified scenic routes or public areas.” We question this analysis given the project will reduce the elevation of the hilltop by 20 feet and proposes mass grading clearly impacting the vistas from Lone Tree Cemetery [sic.] and Fairview.

B-7

Under Visual Character, the DEIR claims that “The Project’s visual character would be generally consistent with, or similar to other existing development in the area,” however, this claim is contradicted by the DEIR’s later observation that an alternative consistent with the Fairview Specific Plan, which this is not, would be consistent with the existing development. We also note no “before” and “after” simulations are provided. Without further examination, including photos from Fairview and simulations, it is premature for the DEIR to conclude “whether the Project is demonstrably negative in character.” Additionally, in this analysis concerning the change in character of the neighborhood from rural residential with horses to suburban, the DEIR claims that “general character of the Project would consist of *re-graded* sites,” when in fact, other than the four existing residences, one dating back to 1877, this is an area which has not been graded. Therefore to contend this consists of “re-graded” sites is clearly erroneous.

B-8

B-9

B-10

Additionally the DEIR claims that “This general character of the Project is similar to and consistent with the general character of the residential neighborhoods in the Project site vicinity.” Pdf p. 67. But, rather than applying the mandatory calculation required by the Fairview Specific Plan, the DEIR summarily relies on aerial photos. This calculation needs to be applied. Until the above omissions and needed information, is provided, and contradictory admissions addressed, it is premature to declare there are no impacts.¹

B-11

2. Air Quality

As the DEIR recognizes, “Children, the elderly, and people with respiratory disease or chronic health problems are typically more sensitive to air pollution. The land uses associated with possibly sensitive receptors include *schools, hospitals, playgrounds, retirement homes, child-care centers, convalescent homes, medical clinics, and residences.*” PDF p. 76.

B-12

This project surrounds an existing convalescent/nursing home with approximately 55-59 residents, is next door to residences, and down the street from the Fairview School, with a student population of approximately 492 students in grades K through 6th. Nineteen full time teachers are employed.

¹ For instance, the DEIR concedes, “This cumulative development **would permanently alter the existing visual character of the area due to grading activities, vegetation removal and the introduction of new residential units and associated infrastructure.** However, this cumulative development is not expected to *significantly degrade* the existing visual character or quality of the surroundings.” (Pdf p. 70.) Without simulations provided, this conclusion is pure speculation.

Further down the street at the end of Woodroe is the Woodroe Woods pre-school, which includes grades K through 2nd, with an estimated 123 students.

According to the DEIR, “the Project would cause significant adverse air quality impacts that; a) may violate an air quality standard, b) result in cumulatively considerable concentrations of criteria pollutants, or c) expose sensitive receptors to substantial pollutant concentrations.” To do so, however, the DEIR claims that adverse impact is only significant if it would exceed” certain emissions, such as the following standards: “daily emissions of 54 pounds per day of ROG, NOx, or PM2.5; or 82 pounds per day of PM10; · During project operation, result in average daily emissions of 54 pounds per day of ROG, NOx, or PM2.5; or 82 pounds per day of PM10; or result in maximum annual emissions of 10 tons per year of ROG, NOx, or PM2.5 or 15 tons per year of PM10 . . . Expose new sensitive receptors to substantial ambient levels of Toxic Air Contaminants (TACs) resulting in a cancer risk level greater than 100 in a million “ For the record, we submit that these thresholds are too high.

The DEIR then notes that this Discussion and use of these thresholds (where provided in this EIR) is for *informational* purposes, only . . .” This is insufficient.

Substantial heavy equipment including grading equipment is being proposed with a seven day a week construction schedule that could go on for years surrounding several sensitive air receptors, many who likely already have respiratory issues, that this project could aggravate.

The DEIR needs to discuss what are the anticipated emissions of this equipment to be used on a daily basis. Given manufacturer and industry disclosures available for machinery, this should not be a difficult question. The fact that this is not disclosed reveals that there is zero basis for the conclusion that “no mitigation warranted” for operational construction and CO2 emissions that the DEIR concedes will result, but “these levels would not exceed screening criteria.” Without the disclosure on the anticipated emissions of the contemplated equipment, even assuming the equipment used will satisfy CARB and BAAQMD standards, there is zero basis for this conclusion.

B-13

We also request that the DEIR address the LEED recommended mitigations to reduce pollution from the proposed construction activities, attached for your convenience.

As far as reduction of green house gases, although the DEIR states that use of LEED certification standards will mitigate these impacts, it also provides in the alternative “or another nationally recognized program.” (DEIR pdf 93.) Unless that alternative requires the same or better reduction of GHG equivalent to LEEDs, this “alternative” is insufficient.

B-14

Because of this missing information, it is premature to conclude that there are no individual or cumulative air quality or GHG impacts. (DEIR pdf p. 94.)

6. Biological Resources

In the discussion of the Alameda Whipsnake, the DEIR identifies AWS#136 as the nearest occurrence. Although mapped, it is extremely difficult to identify the exact location and a better more close up map of the area needs to be provided. Not disclosed by the DEIR is that just down the street on Fairview is the land set aside under the 5 Canyons Development for whipsnake

B-15

habitat. Whether AWS#136 is that location is unclear. If not, then this location needs to be included.

Additionally, the partial Jelinsic development next door is next to additional open space at one point as identified as Northbrook, which is directly across the street from the 5 Canyons whipsnake set aside. There also is a family of white tailed kites, which live south nearby in Fairview.

B-16

According to the DEIR, further surveys need to be conducted in order to confirm or rule out the presence of special species plants and animals, specifically during March through June. Additionally, the DEIR's suggested additional investigation is not included nor part of the recommended mitigation. The DEIR suggests:

it is recommended that the Project applicant consult with USFWS and CDFW in order to determine permitting options and appropriate mitigation, if necessary, for the Project. If this consultation process determines the proposed Project is not likely to affect AWS, the Project may move ahead. If this consultation indicates that the Project may affect AWS, then a Biological Assessment shall be prepared to determine the Project's effect on AWS, and identify appropriate mitigation. Additionally, because presence of AWS cannot be ruled out, consultation with CDFW may result in a recommendation for an Incidental Take Permit (Section 2081 process) to protect the Project applicant from unauthorized take of species, and insure potential impacts are minimized and fully mitigated.

B-17

(DEIR pdf 108.) Despite this recommendation, the mitigation suggested assumes that the project goes forward without the necessary consultation with USFWS and CDFW. This consultation should take place and the report be included in the DEIR.

The EIR also is internally inconsistent. While claiming that the project "does not pose any direct conflicts with local policies or ordinances protecting biological resources," therefore its impact is "less than significant" or LTS, at the same time it concedes that

. . . the Project is not consistent with several principles and guidelines of the Fairview Area Specific Plan. These inconsistencies with principles and guidelines of the Fairview Area Specific Plan would result in substantial regrading of the Project that would not retain natural topographic features, grading to create padded lots that do not retain a natural appearance, grading that does not complement and blend with natural landforms, and mass grading for flat building pads in areas currently exceeding 20% slope.

B-18

(DEIR pdf p. 110.) Given these important inconsistencies, the finding that the project does not conflict with local policies or ordinances is simply unsupported and must be revised to acknowledge its inconsistencies. Likewise, missing is any analysis of the project under the Castro Valley General Plan which overlaps with and is adjacent to Fairview.

8. Hydrology and Water Quality

The DEIR reflects and confirms that this project falls within three watershed boundaries. (DEIR pdf

p. 126.) According to the DEIR:

Figure 8-2 shows the three separate sub-watersheds which capture stormwater drainage from the Project sites:

- The western Project site (Tract 8296) is mostly open ground (labeled Ex-W on Figure 8-2), **and most stormwater infiltrates through the soil into shallow groundwater. Excess stormwater sheet-flows as surface runoff downslope to the west, into the existing adjacent residential neighborhoods or the East Bay Municipal Utility District water storage tank property.** Some portion of this surface runoff flows to the existing storm drain system along Fairview Avenue that drains by an outfall into the north branch of Sulphur Creek, just west of Fairview Avenue and south of D Street.
- **The eastern Project site (Tract 8297) is situated on a ridge. Under existing conditions, roughly half of the eastern site’s surface runoff (labeled Ex-E1 on Figure 8-2), excluding infiltration to the subsurface, flows westward toward the Hilltop Convalescent Center property, and in turn drains toward D Street.** Due to deteriorated pavement on the Center’s parking lot, there is some degree of infiltration to the subsurface. Surface or sheet flow runoff from the Center and the northerly portion of the eastern site onto D Street **drains easterly along the gutter into a drain near Machado Court and in turn to an outfall into a branch of Deer Canyon Creek.1**
- **Most of the remainder of the eastern site (Ex-E2 on Figure 8-2) flows to the east, toward a concrete V-ditch along a portion of the west side of the Machado Court subdivision.** From the V-ditch, it is collected into an existing storm drain line that crosses Machado Court, **with a separate outfall into another branch of Deer Canyon Creek. As such, all of the eastern site stormwater flows through the Five Canyons Open Space area and eventually joins San Lorenzo Creek at Don Castro Reservoir.**
- The northeastern portion of the eastern site’s surface runoff, with north and east-facing slopes behind the homes along D Street (an area not labeled on Figure 8-2), drains through the Machado Court neighborhood and through properties along the south side of D Street.

(DEIR pdf p. 129, emphasis added.) Buried several pages later under mitigations the DEIR acknowledges that “flows from the Project site ultimately drain to both Sulphur Creek and Deer Canyon Creek, and to storm drain facilities within D Street that have capacity limitations.” (DEIR pdf p. 143, p. 8-19.)

Under the County Subdivision Ordinance (Title 16 of the General Ordinance), “the design of subdivisions within the county *shall* . . . conform to the *land use and circulation policies of the County General Plan, and shall* conform to . . . *officially adopted standards for . . . erosion and siltation control and design standards adopted by the . . . flood control district* in which the

B-19

subdivision is located . . .” (DEIR pdf p. 133.) This is an example of why General Plans are important.

Based on our review, what land use and circulation policies apply are not stated. Engineering Guidelines and Grading Ordinances are distinct. This is important information that the EIR needs to address and include.

It is also important to note that the County Public Works Department responsible for enforcement has a terrible track record for storm management. When construction work was being done on Fairview Avenue just down the road, the Public Works Department was fined \$500,000 by the State by its failure to abide by minimum standards. Likewise, another nearby development, at one point referred to as Oak Terrace, off of Five Canyons, under went substantial grading contributing to significant silt into Don Castro reservoir for which the County again was fined.

B-20

Additionally, the house at the corner of Jelinsic and Hanson apparently has a creek underneath and has suffered from serious issues. Where this creek is located in relation to the project needs to be identified.

B-21

The DEIR acknowledges that the project will have a significant impact to hydrology and water quality if it causes the following:

3. **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river**, in a manner which would result in substantial erosion or siltation on- or off-site (i.e. within a watershed).
4. **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff** (e.g., due to increased impervious surfaces) in a manner which would result in flooding on- or off-site (i.e. within a watershed).
5. **Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems due to changes in runoff flow rates or volumes.**

(DEIR pdf p. 133.) After these observations, but without any further discussion addressing these important issues, the DEIR launches directly into several and substantial mitigations. Later on, the DEIR concedes that:

The Project’s proposed grading plan would alter existing grades and surface runoff from the site, and new street pavement, new roofs, sidewalks and other features would result in a substantial increase in impervious surfaces. Under the Project, approximately 2.68 acres of this 5.17-acre parcel (or 52%) would be covered in impervious surfaces associated with new development. **These Project changes could also affect the direction and increase the volume of stormwater flows from the site, with potential adverse effects on downstream drainage facilities or neighboring properties.**

(DEIR pdf p. 143.) Part of those mitigations include:

(6) Detention of Increased Stormwater Flows. The Project’s storm drain system shall be designed to provide for oversized underground conduits (pipes) **and/or detention basin that provide for the detention of increased storm water flows attributable to the Project**. The amount of required detention storage shall be equal to the difference in volume of the increased runoff attributed to the Project, less the volume of existing runoff from the site(s). **Assurances shall be provided for the continued maintenance of these storage facilities by the Project’s homeowners association.**

(DEIR pdf p. 143, emphasis added.)

First, there needs to be a separate substantive discussion addressing the adverse impacts, not one that is scattered and buried within different parts of the proposed mitigations. Additionally, this is a 31 unit subdivision, there needs to be a substantial discussion as to just what costs would homeowners have to impose on themselves to maintain this system. Additionally, there needs to be a discussion as to whether a smaller development with less houses would be able to reduce the impacts so that these storage facilities would not be necessary, and/or the usefulness of LEEDs rainwater management plans intended to address 100% of the runoff. Attached below.

B-22
B-23
B-24

Additionally, this discussion is internally inconsistent. At 8-21 or pdf p. 145, the DEIR claims that “No modification of the offsite storm drain systems or creeks *is proposed or required*, as the modeling indicates that the *rate of storm water flows leaving the Project site would be no greater than the flows that currently enter these systems and creeks*. The onsite stormwater protection plan for the Project would prevent erosion, siltation and on- or offsite flooding, including the flows in the North Fork of Sulphur Creek.”

B-25

Two pages later, however, the DEIR concedes: “. . .development of the Project **would result in a substantial increase in the amount of impervious surfaces (from approximately 1.43 acres to 4.61 acres, or more than three times the amount of impervious surface)**. *These increased impervious surfaces will increase the amount of runoff from the site* under typical (i.e., 10-year) storm conditions, but will also increase runoff associated with more severe storm events (i.e., 100-year storm).

9. Land Use and Planning

We incorporate our earlier observations above that the Eden Area Plan was adopted without any consideration or environmental review applicable to Fairview, which is an island under the Eden Area Plan. On the other hand, Fairview is adjacent to and overlaps and is part of the Castro Valley. Missing is the necessary analysis of the consistency of the project under the Castro Valley Plan.

B-26

Although the DEIR admits that the project does conflict with the Fairview Specific Plan, other than the limited topographical preservation mitigation, no mitigations are required. This is insufficient.

Additionally, the DEIR is internally inconsistent because it later acknowledges the numerous inconsistencies by examining and finding as an environmental superior alternative a 30 unit project

B-27

consistent with the Fairview Specific Plan. These important inconsistencies which are environmental, such as the preservation of topography and limiting grading, are further identified on DEIR pdf p. 161, the prior tables and subsequent graphs reflecting the mass grading. Additionally, the land use discussion inaccurately assumes that the project presents no substantial adverse effects under aesthetics, however, as discussed above, that segment is incomplete and requires a more thorough analysis.

10. Noise And Vibrations

The DEIR states that although “A detailed construction equipment list and expected constructed timeframe was not provided, . . . construction activities are expected to include demolition, site preparation (clearing trees and vegetation), excavation and grading work, building construction, paving, and architectural coating, each of which will result in increased noise levels in the surrounding area. The construction period for all of these activities combined could take up to 24 months to complete. Therefore, construction noise is considered to be potentially significant.” (DEIR pdf p. 181.) Not mentioned under this section, but elsewhere, is the proposal that construction be allowed 7 days a week. Additionally, as acknowledged, mass grading is being proposed lowering the elevation of the hillside by 20 feet.

Although not stated, given the extent of proposed mitigations, the construction noise of this project will have a substantial adverse impact on the community and needs to be acknowledged. (DEIR pdf p. 182.) One of the mitigations is to “limit[] construction activities to the hours of 7:00 a.m. to 7:00 p.m. on weekdays and between the hours of 8:00 a.m. and 5:00 p.m. on weekends.” Given the proposal to have construction 7 days a week for a two year period, this is insufficient and does not “protect the health and safety of persons, promote the general welfare of the community, and maintain quality of life.” The number of days needs to be limited and length of hours for weekdays shortened.

The DEIR also proposes “Construct[ion] [of] solid plywood fences around construction sites adjacent to operational business, residences or other noise-sensitive land uses where the noise control plan analysis determines that a barrier would be effective at reducing noise.” (DEIR pdf p. 182, 10-10.) This needs to be re-examined. The nursing home is right in the middle of this project. Under this mitigation, residents would be walled in without light or views surrounded by noise 12 hours five days a week and 8 hours on the weekend. Given these are individuals who already have health issues, their health and safety, quality of life and the general well being of the community would be substantially compromised. The DEIR should examine a construction schedule so construction takes place only on one side at a time.

The DEIR also acknowledges that the vibrations from the construction, such as from pile driving, will have a significant impact on the neighborhood. (DEIR pdf p. 185.) Further discussion should be made of the suggestion that a construction management plan “shall include predefined vibration reduction measures, notification of scheduled construction activities requirements for properties adjoining the site, and contact information for on-site coordination and complaints.” Not discussed, however, is what if any remedies will be adopted in response to complaints? Also, unknown is whether each and every house will require pile driving or some selected houses? Given

B-28

B-29

B-30

the extent of the adverse impact from the noise and vibration, this may be cause to reduce the number of units.

The noise analysis with respect to vehicles states that data was provided, however, the DEIR also needs to discuss whether this data was gathered during the summer when school is out or during the school year? (DEIR pdf 186.)

B-31

11. Transportation and Circulation

Not disclosed or acknowledged by the traffic section is that Fairview Ave is a designated “slow” street. Further, cyclists and horse riders use Fairview to access the trails.

B-32

Not included in the intersection analysis are Fairview and Old Fairview and Fairview and Five Canyons.

B-33

The DEIR finds that the “Project would result in a significant impact if it met one or more of the following criteria”:

- Resulted 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;
- Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment);
- Resulted in inadequate emergency access;
- Resulted in construction-related impacts; or
- Diverted traffic onto a local, residential street such that its total daily volumes resulted in more than 5,000 vehicles.

(DEIR pdf p. 209.) The reference to “air traffic patterns” needs to be revisited to determine if this reference was an error. The trip generation estimate also appears questionable. Based on the EIRs approved for other developments, trip generations for single family dwellings are 10/day. This appears to understate that estimate. If so, there needs to be a discussion as to why. Also not apparent is where are the daily traffic volumes? Apparently only “peak” volumes are provided. This is insufficient.

B-34

B-35

B-36

Given the lack of adequate information, it appears that the conclusion that the project requires no traffic mitigation is highly questionable. Likewise, the conclusion that the configuration of the intersection of D at Maud “is not considered a hazard because of the low volume of cross traffic” is questionable given the lack of information. (DEIR pdf p. 222.) Also, the DEIR suggests that to enhance sight distance on D street, parking be prohibited on parts of D street. (DEIR pdf p. 222.) Whether this includes neighbors frontage is not disclosed but needs to be discussed. Prohibiting on street parking may render a residence non-conforming.

B-37

B-38

The DEIR finds that “Construction-related activity at the Project sites could result in temporary and periodic traffic disruption and interruption, depending on construction phasing and truck activity.”

B-39

The proposed mitigation is for the applicant to prepare a construction operations plan. This is totally inadequate for a project involved in mass grading. Completely absent are any estimates on how many truck trips, including the size of the trucks, will be generated by this mass grading reducing the elevation of the hillside by 20 feet. Neither is there any discussion on the approved construction routes or timing. This information is critical to ascertain the impacts, including on public streets which heavy construction truck traffic can rapidly deteriorate.

12 Utilities

Although this discussion is important, unclear is why it is separated out rather than incorporated with the other parts of the DEIR addressing storm water and drainage and energy. Also, apparently not required or discussed is whether this new construction will include solar energy to reduce energy consumption.

B-40

13. Less than Significant Effects

The DEIR identifies agriculture and “geology and soils” as less than significant. We disagree. Readily visible from the project site is the Fairview Arabian Farm, now a vineyard. Also throughout the DEIR there is the acknowledgment of Fairview’s rural character.

B-41

Later in this section, the DEIR acknowledges that “However, the Geotechnical Investigation report (pg. 6) also indicates, **‘a large swale within the northeastern portion of the site where previous subsurface explorations were performed, that does contains deep soil deposits (of 13 to 14 feet), and the topography appears irregular and possibly may contain old slide deposits. Additionally, areas where clayey sands were encountered were moist and may be subject to creep (a gradual, downslope soil movement).’** (DEIR pdf 243, 13-9, emphasis added.)

B-42

Additionally discovered were expansive soils: “Testing results yielded liquid limits of 32 and 42 and plasticity indexes of 19 and 27, which correspond to moderate to highly expansive and creep-susceptible clays.” (DEIR pdf p. 247.) The report then makes several recommendations that, “*if approved by the Director of Public Works, shall be incorporated in the final plans.*” This is insufficient and inadequate. The DEIR needs to address these geotechnical findings as a significant concern that may threaten the stability of the hillside and require adequate mitigations.

The DEIR continues under “Instability as a Result of The Project” that “a majority of the Project’s residential building pads will be excavated to a significant depth such that they will be exposed the underlying stable sandstone at the pad surface. However, some residential building pads will be established at areas with significant fill thickness.” (DEIR pdf p. 243, 13-9.) The geotechnical report then makes several recommendations. Again, this discussion does not belong under “less than significant effects.” Projects that may result in the instability of the hillside threaten the health and safety and property of the neighbors and constitute a significant adverse impact. This section needs to be substantially revisited, including a discussion of whether reducing the number of units and grading would mitigate the soil instability found.

B-43

The DEIR finds that the project will not displace “any existing residents.” (DEIR pdf p. 252.) This, however, ignores that the existing housing on the seven parcels has been vacated and boarded

B-44

over, presumably by the applicant, who did displace prior residents. Additionally, this project as proposed would cause serious adverse impacts on the senior nursing facility presently housing 55-59 residents and could create displacements.

The DEIR also claims that there is no or less than significant impacts on police, fire, schools and parks. by contending the population will increase by “84 persons.” This is highly questionable. The DEIR should disclose how it comes to such a conclusion and whether the affected agencies have any thresholds on impacts since the project will add to their obligations.

B-45

14. Alternatives

This section again confirms that this project is inconsistent with the Fairview Specific Plan by proposing as alternative a 30 unit project that satisfies the Fairview Specific Plan. Additionally, the DEIR needs to discuss the 23 unit alternative with respect to geology and as fully consistent with the Fairview Specific Plan. Presently the DEIR inappropriately assumes this alternative would “have the same adverse conflict with policies adopted to preserve the existing site topography, result in deep excavations and mass grading on 20 percent slope or greater.”

B-46

We hope these comments have been helpful and look forward to a DEIR that addresses these substantial inadequacies, important issues and internal inconsistencies.

Sincerely,

S/ Jewell Spalding, Chair

Southern Alameda County Group,

San Francisco Bay Chapter,

Sierra Club

LEED Recommendations

GIB PREREQUISITE: CONSTRUCTION ACTIVITY POLLUTION PREVENTION

Required

ND

This prerequisite applies to

- _Neighborhood Development Plan
- _Neighborhood Development

Intent

To reduce pollution from construction activities by controlling soil erosion, waterway sedimentation, and airborne dust.

Requirements

ND PLAN, ND

Create and implement an erosion and sedimentation control plan for all new construction activities associated with the project. The plan must incorporate best management practices (BMPs) to control erosion and sedimentation in runoff from the entire project site during construction. The BMPs must be selected from EPA's BMPs for construction and post-construction site runoff control.

The erosion and sedimentation control plan must list the BMPs employed and describe how the project team will do the following:

- _preserve vegetation and mark clearing limits;
- _establish and delineate construction access;
- _control flow rates;
- _install sediment controls;
- _stabilize soils;
- _prevent soil loss during construction;
- _stockpile topsoil for reuse;
- _protect slopes;
- _protect drain inlets, all rainwater conveyance systems, and receiving water bodies;
- _stabilize channels and outlets;
- _control pollutants including dust and particulate matter;
- _control dewatering;
- _maintain the BMPs; and
- _manage the erosion and sedimentation control plan.

NPD CREDIT: TREE-LINED AND SHADED STREETS CAPES

ND

1–2 points

This credit applies to

- _Neighborhood Development Plan
- _Neighborhood Development

Intent

To encourage walking and bicycling and discourage speeding. To reduce urban heat island effects, improve air quality, increase evapotranspiration, and reduce cooling loads in buildings.

Requirements

ND PLAN, ND

Option 1. Tree-Lined Blocks (1 point)

Provide trees at intervals of no more than 50 feet (12 meters) (exempting driveways) along at least 60% of the total existing and planned block length within the project, and on the project side of blocks bordering the project, between the vehicle travel way (if there is one) and walkway. Alleys may be exempted from the block length calculations.

AND/OR

Option 2. Shaded Sidewalks (1 point)

Provide shade from trees or permanent structures over at least 40% of the total length of existing and planned sidewalks within or bordering the project (alleys may be exempted). Trees must provide shade within 10 years of landscape installation. Use the estimated crown diameter to calculate the length of sidewalk shaded.

AND

For All Projects with Street Tree Plantings

From a registered landscape architect (or local equivalent for projects outside the U.S.), obtain a determination that planting details are appropriate to growing healthy trees, taking into account tree species, root medium, and width and soil volume of planter strips or wells, and that the selected tree species are not considered *invasive* in the project context according to USDA or the state agricultural extension service (or local equivalent for projects outside the U.S.).

SS CREDIT: RAINWATER MANAGEMENT

3 points

This credit applies to

- _Homes (1–3 points)
- _Midrise (1–3 points)

Intent

To reduce rainwater runoff volume from the site.

Requirements

HOMES, MIDRISE

Projects that must comply with local requirements of the National Pollutant Discharge Elimination System (NPDES) must follow Case 2.

Case 1. Low Impact Development

Use low-impact development (LID) techniques to minimize the amount of stormwater that leaves the site.

Examples of acceptable techniques include the following:

- _planting areas with *native* or *adapted* plant material (e.g. trees shrubs);
- _installing a vegetated roof;
- _using permeable paving, consisting of porous above-ground materials (e.g., open pavers, engineered products), a base layer designed to drain water away from the home, and (often) a 6-inch-deep (150 millimeters) subbase; and
- _installing permanent infiltration or collection features (e.g., vegetated swale, rain garden, rainwater cistern) that can handle 100% of the runoff from a two-year, 24-hour storm.

Single-family home projects may use Table 1 or Table 2 to determine points; *multifamily* projects must use Table 1.

To determine compliance for single-family and multifamily homes, calculate the percentage of the lot area, including the area under roof, that is permeable or can direct water to an on-site catchment or infiltration feature.

Table 1. Points

Points for permeable area, as percentage of total lot area
Percentage

50–64%	1
65–79%	2
≥ 80%	3

Letter B Response – Sierra Club San Francisco Bay – Southern Alameda County Group

- Response B-1: Please see Master Response A regarding consistency with Fairview Area Specific Plan.
- Response B-2: The DEIR notes the presence of nearby sensitive receptors, including the Hilltop Convalescent Home. The DEIR specifically addresses air quality impacts to sensitive receptors on p. 5-10. See also Responses B-12, B-13, and B-29 below regarding sensitive receptors. Reference to the elevation of the hillside is not a comment on the Draft EIR. However, the comment is somewhat misstated, in that only a portion of the hilltop (the portion within the Project site) would be lowered by approximately 20 feet. The north and east sides of the hilltop, which are outside the Project perimeter and about five feet lower than the existing highest elevation, would remain as-is.
- Response B-3: The comment does not address the adequacy of the Draft EIR. Please see Master Response E concerning comments that do not raise issues with the environmental analysis provided in the DEIR, or are otherwise beyond the purview of the EIR and/or CEQA.
- Response B-4: The Draft EIR’s statement on page 9-1 that; “The Fairview Area Specific Plan is part of the Alameda County Eden Area General Plan”, is not in error. The Eden Area General Plan specifically indicates (on page 1-6) that the Eden Area is comprised of four communities including Ashland, Cherryland, Hayward Acres and San Lorenzo. The Eden Area has historically, and for purposes of General Plan land use designations, includes the Fairview area. The Eden Area General Plan also specifies that, “the 1997 Fairview Area Specific Plan contains the goals, policies and zoning regulations that apply to this area.” The Project site is not within the boundaries of the Castro Valley General Plan planning area, and the commenter’s assertion that the Draft EIR is incomplete for failing to examine the Project against the policies of the Castro Valley Area Plan is not correct.
- The commenter’s assertion that the Fairview Area Specific Plan is “more consistent with its neighboring Castro Valley General Plan” is noted. However, the Eden Area General Plan indicates that the Fairview Area Specific Plan provides the goals and policies that are applicable to its planning area. There is no need to assess the Project against any other set of goals and policies other than those of the Fairview Area Specific Plan. The Five Canyons development is adjacent to the Fairview Area Specific Plan boundaries and is part of the Castro Valley planning area. As a very large, area developed by a single entity and with tightly controlled development standards and a homeowners association, Five Canyons is clearly different from the character of the Fairview area.
- The Draft EIR’s statement that the Castro Valley General Plan reported no known paleontological resources in Castro Valley provides general evidence to support the conclusion that it is unlikely that paleontological resources would be found on the Project site. It does not imply that the Project must be fully consistent with all policies of the Castro Valley General Plan. Because of the lack of information regarding paleontological resources in both Castro Valley and Fairview, and because of the depth of excavation required for the Project, the Draft EIR recommends mitigation measures to address the full range of potential cultural,

archaeological and paleontological resources that could be discovered during Project construction.

Response B-5: The Commenter is correct that the Fairview Stakeholders' group or committee has met with Planning and/or Board of Supervisor's District 4 staff periodically over the past several years to address area-wide concerns and issues. In 2014, the Fairview Area Specific Plan Update Committee was convened by District 4 staff. That Committee has met to review and discuss strategy toward revising to the Fairview Area Specific Plan. In late 2016, the Committee selected a consultant to assist in preparing an update to the Fairview Area Specific Plan. It is not expected that this revised or updated Specific Plan will be ready for review or adoption until early 2018, and therefore has no applicability to the current Project.

The Commenter is correct the Board of Supervisors was scheduled to consider establishment of a Fairview Municipal Advisory Committee (MAC) in January 2017. Formal approval of that MAC was postponed, but approvals are anticipated to occur in the near future. The new Fairview MAC may or may not be in place prior to the time that this EIR is presented to the Planning Commission. If the Fairview MAC were to be convened prior to completion of this EIR, it would be appropriate for that MAC to review the EIR and the Project, and make its recommendations to the Planning Commission. However, the Fairview MAC has not yet been convened and no process for their involvement in this Project is currently in place. There does not appear to be any clear relationship between the Fairview Area Specific Plan update, establishment of the Fairview MAC, and those excerpts from the Draft EIR as shown in the Commenter's letter.

As indicated in the Alameda County General Plan Annual Report for 2016, staff has worked with a committee of community members over the past few years to "identify areas of concern regarding development impacts to creeks, roadways and scenic resources. A consultant was selected in late 2016 to revise the Fairview Area Specific Plan to address the community's concerns." This current planning effort is not complete, and no preliminary information from this current planning effort is yet an official part of County land use policy. It is recognized that a new Fairview Municipal Advisory Council (MAC) is being established, but whether this new MAC will review and advise the County Planning Commission on this Project is not a matter to be determined by this EIR.

Response B-6: The statement in the Draft EIR (p. 4-3) that, "Among the major rural roads in the scenic route system is Fairview Avenue, which would have been substantially more rural in character in 1966", is not presented as a justification to avoid the application of the Scenic Element to the Project. The analysis substantively considers the applicability of Scenic Route Element standards to Fairview Avenue, and concludes, in the discussion of potential impact on Scenic Vistas, that "Fairview Avenue is a "major scenic rural-recreation route" in the County General Plan Scenic Route Element. However, due to the intervening topography, structures and landscaping, the Project site is not generally visible from Fairview Avenue except in brief, partial glimpses. Therefore, the Scenic Route Element's standards related to Fairview Avenue would not be applicable to the Project."

The existing view and photo simulation from Lone Tree Cemetery (Viewpoint 1) is generally indicative of views of or toward the Project site from Fairview Avenue

Fairview Avenue lies opposite the chain-link fence, and in the middle ground of this view, extending across the width of the view. The existing photo demonstrates that views from Fairview Avenue toward the Project site are substantially obscured by development that borders the roadway and that, although the Project's new homes will be visible on the ridgeline as seen from the cemetery, they would be out of view from Fairview Avenue due to the intervening development.

- Response B-7: The photo-simulation of the view from Lone Tree Cemetery shows (as discussed in the Draft EIR, page 4-12) that the existing grassy slopes visible from this location would be graded and developed with new residential homes, but the Project's new homes would generally be consistent in character with surrounding neighborhoods, and most similar to the homes on Carlton Court. These new homes are not objectively negative in appearance, nor would they substantially block the vista across the Project site as seen from the Cemetery. Although the view from Lone Tree Cemetery is not a designated public vista, the Draft EIR discussed it as such, and found that the Project would neither block the view or place negative-appearing buildings or uses within that view. The proposed grading of Tract 8297, including its effects on the referenced hilltop, would not alter this result. See also Master Response A regarding the County's interpretation of CEQA impacts as pertaining to inconsistencies with Fairview Area Specific Plan policies pertaining to grading.
- Response B-8: The Draft EIR includes several photographs of the surrounding neighborhoods (Figures 4-7 and 4-8) which demonstrate that the Project's new homes would be similar in appearance to other existing development in the area. Other than the No-Project Alternative, the other alternatives addressed in the Draft EIR would result in roughly the same visual character, although with moderately different grading or density (see discussion on pages 14-7 and 14-11 of the DEIR). See also Master Response A regarding why this alternative is considered more consistent with the Fairview Plan's policies and guidelines.
- Response B-9: The DEIR presents four 'before' and 'after' photo-simulations to demonstrate how the Project will look in its surrounding context. The viewpoints for these simulations were selected as representational of how, and from where most viewers would see the Project, and demonstrate the effect of changed views from various locations. As discussed in Response B-6, the site is not generally visible at all from Fairview Avenue.
- Response B-10: The Draft EIR's text on page 4-13, states that "the general character of the Project would consist of re-graded sites to accommodate new roads with a moderate slope, with new homes placed on generally flat pads (with some split-pad foundations) located along each side of the new roads." This statement was not intended to suggest the site had previously been graded, but rather that the Project would alter the existing grade.
- Response B-11: Figures 4-6 and 4-7 of the Draft EIR, together with the visual simulations, provide substantial evidence to show that the general character of the Project would be similar to and consistent with the residential character of the surrounding neighborhoods. The "mandatory calculation" referred to in this comment is assumed to refer to the method outlined in the Fairview Area Specific Plan to determine the appropriate number of new lots permissible on the site, based on

prevailing lot sizes in the surrounding area. As noted in Table 9-1, page 9-4 of the Draft EIR, “The currently proposed lot sizes (including area and width) and overall density of the Project’s proposed residential lots are consistent with the existing land use pattern of single-family development and prevailing lot sizes and widths of the surrounding neighborhood.” There is no reliance on aerial photos to make any determination about the significance of the Project’s visual effects. There is no evidence of omission or lack of information or evidence, as to the Draft EIR’s determination that the Project would not result in significant adverse aesthetic effects.

The Draft EIR’s analysis of cumulative aesthetic impacts recognizes that “all new cumulative development would be subject to the County’s land use entitlement and environmental review process, including consideration of the principles, policies and guidelines of the Fairview Area Specific Plan.” The analysis also notes that the County’s Design Review process (more specifically, the application of the Specific Plan to each new subdivision, and use of the 2014 Design Standards and Guidelines) would tend to direct new development towards general conformity. County staff does not consider this conclusion speculative, but rather descriptive of the land use and design requirements of the Fairview Plan. It would be impractical and far more speculative to prepare visual simulations of all of the cumulative development identified in the Draft EIR. Determinations about cumulative impacts on aesthetic considerations are necessarily general and not intended to be specific or predictive of a known outcome. The best assurance for avoiding adverse effects of cumulative development is the design and project review process that the Specific Plan and the Design Standards and Guidelines have established and that the analysis describes.

Response B-12: The Draft EIR describes the regulatory setting for air quality concerns related to the Project, including a description of the Bay Area Air Quality Management District’s CEQA Guidelines. As noted on page 4-5 of the Draft EIR, “BAAQMD most recently updated its CEQA Air Quality Guidelines in May 2012. These guidelines continue to provide direction on recommended analysis methodologies, but no longer recommend quantitative significance thresholds. The Air District recommends that lead agencies develop their own thresholds of significance. Alameda County references the BAAQMD CEQA Thresholds Options and Justification Report (2009), which provides substantial evidence for reliance on those thresholds published in 2011. As such, the air quality thresholds used in this EIR are based upon the substantial evidence provided in the BAAQMD CEQA Thresholds Options and Justification Report as accounted for in the BAAQMD’s 2011 Guidelines.”

The County consistently uses these same thresholds in all CEQA documents since 2011, and finds these thresholds to be based on substantial evidence. The comment does not acknowledge each of the individual thresholds used to assess potentially significant exposure to pollutant concentrations. These thresholds include; “*exposing sensitive receptors to substantial levels of TACs resulting in an increase in cancer risk level greater than 10 in one million, an increase in non-cancer risk (chronic or acute) hazard index greater than 1.0, or an increase of annual average PM2.5 of greater than 0.3 micrograms per cubic meter; or, under cumulative conditions, resulting in a cancer risk level greater than 100 in a million,*

a non-cancer risk (chronic or acute) hazard index greater than 10.0, or annual average PM2.5 of greater than 0.8 micrograms per cubic meter” (DEIR page 5-16). The Commenter does not provide any substantial evidence for the County to consider as a basis for establishing lower or different thresholds.

Response B-13: As indicated in the Draft EIR (page 5-22), “The effects of the environment on the Project is not considered a CEQA impact; CEQA impacts are instead focused on the effects of the Project on the environment.” This DEIR is based primarily on California Supreme Court decision (*California Building Industry Association v. Bay Area Air Quality Management District, December 17, 2015*). For this reason, the potential exposure of new sensitive receptors (i.e., new Project residents) to substantial ambient levels of toxic air contaminants is provided in the Draft EIR (at page 5-22) for informational purposes only.

Response B-13: The County has, as standard practice, consistently used screening levels based on the substantial evidence provided in the BAAQMD CEQA Thresholds Options and Justification Report (BAAQMD’s 2011). These screening levels provide a conservative indication of whether a project could result in potentially significant air quality impacts related to emission of construction-period or operational period criteria air pollutants, and/or greenhouse gas emissions. If a proposed project does not exceed the applicable screening criteria, then detailed quantification of these emissions is not required. The Project, at 31 single-family lots, is well below each of the applicable screening level sizes for construction-period or operational period criteria air pollutants, and greenhouse gas emissions. The Project is, therefore, not anticipated to result in emissions of criteria pollutants during construction or operation, or GHG emissions during operations that would exceed threshold levels.

The Project’s construction-period criteria pollutant emissions of ROG, NOX, PM10 and PM2.5 are not expected to exceed threshold levels based on these screening criteria. The DEIR conservatively requires that the Project implement “Enhanced” construction-period emission reduction measures, in addition to the otherwise applicable “Basic” measures, due to the Project’s immediate adjacency to particularly sensitive receptors at the Hilltop Care Convalescent Home.

With respect to TAC emissions, the DEIR discusses the impacts of construction and operations emissions, beginning on p. 5-21. There the DEIR states, “The BAAQMD does not provide a screening level to determine the size of construction projects that are typically small enough that they are assumed to generate TAC emissions at levels that would not exceed significance thresholds. However, based on the EIR preparer’s experience in environmental review for other residential projects and the County’s own similar experience, significant emissions of construction period TACs are not usually indicated for single-family residential projects below approximately 200 dwelling units. Due to the relatively small size of the Project, potential health risks to nearby sensitive receptors due to construction-period TAC emissions are considered less than significant. However, the Draft EIR conservatively requires that the Project implement “Enhanced” construction-period emission reduction measures, in addition to the otherwise applicable “Basic” measures, due to the Project’s immediate adjacency to particularly sensitive receptors at the Hilltop Care Convalescent Home. These “Enhanced” measures include requirements for use of Best Available Control Technology

(BACT) during grading operations. The currently available best control technologies include Tier 4 diesel engines (or their equivalent), which have been shown capable of reducing as much as 85% to 90% of the diesel particulate emissions from construction equipment.

Response to B-14: The Draft EIR includes two separate thresholds for GHG emissions; 1) a quantitative threshold of 1,100 metric tons of CO₂e per year, and 2) a qualitative assessment of whether the Project would conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

As described in Response B-3, the Project, at 31 single-family lots, is well below the GHG screening size of 56 single-family residential units, conservatively used to determine whether a project could result in potentially significant greenhouse gas emissions. Since the Project does not exceed the applicable screening criteria, detailed quantification of GHG emissions is not required, and GHG emissions are considered to be individually less than significant, and making a less than significant contribution to global climate change.

To assess the second criteria (a potential conflict with an applicable plan, policy or regulation adopted for the purpose of reducing emissions of greenhouse gases), the Draft EIR recognizes that the Project is required to comply with California Title 24 standards for energy efficiency, as well as the County's Green Building Ordinance (Chapter 15.08 Building Code, Section 460: Green Building Program). Pursuant to the Alameda County Building Code, new residential projects must achieve minimum certification under either LEED (Leadership in Energy and Environmental Design) for Homes, the "Build It Green" point rating system, or another nationally recognized program" (p.5-23). The GreenPoint rating system is a third-party certification program of "Build It Green", a professional non-profit membership organization whose mission is to promote healthy, energy- and resource- efficient buildings in California. The Leadership in Energy and Environmental Design (LEED) Green Building rating system is another third-party certification program and the nationally accepted benchmark for the design, construction and operation of high performance buildings. Any other nationally recognized method must be capable of demonstrating to the County Building Official that it provides equivalency in the design, construction and maintenance of buildings to achieve the goals of the Ordinance.

Response to B-15: Figure 6-3 in the Draft EIR shows the approximate locations of known Alameda County whipsnake occurrences in the Project vicinity, and is purposefully generalized, determined by CDFW as appropriate for public information. Alameda Whipsnake occurrence #136 is located within a tributary drainage that is part of the Five Canyons Open Space.

Response to B-16: The Draft EIR (page 6-9) identifies potential special status species that may forage in the grasslands and potentially establish nests on the site. Included in this list of potentially present species is the white-tailed kite, which may nest in trees of suitable height, potentially including the eucalyptus trees along the eastern edge of the easterly parcel. The Draft EIR (page 6-15) identifies potential impacts to nesting birds (potentially including the white-tailed kite) resulting from the Project's construction and tree removal. Mitigation Measure Bio-3 requires nesting bird surveys be conducted 30 days prior to construction, with buffers and other

appropriate measures to be implemented if active nests are found. With implementation of these measures, impacts to nesting birds was found to be less than significant.

The commenter suggests that a family of white-tailed kites live nearby in Fairview. The nesting bird surveys require a survey area of 1,000 feet from the site, determined to be an adequate buffer distance to address potential off-site effects.

Response to B-17: Reconnaissance biological surveys conducted for this EIR were done in January 2016, at a time when special-status plants are not easily detected, and again in July 2016. The 2016 survey targeted four species; Loma Prieta hoita (*Hoita strobilina*), Santa Cruz tarplant (*Holocarpha macradenia*), woodland woollythreads (*Monolopia gracilens*), and Oregon polemonium (*Polemonium carneum*), which typically bloom and are identifiable later in the season (May to October). None of these species targeted during the July survey were found. The Draft EIR notes that appropriately timed surveys for five other potentially present special status plants have not yet been conducted. Mitigation Measure Bio-1A requires appropriately-timed surveys (March through June) be conducted prior to construction.

Because the potential for presence of AWS was found to be unlikely but not definitively ruled out, regulatory consultation with USFW and CDF is recommended (on page 6-14) but also noted as required on page 6-15. Consultation as a manner of regulatory compliance is not itself mitigation. The EIR does not assume that the Project goes forward without regulatory consultation, as asserted in this comment.

Response to B-18: Please see Master Response A regarding consistency with the Fairview Area Specific Plan, and specifically those potential inconsistencies identified as CEQA threshold considerations. As indicated in Table 9-1 of the Draft EIR, the Project does not conflict with Specific Plan Policies D.1.a through D.1.e, which address biological resources related to riparian woodlands, wetlands, oak woodlands, special status species and wildlife corridors.

Please also see Response to B-4 regarding how the Project is not subject to the Castro Valley General Plan.

Response to B-19: This comment is interpreted as questioning what policies, regulations and standards apply to the Project's proposed hydrology improvements. Beginning at page 8-15 of the Draft EIR is a full list of all applicable regulatory requirements that apply to the Project as related to hydrology. Additionally, each sub-section of the Hydrology impact analysis identifies those specific regulatory measures that are applicable to the Project under the individual categories of construction-period water quality, post-construction water quality, increased stormwater runoff and potential flooding. This information is all fully included in the Draft EIR.

Land use and circulation policies applicable to the Project are identified in those respective chapters of the Draft EIR.

Response to B-20: Comment noted. Prior enforcement issues related to other projects is not relevant to this Project's EIR.

Response to B-21: This comment references a house "at the corner of Jelinsic (sic) and Hanson" (presumably near the Hanson-Fairview roundabout, near a natural drainage channel) which apparently suffers from underground drainage issues. As indicated

in Figure 8-1, the roundabout is near where the North Fork of Sulphur Creek begins as a natural, non-engineered creek channel from an underground culvert outfall. However, as indicated in Table 8-2 of the Draft EIR, runoff from the site is managed such that there would be no increase in either the 10-year or 100-year storm at analysis point W1 (flowing into the existing storm drain to the west). In more general terms, the Draft EIR clearly describes and illustrates (such as in Figure 8-1) the physical location of the nearest creeks in relation to the Project site.

- Response to B-22: The Draft EIR, beginning at page 8-10, does include separate substantive discussions addressing the individual topics of construction-period water quality (Hydro-1), post-construction water quality (Hydro-2), increased stormwater runoff (Hydro-3) and potential flooding (Hydro-4). Each topic includes a description of the potential for impacts, the applicable regulatory requirements, how the Project proposes to address these regulatory requirements, any additional mitigation measures (if necessary), and the resulting level of significance. None of this important information is “buried” within the document.
- Response to B-23: CEQA Guidelines, section 15131 makes clear that “economic or social effects of a project shall not be treated as significant effects on the environment.” Analysis of the costs to future homeowners for maintaining the storm drain system is not a CEQA matter.
- Response to B-24: The Alternatives chapter of the Draft EIR does include a Reduced Density Alternative of 23 new lots, reduced by 25% as compared to the Project. The comparative analysis of this alternative’s effect on hydrology are presented on page 14-7. This analysis indicates that a reduction in lots may or may not reduce total impervious surfaces that result in increased volume of storm water runoff, depending on the size of the individual homes ultimately constructed. Compliance with existing regulations would still be required, including preparation of a storm water management plan to treat runoff quality and to limit post-construction runoff to pre-development conditions. LEED stormwater management plans as recommended by the Commenter may be beneficial; however, they are not necessary to avoid or mitigate a significant stormwater or hydrology impact, and therefore do not need to be included in the EIR or required for the Project.
- Response to B-25: The Draft EIR is internally consistent as to its discussion of increased runoff from the site. The Project would result in a substantial increase in impervious surfaces, increasing the volume of runoff from the site surfaces under typical conditions and under storm conditions. However, the Project includes a proposed Stormwater Management Plan (described in detail beginning at page 8-20) that includes underground, oversized pipes that provide stormwater detention and flow control. Release valves on these underground detention facilities will be designed to meter outflow rates so that released runoff results in equal or lesser amounts of stormwater leaving the site than occurs under existing conditions.
- Response to B-26: Please see Master Response A regarding the Project consistencies and inconsistencies with the Fairview Area Specific Plan. Please also see response B-4 above regarding applicability of the Castro Valley Area Plan to the project site.
- Response to B-27: Please see Master Response A regarding the Project’s consistencies and inconsistencies with the Fairview Area Specific Plan, and specifically see the

discussion as to how these inconsistencies relate to CEQA thresholds and impacts (A1), and the discussion of Alternative C (A2).

Response to B-28: The Draft EIR (beginning at page 10-9) fully identifies significant impacts associated with construction noise. Please also see Master Response C regarding construction noise and mitigation measures.

Response to B-29: The comment presumes, without benefit of a construction plan, that noise barriers as required pursuant to Mitigation Measure Noise-1 would “wall in” the Convalescent Home and preclude light and views. Given the variations in elevation between the two Project sites and the Convalescent Home, it is not certain that a noise barrier would preclude light from entering the Convalescent Home. To the extent that such barriers may obstruct some light, and would likely block views to the west, these effects would be temporary and would not rise to the level of significance. The temporary visual obstructions would be outweighed by the noise attenuation provided by such barriers during the construction process.

The Project’s grading plan is designed to enable cut soil from the upper Tract to be placed as fill soil on the lower Tract, thereby balancing cut and fill within the Project and avoiding off-haul of soil. This cut and fill grading process needs to occur simultaneously. In the alternative, if cut material were to be off-hauled from the upper Tract, that hauling process would increase noise and emissions associated with haul trucks. A subsequent effort of hauling necessary fill soils for the lower Tract would then double the hauling requirements, with additional noise and emissions. The Project’s proposed cut and fill balance is environmentally preferable to separate processes on one side at a time.

Response to B-30: As noted on page 10-11 of the Draft EIR, “The proposed Project is not expected to require pile driving, which can cause excessive vibration, but does anticipate the need for cast-in-place concrete piers relying on drilling.” Pile driving relies on hammering piles in place using pneumatic “drivers”, whereas drilling relies on drilling a hole into the ground and then pouring concrete into the drilled holes. As shown on Table 10-7, the difference in peak particle velocity (PPV) at a distance of 25 feet from the noise source is a typical range of 0.664 inches per second ppv for pile driving, and a typical range of 0.089 inches per second PPV for caisson drilling. Given that ground borne vibration levels exceeding 0.3 inches per second PPV are considered significant, caisson drilling has far less impact than pile driving.

Remedies identified in Mitigation Measure Noise-2 include minimizing or avoiding use of clam shovel drops, vibratory rollers and tampers near shared property lines.

The Alternatives chapter of the Draft EIR does include a Reduced Density Alternative of 23 new lots, reduced by 25% as compared to the Project. Even under this reduction in unit count, overall grading activities and new home sites would still be close to neighboring residences to the north, east and west, and in the same proximity to the Hilltop Convalescent Care Facility.

Response to B-31: The Draft EIR (at page 11-7) indicates that traffic counts were collected on February 3, 2016 and September 8, 2016, when local public schools were in session. Additional peak-period traffic counts were taken in the afternoon at the intersection of Kelly Street and Maud Avenue to count peak school-related traffic.

Response to B-32: The posted speed limit on Fairview Avenue is 30 miles per hour. The three roundabouts on Fairview Avenue do intentionally serve to slow down vehicle speeds on this roadway. Fairview Avenue is designated to become a Class III (on-street, signed only) bike route, but it is not currently so designated.

Response to B-33: The Project would generate few, if any, peak hour trips via the Fairview/Old Fairview or Fairview Avenue/Five Canyons Road intersections. The DEIR evaluated seven other intersections that are more likely to be affected by Project traffic, including two intersections on Fairview Avenue that are closest to the Project site: at Fairview Avenue/D Street and Fairview Avenue/Hanson Road-Vista Lane. At each of those intersections, Project impacts were found to be less than significant, given the relatively small volume of Project traffic generated – a total of 23 a.m. and 31 p.m. peak hour vehicle trips (thus one added vehicle trip every two to three minutes). The Project volume is not enough to result in any significant change to LOS at any intersection.

In addition, as indicated in the DEIR, just a small portion of Project trips would travel on Fairview Avenue – just five vehicle trips in the a.m. peak hour (thus one added vehicle trip per 12 minutes) and three vehicle in the p.m. peak hour (thus one added vehicle trip per 20 minutes). Most of those trips using Fairview Avenue would be traveling to/from Hanson Avenue, thus not traveling south of Hanson Avenue. The majority of Project trips would travel via D Street (to/from Foothill Boulevard and I-880) or Maude Avenue (to/from I-580).

Response to B-34: CEQA Guidelines and the County’s standard CEQA thresholds include a threshold pertaining to potential changes in air traffic patterns as a result of a project. The Project has no effect on this threshold issue, but it was not included in error.

Response to B-35: The daily trip generation for the Project is 9.52 total trips per unit, as shown in Table 11.8 on page 11-22 in the Draft EIR, slightly less than 10 trips per day per unit. Please also see Master Response B1 regarding frequent comments about traffic, and specifically that Master Response about trip generation rates.

Response to B-36: Table 11.8 of the Draft EIR presents weekday daily trip generation for the proposed Project, including daily traffic volumes (295 total). However, AM and PM peak-hour trip rates are used in the analysis of intersection level of service.

Response to B-37: Contrary to the assertion in the comment, there is adequate information provided in the Draft EIR to support the conclusion that there would be no significant impact on intersection level of service, and that no mitigation is required. Please also see Master Responses B1 through B3 regarding frequent comments about traffic and the analysis provided in the Draft EIR.

The analysis of transportation impacts is based on adopted Alameda County criteria for signalized and unsignalized intersections, detailed on p. 11-19. The technical analysis by the traffic consultant as presented in the Draft EIR concluded that, “Traffic generated by the Project would increase traffic levels at the study intersections, but would not change the existing level of service at any studied intersection.” (DEIR, p. 11-25, Transp-1). The same is true when Project traffic is added to Cumulative Baseline conditions, as discussed in the Draft EIR (see DEIR, pp. 11-26 to 11-27, Transp-2).

- Response to B-38: The intersection configurations analyzed in the Draft EIR for potential safety hazards are those Project access roads and their intersections at D Street. The intersection of D Street and Maud (as referenced in this comment) was not the subject of the statement in the Draft EIR quoted in the comment, but instead refers to cross traffic on D Street, uphill from Fairview Avenue, where cross traffic (i.e., vehicles turning into and out of D Street from the two Project streets) generated by the Project would be extremely low and not enough to create a safety hazard. The conclusions of the traffic engineers, as presented on pages 11-30 through 11-34 of the Draft EIR are based on traffic volume counts on D Street easterly of Fairview Avenue, expected turning movement volumes onto D Street from these new roads, as well as available site access. The addition of Project traffic to existing traffic volumes at D Street and Maud Avenue is also proportionally insufficient to result in a noticeable delay or safety hazard, and no mitigation measures are required.
- Because on-street parking between the two Project streets could potentially obscure safe turning movements, the transportation technical consultant recommends a design solution (not an EIR mitigation measure) to improve sight distance safety. This design solution involves prohibiting on-street parking on the south side of D Street for a distance of a little over 300 feet, from approximately 30 feet east of the Tract 8297 intersection to 30 feet west of the Tract 8296 intersection. With the exception of approximately 30 feet east of the Tract 8297 intersection, the remaining approximately 270 feet of prohibited street parking would occur along the Project's frontage.
- The comment that "prohibiting on-street parking may render a residence non-conforming" is not correct. The provision of on-street parking does not affect whether or not adjacent residents are in conformance with zoning standards. Rather, conformance with the Zoning Code's parking standards is based on the provision of off-street parking. Also, see Master Response B2 regarding frequent comments about D Street traffic concerns.
- Response to B-39: The Project's grading plan is designed to enable cut soil from the upper Tract to be placed as fill soil on the lower Tract, thereby balancing cut and fill within the Project and avoiding off-haul of soil. The grading operation would not cause construction truck trips on public streets in the neighborhood, as all trips would only occur within the Project boundaries, or only crossing the Hilltop Care Home's private property (the Hilltop property owner has not expressed an objection to temporary use of their property for this purpose). A typical construction traffic control plan would be required to guarantee repair of public road if they are damaged by delivery trucks.
- Response to B-40: The Project's effects on utilities are accorded a separate chapter in the Draft EIR, as is standard for most County issued EIRs. Cross-references, where applicable, to water quality and hydrology topics are identified. There is no obligation for an EIR to evaluate if solar energy will or will not be used, and there is no potential for a significant adverse environmental impact if the Project does or does not use solar energy.
- Response to B-41: The Fairview Arabian Farm, now vineyard, is not part of the Project and is not adversely affected by the Project. The Project site is not shown on the Farmland Mapping and Monitoring Program of the California Resources Agency as containing

any prime, unique or important farmland. The Project does not involve changes in the existing environment that could result in conversion of off-site agricultural lands to non-agricultural use. The Fairview Area Specific Plan establishes zoning of the Project site as R-1-B-E: Single Family Residential – consistent with the Project’s proposed use. The Project does not represent a significant change in Fairview’s semi-rural residential character, as discussed in Chapter 4 of this Response to Comments document.

Response to B-42: Throughout the Draft EIR, the document distinguishes the difference between regulatory compliance, and mitigation measures. Where compliance with existing regulatory requirements will fully avoid or address an otherwise potentially significant effect, it is rightly assumed that the Project will comply with those regulations and no additional mitigation measures are recommended or warranted. This is specifically the case as it relates to geotechnical concerns on the site.

The Project will be required to comply with California Building Code standards, with the Alameda County Grading Ordinance (Code of Ordinances, Title 15 - Buildings and Construction, Chapter 15.36 – Grading) and the Alameda County Subdivision Ordinances (Title 16 - Subdivisions, Chapter 16.08.050). These regulations require a geotechnical/geologic investigation report to be prepared, subject to the approval of the Director of Public Works, with recommendations included in the reports and approved by the Director of Public Works to be incorporated in the Project’s final plans and specifications. The recommendations for the Project, as included in the required geotechnical report (*Henry Justiniano & Associates, Geotechnical Investigation Report and Updates, Proposed 31 Single Family Residences at 3231 & 324 7 D Street (Tract 8296) and 3289 & 3291 D Street (Tract 8297), August 10, 2015 (Appendix G)*) are presented in the Draft EIR. These recommendations are intended to demonstrate compliance with existing regulations, which are to be incorporated in the final plans and specifications for the Project to reduce the risk of landslides to a less than significant level. The Director of Public Works may require additional or supplemental geotechnical/geologic investigations and reports, as the Director may find necessary. The County’s professional geotechnical consultant will evaluate the Geotechnical Investigation Report and any updates, which, pursuant to the state Geologist, has proven to be the most effective strategy for identifying and avoiding geotechnical hazards.

Response B-43: The Draft EIR addresses the issue of slope instability and potential effects on neighboring properties, beginning at page 13-8: *“According to the Geotechnical Investigation Report (pg. 8), “there are no steep, unsupported banks that potentially could be influenced by lurching or lateral spreading. Seismically induced slope failure may occur in hillside areas, especially when sites are in close proximity to earthquake epicenters. Based on the relatively gentle nature of the site topography and shallow depth to relatively strong rock, we consider that this risk would be insignificant and far below the range of acceptability that would commonly be associated with hillside construction in the Hayward Hills area.”* The Draft EIR also cites the Geotechnical Investigation report (pg. 6) as indicating that, *“a large swale exists within the northeastern portion of the site where previous*

subsurface explorations were performed, that does contains deep soil deposits (of 13 to 14 feet), and the topography appears irregular and possibly may contain old slide deposits. Additionally, areas where clayey sands were encountered were moist and may be subject to creep (a gradual, downslope soil movement)."

Mitigation for slope instability is addressed in the Geotechnical Report's recommendations. These recommendations call for over-excavation of this area of fill, soft soil deposits and residual soil; installation of sub-drain pipes or trenches; placement of fill materials as a continuous bench at slopes not exceeding a 2 horizontal: 1 vertical gradient; engineering fill requirements for compaction; and seeding of all disturbed slope to mitigate erosion. All of these operations are to be conducted under the supervision of the Project Engineer, and compaction testing procedures conducted by a Field Technician. With incorporation of these relatively common geotechnical recommendations in the final plans and specifications for the Project, the potential risk of landslides would be reduced to a less than significant level. The commenter provides no evidence or substantiation as to why this recommended geotechnical approach is insufficient.

Response B-44: As of the date of the NOP for this EIR (i.e., existing conditions), there are not any people residing in the existing buildings, and no people will be displaced by removal of these homes or barns. The Project does not involve any physical change to the Hilltop Convalescent Care facility that would result in displacement of existing residences from that facility. Construction-period noise and dust impacts will be temporary and mitigated by measures identified in this EIR. Residents may choose not to remain within the care facility during the construction period, but that would be a personal decision rather than physical displacement.

Response to B-45: The Project is located within an established residential area that is currently served by the Fairview Fire Protection District and the Alameda County Sheriff, as well as a park and school district. All of these agencies and districts were advised of the proposal and have advised the Planning Department of their concerns or recommendations, which are addressed in the Draft EIR or will be incorporated into the conditions of approval. Thresholds of significance are determined by the County Planning Department and may utilize thresholds provided by appropriate agencies or special districts. However, in this case, these agencies did not indicate that the project would represent an excessive burden on their ability to maintain services. Fees and taxes collected by the districts and the County through property taxes have been estimated to be adequate or to more than sufficient to compensate for the modest additional services that would be required for the Project.

The addition of 31 new homes and an assumed new population of 84 persons is a small increment of new development in comparison to the surrounding area, such that its demands on public services (i.e., police and fire) will not affect service ratios or response times, or require any new facilities. The comment provides no evidence to the contrary.

Response to B-46: Please see Master Response A regarding the Project's consistencies and inconsistencies with the Fairview Area Specific Plan, and in particular that portion of the Master Response pertaining to alternatives. Alternative C, which could yield 30 units, is intended to provide for greater consistency with the Specific Plan, and

was, as the Commenter suggests, proposed because the Project would conflict with some specific, identified policies of the Specific Plan. However, as stated in the DEIR, the Project is conforming to the vast majority of policies in the Specific Plan. Alternative B is a 25% density reduction alternative, and is assumed to utilize the same street configuration, grading and lot preparation as the Project. . As such, Alternative B would not preserve existing site topography, and would result in deep excavations and mass grading of the site, similar to the Project.



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March 16, 2017

VIA E-MAIL AND U.S. MAIL

Andrew Young, Senior Planner
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**Re: Comments on Draft EIR for Fairview Orchards/Fairview Meadows
Subdivision Project (SCN: 2016062057)**

Dear Mr. Young:

This law firm represents the applicant, D Street Investments, LLC (Applicant), in connection with the above-referenced project (Project) located at 3231, 3247, 3289, and 3291 D Street in the Fairview Plan area of unincorporated Alameda County (collectively, Project Sites). Thank you for the opportunity to comment on the Project's Draft EIR.

Before providing our formal comments on the Draft EIR, we would like to express our gratitude for the careful consideration County staff and the County's environmental consultant have provided this Project and the related environmental review. As the Applicant, we understand the importance of having a robust CEQA analysis as part of the Project's entitlement process, which provides the required evaluation and disclosure to ensure meaningful consideration by the decision makers and the public prior to taking action. We believe that, overall, the Draft EIR achieves these goals and represents a good faith, thoughtful approach in this regard.

Accordingly, our comments provided herein should be construed in light of the foregoing. To that end, we provide the following comments to further elucidate certain issues raised in the Draft EIR as part of this process, which are intended to merely clarify and amplify the analyses therein.

Project Description

As accurately noted in the Draft EIR's project description, the Applicant seeks to demolish existing abandoned structures and develop on this under-utilized infill site a total of 31 single-family homes and related improvements. This proposal has

been designed to blend with the nearby surrounding residential uses and the existing convalescent home, to ensure compatibility in design and use.

Project Objectives

The Project description lists four Project objectives, all of which are accurate from the Applicant's perspective. In addition to these stated objectives, the Applicant would like to note the following additional related objectives that are equally relevant to this analysis, particularly the alternatives discussion (see below):

- Create a well-planned subdivision, utilizing existing utility and street infrastructure, which can timely deliver much-needed additional housing by providing for its development in an orderly manner that takes into consideration practical building constraints.
- Remove existing, blighted structures and redevelop an under-utilized, infill site with a residential project that implements the overall vision of the Fairview Specific Plan, while taking into consideration impacts on the community as these relate to aesthetics, length of construction, off-haul of soil, and preservation of watershed drainage patterns and flow capacities.
- Develop a residential project that is consistent and compatible with the surrounding residential uses in terms of relevant development standards such as density, setbacks, site layout and design, and padded lots, and that provides public streets for on-street guest parking.

C-1

The Applicant has designed the Project to achieve the above objectives and to avoid the circumstances discussed below (see alternatives section).

Holistic Grading Concept

The Project's grading concept was developed with a holistic approach. In preparing the Site Grading Plans, a number of issues were considered and integrated into the plan. These included:

- Overall consistency with Fairview Specific Plan Policies and Guidelines.
- County Street Design Standards.
- Minimizing grading over the life of the Project.
- Creating accessible, buildable, and marketable lots.
- Creating usable yard space.
- Balancing the cut and fill on site.

C-2

- Controlling stormwater runoff.
- Locating stormwater quality treatment in areas visible and accessible from public streets.

The Specific Plan includes a number of development policies and guidelines, including some related to minimizing grading. These policies and guidelines must be considered in context with other relevant provisions of the Specific Plan and County Code and over the life of the Project including, among other things, the initial grading for streets as well as subsequent grading necessary to create buildable lots.

Too much focus on the isolated objective of “minimizing” grading can often have adverse consequences including the following:

- Unbalanced earthwork requiring the off-haul of material through existing neighborhoods for both street and lot grading.
- Subsequent lot grading for access to the lots, the construction of foundations and retaining walls, usable yards, controlling cross lot drainage, and the construction of water quality features.
- A substantially extended buildout period due to the Project being a custom lot development.

(C-2
continued)

By using a holistic approach that considers the grading required for streets, drainage, lots, and homes together, it is possible to develop a project that has:

- Balanced earthwork.
- Accessible lots.
- Simple foundations.
- Usable yards.
- Controlled drainage.
- Stormwater quality treatment in visible locations.
- A reduced buildout period.

We suggest the above information and additional objectives are included in the Final EIR to further encourage meaningful consideration of the Project, and to augment and clarify the alternatives analysis.

Land Use Section

Among other things, the Draft EIR appropriately acknowledges that the determination of consistency with Specific Plan policies is a matter of interpretation and is often a question of “degree.” (See Draft EIR, at p. 9-3)

With respect to the consistency determinations made by County staff in the Draft EIR, we would like to provide some additional information for the County decision makers to consider. As explained more fully below, the following highlights the relationship between a discussion of “consistency” for purposes of determining land use impacts under CEQA,¹ and the way in which State Planning and Zoning Law requires consistency determinations be made.

Consistency Determination Must Be Made By The Decision Makers, Who Have A Significant Degree Of Discretion In This Regard

The Draft EIR reflects a detailed analysis of consistency issues for purposes of evaluating potential land use impacts, which can be very helpful to the decision makers and the general public and foster appropriate disclosure. However, it is important to clarify that in the end, the consistency determination is one to be made by the decision makers, not by County staff. This is because the Fairview Specific Plan (which is part of the County’s General Plan) provides the “charter for future development” and sets forth the County’s “fundamental policy decisions about such development.” (*Friends of Lagoon Valley v. City of Vacaville*, 154 Cal. App. 4th 870, 815 (2007)) The decision makers who authored and adopted the policies in the first instance are viewed as having “unique competence to interpret those policies when applying them in its adjudicatory capacity.” (*Save Our Peninsula Comm. v. County of Monterey*, 87 Cal. App. 4th 99, 142 (2001), citing *City of Walnut Creek v. County of Contra Costa*, 101 Cal. App. 3d 1012, 1021 (1980))

C-3

In making this determination, decision makers have a significant degree of discretion. Reviewing courts generally defer to the land use authority’s superior abilities to interpret and apply the general plan policies they have authored. (See *Save Our Peninsula Comm. v. County of Monterey*, 87 Cal. App. 4th at 142 (“When we review an agency’s decision for consistency with its own general plan, we accord great deference to the agency’s determination.”))

¹ The Draft EIR properly notes that for purposes of CEQA review, land use consistency is only relevant to the extent the policy referenced was adopted by the decision makers for the purpose of avoiding or mitigating an environmental impact, as opposed to when policies are included for other purposes. (Draft EIR, at p. 9-2) However, making these distinctions can be difficult, and there is often debate in this regard. For example, here, it is not clear from the record that all cited policies in the Land Use chapter were, in fact, adopted for the purpose of mitigating or avoiding environmental impacts. Nevertheless, for purposes of these comments, we are assuming that to be the case.

Accordingly, we suggest the Final EIR be clarified to reflect that the consistency determination set forth therein is ultimately one to be made by the decision makers, in this case the Planning Commission.

Consistency Determination Must Be Made In Light Of The Specific Plan As A Whole

The Draft EIR concludes that the Project is consistent with the “vast majority” of cited policies. (Draft EIR, at p. 9-3) However, in certain respects, it reflects County staff’s determination that the Project is “inconsistent with several selected policies and guidelines,” or consistency is “undetermined because there is insufficient detail.” (*Id.*)

As a preliminary matter, the notion that the Project is consistent with the “vast majority” of policies -- but because of purported “inconsistencies” with a few, this would still equate to a significant land use impact -- is not accurate or required under CEQA. Accordingly, we respectfully disagree with the conclusions of County staff in this regard, and instead provide substantial evidence (as described more fully below) as to why the Project’s land use impacts should be characterized as less than significant and thus requiring no mitigation.

Furthermore, as noted above, the ultimate determination is to be made by the decision makers in any event. In so doing, the following legal principles apply and should be considered in the Final EIR, as appropriate.

A decision by an agency such as the County affecting land use and development must be consistent with applicable general and specific plans. (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 570; *Friends of Lagoon Valley v. City of Vacaville, supra*, 154 Cal.App.4th at 815) **However, to be consistent, an action, program or project need only be “in agreement or harmony” with the plan, meaning that, considering all its aspects, it will further its objectives and policies and not obstruct their attainment.** (*Friends of Lagoon Valley, supra*, 154 Cal.App.4th at 817. See also *City of Irvine v. Irvine Citizens Against Overdevelopment* (1994) 25 Cal.App.4th 868, 879)

Accordingly, in making this consistency determination, the Project at issue must be evaluated against the plan as a whole. **Because policies in a general plan or a specific plan reflect a range of competing interests, an agency is allowed to weigh and balance the plan’s policies when applying them, and it has broad discretion to construe its policies in light of the plan’s purposes.** (*Save Our Peninsula Comm. v. Monterey County Supervisors, supra*, 87 Cal.App.4th at 142. See also *Friends of Lagoon Valley, supra*, 154 Cal.App.4th at p. 816; *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1192)

The Project, As A Whole, Can Be Viewed As Consistent With The Specific Plan

Applying the foregoing principles, we offer the following additional information for consideration in the Final EIR by the Planning Commission.

C-4

C-5

As noted in the Draft EIR, County staff concluded that the Project “conforms to the vast majority of the Fairview Specific Plan’s policies and guidelines...” (Draft EIR, at 9-3) Even when noting the purported “inconsistencies” discussed below, staff acknowledged that “it is difficult to ascertain how the development could better serve to enhance the sites’ natural topography and qualities, and it is well-established and accepted practice to grade slopes to create flat pads for homes and conventional level outdoor yards.” (Draft EIR, at pp. 9-5, 9-6)

Nevertheless, staff determined there were inconsistencies with certain policies, focusing primarily on questions of grading vis-à-vis the natural topography of the site, and then, based on this conclusion, found a significant land use impact. For example, staff concluded the Project “does not strive for maximum retention of the natural topography” since it proposes to re-grade the Project Sites to accommodate flat pads, and does not group or shape the proposed residential structures “to compliment the natural landscape, but would instead be constructed in a linear pattern...” (Draft EIR, at p. 9-7) Instead, staff suggested that split pads and reduced excavation would be “feasible, would provide greater visual interest and would be more complementary to natural landforms.” (*Id.*)

We appreciate County staff’s concerns regarding the scope of proposed grading and a desire to protect the natural topography of the Project Sites. Nevertheless, we believe the analysis must acknowledge the inherently subjective nature of these conclusions rather than treat these as objective facts to be considered. Consistent with the nature of general/specific plans, these documents set forth broad policy statements that are intrinsically subjective and must be evaluated in that context. For instance, what constitutes a proposal that: “strives for maximum retention of the natural topographic features”; has grading which “complement[s] and blend[s] with natural landforms and improve[s] relationships to other developed areas”; and keeps grading “to a minimum”, is clearly subject to interpretation.

C-6

Further, we note as an aside, that while County staff concluded the Project is inconsistent with a few policies and guidelines, thereby purportedly creating a significant land use impact, the Draft EIR included a detailed analysis of the Project’s potential aesthetic impacts, and determined that all such impacts would be less than significant. In so doing, the Draft EIR found that while the Project would “result in a change to the site’s existing visual character, [] that resulting character would not be substantially different than other surrounding properties and would not significantly degrade the visual character or quality of the site or its surroundings.” (Draft EIR, at p. 4-13) The notion that the Project is “inconsistent” with policies relating to the retention of natural topography, but is found to have no significant aesthetic impacts despite topographic changes, highlights the truly subjective aspects of staff’s consistency conclusion.

C-7

In addition to the intrinsic subjectivity involved in a consistency determination with these types of general policy statements, as noted above, the Project’s consistency must be evaluated against the Specific Plan *as a whole*, not against individual

C-8

policies in isolation. To do otherwise would elevate one policy over others, which is not permitted under the law. For example, should the County take policies about “maximum retention” in isolation here, this would necessitate reliance on split pads, which would then result in adverse aesthetic impacts, increase the amount of off-haul of soil and related air quality emissions and traffic impacts, and impair the timely redevelopment of an underutilized, infill site.

It is for these reasons that the decision makers are charged with weighing and balancing considerations in making the consistency determination. To that end, we request that the Final EIR and decision makers consider the attached Table 1, which reflects substantial evidence as to why the Project can be found consistent with the Specific Plan and thus not trigger any significant land use impacts.²

C-9

Alternatives Analysis

As the Draft EIR notes, the primary purpose of an alternatives analysis under CEQA is to provide decision makers and the general public with a reasonable number of potentially feasible alternatives, which would attain most of the basic objectives of the project, but would avoid or substantially lessen any of its significant effects. However, all impacts of this Project can be mitigated to a less than significant level; therefore, the Project does not have any significant, unavoidable impacts. Because this Project would not result in any significant impacts after implementation of mitigation, an analysis of alternatives is not technically required under CEQA.

CEQA Guidelines Section 15126.6 states:

Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment, the discussion of alternatives should focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project.

C-10

Nonetheless, while the Project would not have any significant effects after mitigation, we believe it is appropriate for the Draft EIR to provide an alternatives discussion for informational purposes. This will allow the decision makers to consider the Project in light of hypothetical development scenarios, thereby promoting CEQA’s purpose as an information disclosure statute.

With the above in mind, in considering the alternatives analysis, particularly Alternative C – which purports to help ensure “greater consistency” with the Fairview

C-11

² As set forth more fully herein, the Draft EIR’s conclusion of a significant land use impact as a result of purported “inconsistencies” is not properly characterized. Instead, a finding that all land use impacts are less than significant is supported by substantial evidence in the record, and thus no mitigation is required. Accordingly, the elimination of Mitigation Measure LU-2 is appropriate and would not trigger recirculation. (See CEQA Guidelines § 15088.5(a), *Laurel Heights Improvement Ass’n v. Regents of Univ. of California (Laurel Heights II)*, 6 Cal. 4th 1112, 1129-30 (1993))

Specific Plan – we believe the following should be taken into consideration in the Final EIR.

Alternative C represents the most narrow reading of the Specific Plan, and as discussed above, reflects a concerning approach to the consistency question. In evaluating the potential feasibility of this alternative and whether it should be rejected by the Planning Commission, we request the following additional information be considered:

1. As a preliminary matter, as further explained above, the Project's land use impacts should be characterized as less than significant, without requiring any mitigation. Therefore, because the entire thrust of Alternative C is to "mitigate" land use "impacts" that do not actually exist in the first place, this Alternative does not fulfill the fundamental purpose of avoiding or lessening any significant impacts and thus does not facilitate informed decision making.

C-12

2. Even assuming Alternative C remains in the analysis despite the above concerns, it does not attain most of the basic project objectives listed in the Draft EIR to the same degree as the Project in any event. Under this Alternative, (a) development of the proposed units would be significantly constrained as a result of individual lot grading that would be necessitated (similar to the issues faced by the nearby Jelincic custom-lot project); (b) would substantially increase off-haul and import of grading material (thereby increasing disturbances to surrounding neighbors); (c) would prevent full compliance with all applicable legal requirements relating to water quality and stormwater control; and (d) would create incompatibilities with surrounding residential uses (i.e., padded lots, site layout and design).

C-13

3. For the same reasons, Alternative C does not attain any of the additional project objectives highlighted by the Applicant and discussed above since it would:

- Dictate a custom lot subdivision that, as a practical matter, would take many years to build out (if ever, given that it would require construction of infrastructure now with unfinished lots to be sold individually), which would result in extended construction impacts and impede the ability to redevelop this site with much-needed, high-quality housing, a result the surrounding community is unlikely to support.
- Result in a reduction of grading to roadways only, and create lots that are, in effect, not buildable.
- Increase individual lot grading and the need for additional retaining walls to accommodate a house and living areas.

C-14

- Require off-haul and import of soil for the grading of each lot individually, which in turn, would create much greater impact on the environment than the proposed project (which does not require any off-haul or import of soil).
- Prevent full compliance with applicable clean water requirements because the bio-retention basins would be located in areas that are not accessible to Alameda County Public Works inspectors, as compared to the proposed project that includes basins in front yards.
- Create incompatibilities with the surrounding residential uses with respect to site layout and design and flat padded lots.
- Increase adverse aesthetic impacts by elevating the houses on Tract 8297 (Parcels 1-2) approximately 20 feet in elevation above the proposed project elevation for those parcels.

Conclusion

The Project will advance numerous important objectives through the redevelopment of an under-utilized, infill site with much-needed high quality housing in a manner that thoughtfully accounts for key County policy goals, site constraints and community considerations. In connection with the Project's entitlement process, the Draft EIR has been prepared such that it reflects a thoughtful analysis and meaningful disclosure of potential impacts, and thus fully complies with CEQA. As part of this process, we respectfully request the comments set forth herein be included in the Final EIR, in order to amplify and clarify the analysis, for consideration by the Planning Commission.

C-15

Sincerely,

MILLER STARR REGALIA


Nadia L. Costa *NS*

cc: Albert Lopez, Alameda County Planning Department, Planning Director
Marc Crawford, D Street Investments, LLC
Greg Miller, CBG

**Table 1: Evaluation of Project Consistency with Fairview Area Specific Plan
(Excerpts from Table 9.1, Land Use Section)**

Fairview Area Plan Policies, Principles and Guidelines:	Staff Conclusion (From Draft EIR, Land Use Section)		Project Applicant Response
<p>Principle D.2.a: All development proposals shall strive for maximum retention of the natural topographic features, landscape features, and qualities of the site. Development should seek to enhance these natural features and qualities.</p>	<p>Inconsistent</p>	<p>The Project does not strive for maximum retention of the natural topography, but would instead substantially re-grade the two sites to accommodate development on flat pads, whereas the existing sites feature slopes of 5 to 20% or greater. Figures 9.1 and 9.2 illustrate existing and post-Project topographical conditions on the sites. Cut and fill throughout both Tracts would result in cuts of over 20 feet (Lot 1 of the eastern tract has an existing elevation of 587' above sea level and is proposed with a pad elevation of 565' above sea level; Lot 15 also in the eastern tract would have a similar extent of excavation), and fill in other locations of up to 20 feet. However, it is difficult to ascertain how the development could better serve to enhance the sites' natural topography and qualities, and it is well-established and accepted practice to grade slopes to create flat pads for homes and conventional level outdoor yard areas. <i>See text for further discussion.</i></p>	<p>Consistent:</p> <p>The Project's design strives for the "maximum retention" of the natural topography within the context of identified site constraints and other building and community considerations. I.e., if the Project were to implement the proposed "mitigation," this would make the Project unbuildable by requiring it be constructed in the same manner as the Jelincic project, a custom home subdivision to the south (which remains unbuilt for the most part).</p> <p>The Project's proposed design appropriately balances topographic issues against the community's concern that subdivisions be built in an orderly and efficient manner, as well as takes into consideration the goals of minimizing off-haul and import of soil, avoiding significant aesthetic impacts, and reducing overall construction time.</p> <p>Furthermore, the proposed "mitigation" would result in house designs that would generate a great deal of community concern because of the height of the walls needed on hillside construction. E.g., the Applicant's proposal has Lot 1 on Tract 8297 cut approx. 20 feet to integrate the house into the existing setting to be compatible with neighboring homes. In contrast, the proposed "mitigation" would result in a home that would stand approx. 10-</p>

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Fairview Area Plan Policies, Principles and Guidelines:	Staff Conclusion (From Draft EIR, Land Use Section)		Project Applicant Response
			<p>15 feet taller than all homes around it, making the Project less aesthetically pleasing and resulting in adverse aesthetic impacts. In summary, while there will be topographic changes, the Project will not have any significant negative visual impacts as currently designed but would if the proposed mitigation were imposed.</p>
<p>3): Shaping of essential grading to complement and blend with natural landforms and improve relationships to other developed areas;</p>	<p>Inconsistent</p>	<p>The Project's proposed grading does not closely match or blend with natural landforms or adjacent development. Many new 2:1 slopes are proposed around most of the sites perimeters. In the upper or eastern tract, proposed grading would remove the northern hilltop and greatly reshape the "saddle" topography to create flat development pads. On the lower Tract, the Project would re-grade sloping property to create a flat roadbed and benched building pads. However, the Project's grading would be consistent with nearby development, such as along Carlson Court and Jelincic Drive. <i>See text for further discussion.</i></p>	<p>Consistent:</p> <p>The Project's grading has been designed to complement and blend with natural landforms and improve relationships to other developed areas, taking into account identified site constraints and other building and community considerations. While there necessarily will be topographic changes, the grading plan reflects a sensitive contour rounding and engineering approach that is intended to enhance the relationship of the Project Sites to surroundings areas and also to facilitate more controlled drainage.</p> <p>Further, the proposed grading is required to create flatter topography to comply with Public Works requirements for County roads with on- street parking on large tracts. In addition, grading for building pads is required to comply with Principle 2. B.2 (Developing large tracts in workable units on which construction can be completed in one season).</p>

**Table 1: Evaluation of Project Consistency with Fairview Area Specific Plan
(Excerpts from Table 9.1, Land Use Section)**

Fairview Area Plan Policies, Principles and Guidelines:	Staff Conclusion (From Draft EIR, Land Use Section)		Project Applicant Response
			<p>The proposed grading for building pads is consistent with existing development surrounding the Project like Machado Ct. to the east, Carlson Ct. to the north, and smaller subdivisions on D Street to the west. The proposed flat pad lots also helps to ensure the Project fully complies with current water quality regulations by having bio-retention basins in accessible areas (like front yards) so they can be properly inspected and maintained”; imposing the proposed “mitigation would prevent full compliance in this regard.</p>
<p>7): Placing, grouping and shaping of man-made structures to complement one another, the natural landscape, and provide visual interest;</p>	<p>Inconsistent</p>	<p>The Project’s new residential structures would not be grouped or shaped to compliment the natural landscape, but would instead be constructed in a linear pattern fronting the Project’s relatively straight and leveled internal roadways. Relatively deep excavations are proposed to create large flat lots at locations where split pads and reduced excavation would be feasible, would provide greater visual interest and would be more complementary to natural landforms. <i>See text for further discussion.</i></p>	<p>Consistent:</p> <p>The Project’s new residential structures are grouped and shaped to compliment the natural landscape, within the context of identified site constraints and taking into account building and community considerations.</p> <p>The proposed approach to excavation allows the structures to be integrated into the existing hillside topography – thereby complimenting the natural landscape – as opposed to the proposed split pad “mitigation” (which would result in certain homes “jutting out” significantly and creating design obstructions/incompatibilities with nearby homes (see above). Further, the</p>

**Table 1: Evaluation of Project Consistency with Fairview Area Specific Plan
(Excerpts from Table 9.1, Land Use Section)**

Fairview Area Plan Policies, Principles and Guidelines:	Staff Conclusion (From Draft EIR, Land Use Section)		Project Applicant Response
			<p>proposed split pad lots (up-splits) are less desirable to live on than flat pads lots from the community's perspective.</p> <p>Also, the Project's linear pattern fronting and relatively straight and leveled internal roadways reflect Public Works' requirement for public streets (which have stricter design requirements than private streets).</p>
<p>10): Giving special consideration to the design of public and private streets to minimize grading and other site alteration;</p>	<p>Inconsistent</p>	<p>The Project does not minimize grading or other site alteration, including the grading proposed for new local streets.</p>	<p>Consistent:</p> <p>The Project has been designed to minimize grading and site alterations to the extent feasible, taking into account identified site constraints as well as building and community considerations.</p> <p>The Project's linear pattern fronting and relatively straight and leveled internal roadways reflect Public Works' requirement for public streets (which have stricter design requirements than private streets).</p> <p>Further, minimizing street grading alone does not necessarily minimize the overall extent and duration of grading for the Project as a whole. Rather, the proposed design of the streets would minimize grading over the life of the Project by creating lots and streets that relate to one another. The proposed design would create lots where homes can be constructed without additional grading and</p>

**Table 1: Evaluation of Project Consistency with Fairview Area Specific Plan
(Excerpts from Table 9.1, Land Use Section)**

Fairview Area Plan Policies, Principles and Guidelines:	Staff Conclusion (From Draft EIR, Land Use Section)		Project Applicant Response
			construction of retaining walls subsequent to street construction.
Guideline D.3.b. Only individual lot grading should occur in areas exceeding 20% slope (such grading is defined as that which can be wholly contained within a single lot, as needed to fit the house, an access driveway and useful yard areas).	Inconsistent	There are some limited areas with slopes exceeding 20% on the eastern tract, and a more substantial area on the western tract. On the eastern tract, the largest such area would be graded for the new street and the Guideline is therefore not applicable. On the western tract, however, a larger area is proposed for mass, uniform grading to accommodate flat building pads, instead of individual lot grading.	<p>Consistent:</p> <p>The Project is consistent with this guideline. Rather than a mandatory development standard, this guideline provides general suggestions that should be considered as such, and must be read in light of other policies and principles; e.g., if this guideline were interpreted literally in this case, it would contravene Principle 2. B.2 (which encourages developing large tracts in workable units on which construction can be completed in one season, rather than individual lot development). In fact, application of this guideline in this way would require the Project be constructed as a custom hillside home project (similar to the nearby Jelincic project, which remains mostly unbuilt), which is contrary to the community's desires. I.e., with a custom lot subdivision, the developer could only install the road and utilities initially, and would be required to grade and sell the lots to individual homeowners and build accordingly. This would elongate the construction of the Project up to 10 years.</p> <p>Also off haul and import of thousands of yards of soil for 31 custom home designs would have a substantially greater impact</p>

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(Excerpts from Table 9.1, Land Use Section)**

Fairview Area Plan Policies, Principles and Guidelines:	Staff Conclusion (From Draft EIR, Land Use Section)		Project Applicant Response
			than grading flat pads all at one time as the proposed Project envisions.
<p>Guideline D.3.c. Buildings should be designed with stepped, pier and grade beam, or a custom foundation to reduce grading, to avoid contiguous stair-stepped padded lots, and to retain a more natural appearance. On sloping lots, tall downhill facades should be avoided by stepping structures with the natural terrain. (This policy is understood to promote stepping or splitting the grade of lots between the front and back, but to limit uniform side-to-side stepping between adjacent lots, and to encourage buildings that similarly step.)</p>	<p>Inconsistent</p>	<p>The Project proposes split pad foundations on the west side of the western tract, which may be recognized as custom foundations. The split pad homes would step down with the slope to avoid tall downhill façades. All other lots would have single pad elevations, which implies they would use only slab foundations and not pier and grade beam foundations (i.e., that do not rely on a level pad). The Project would avoid side-to-side, uniform “stair-stepped” lots (evenly distributed retaining walls along lot lines) by developing nearly level streets.</p>	<p>Consistent:</p> <p>The Project is consistent with this guideline. Rather than a mandatory development standard, this guideline provides general suggestions that should be considered as such, and must be read in light of other policies and principles.</p> <p>Split pad lots were designated at this location to comply with Principle D.2.a. (to strive for maximum retention of the natural topographic features). By placing stepped pads in the same direction as the slope, greater consistency with the natural topography is achieved.</p> <p>This guideline reflects some internal inconsistencies, whereby it encourages “on sloping lots, tall downhill facades should be avoided by stepping structures with the natural terrain,” but then discourages stepped pads (which then would result in tall downhill facades since there is no alternative). As a practical matter, then, the view from the downhill side will either be a tall façade or a stepped dirt pad. Stepping the top of the structure down the slope does not avoid the tall facades located under the first floor of the structure, which is the design feature that has</p>

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Fairview Area Plan Policies, Principles and Guidelines:	Staff Conclusion (From Draft EIR, Land Use Section)		Project Applicant Response
			<p>generated the greatest community concern. The proposed Project envisions a dirt pad that can be landscaped, which is the more aesthetically pleasing alternative.</p> <p>Interpreting this guideline as County staff suggests would effectively mandate the Project be built as a custom home subdivision (similar to Jelincic) by requiring stepped pier and grade beam foundations, since these foundation types are used on custom homes only. Flat pads with slab foundations are proposed to comply with the community's stated desire for shorter project construction schedules and the avoidance of the negative visual impact of tall facades that result from custom foundations on natural topography.</p> <p>A more reasonable interpretation of this guideline is that it encourages different foundation types be considered as a means to reduce grading and retain a more natural appearance, to the extent feasible. County staff's conclusions acknowledge the Project's use of some split pad foundations, as appropriate, and also acknowledges that the Project would not create uniform stair stepped lots. Accordingly, consistency with this guideline can be established.</p>

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Fairview Area Plan Policies, Principles and Guidelines:	Staff Conclusion (From Draft EIR, Land Use Section)		Project Applicant Response
<p>Guideline D.3.d. The vertical height of a graded slope or combination retaining wall and slope between single-family dwellings should not exceed 10 feet in the rear yards, or 5 feet within a side yard between lots.</p>	<p>Inconsistent</p>	<p>Generally, most of the Project would not include graded slopes or retaining walls between new homes. However, one new lot (Lot 15 on the eastern tract) would have slopes exceeding 10 feet between this lot and two adjacent lots of the subdivision.</p>	<p>Consistent:</p> <p>The Project is consistent with this guideline. Rather than a mandatory development standard, this guideline provides general suggestions that should be considered as such, and must be read in light of other policies and principles. To that end, County staff concludes that the Project's design is generally consistent with this guideline, which is appropriate, given the design of 30 out of the 31 lots.</p> <p>The modification of the one referenced lot (Lot 15 on Tract 8297) is the result of the design requirements of a public street as compared to a private street, which seeks to maintain <10% slope, as preferred/required by the fire department.</p>
<p>Guideline D.3.e. The maximum horizontal distance of graded slope should not exceed 20 feet, at 2:1 (horizontal to vertical) gradient.</p>	<p>Inconsistent</p>	<p>The Project proposes several portions of the Project site with regraded slopes of 2:1 and that would substantially exceed more than a 20-foot length.</p>	<p>Consistent:</p> <p>The Project is consistent with this guideline. Rather than a mandatory development standard, this guideline provides general suggestions that should be considered as such, and must be read in light of other policies and principles.</p> <p>The only location where there is a purported exceedance is on Lots 9-16 (Tract 8296). These are split pad lots that were designed to avoid tall facades on downhill elevations, and</p>

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Fairview Area Plan Policies, Principles and Guidelines:	Staff Conclusion (From Draft EIR, Land Use Section)		Project Applicant Response
			<p>to comply with current water quality regulations that require bio-retention basins in accessible areas (front yards) to facilitate inspection and maintenance.</p> <p>These variations on a minimal number of lots do not reflect an overall inconsistency with the general suggestions set forth in this guideline.</p>
<p>Guideline D.3.f. Development near or on a prominent ridgeline should be subordinate to the surrounding environment. Residences should blend into the natural topography creating minimal visual disturbance to the existing ridgeline and views. Rows of residences with similar setbacks and elevations shall be discouraged.</p>	<p>Inconsistent</p>	<p>The portion of the Project that is proposed along the upper ridgeline of the upper Tract (8297) would include rows of new homes with similar setbacks and building elevations. Due to the relatively deep excavations of the ridgeline to provide building pads on lots 1 and 2 of the eastern tract, the two-story homes would have a lower profile on the ridge than if they were built on or closer to the existing grade, or on split pads, and therefore the development may be considered as “blending” into the natural topography and minimizing visual disturbance of the ridgeline and area views, including from Lone Tree Cemetery and area homes. The Project would also establish four rows of residences with nearly identical setbacks and elevations that would be monotonous on a broad scale, even though design details as shown in preliminary elevations (see Figures 3-5 and 3-6) could moderate such an effect.</p>	<p>Consistent:</p> <p>The Project is consistent with this guideline because it will not be constructed on a prominent ridgeline and it seeks to blend into the natural topography to the extent feasible, taking into account site constraints as well as building and community considerations.</p> <p>Rather than a mandatory development standard, this guideline provides general suggestions that should be considered as such, and must be read in light of other policies and principles.</p> <p>As such, the upper ridgeline is not a prominent ridgeline, as evidenced in the visual simulations in Chapter 4 of the DIER. The Project would not be visible from public streets other than on D Street, directly in front of the Project (as would be expected). The proposed grading plan allows the new homes to blend in with the natural topography by</p>

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Fairview Area Plan Policies, Principles and Guidelines:	Staff Conclusion (From Draft EIR, Land Use Section)		Project Applicant Response
			cutting into the existing topography. In contrast, building on top of the existing topography would make the structures stand out much more prominently, creating negative visual impacts.
<p>Policy D.4 – Large, mature, natural and introduced trees are to be preserved unless: a) Alternative designs that would preserve the trees are found by the County to be infeasible or undesirable; or b) a certified arborist, as determined acceptable by the County Planning Director, recommends that the trees be pruned or removed because they are: 1) dead, dying, or in irreparable condition; or 2) will be a fire or safety hazard.</p> <p>Eucalyptus trees shall be thinned and pruned for safety reasons. Any eucalyptus trees removed shall be replaced with native trees, with reestablishment by the developer of at least five 15-gallon-sized trees or one boxed, native specimen tree for every large tree removed, subject to Planning Director approval of the species, location and method of installation. Large, mature trees are those of the following sizes: a) 20" diameter breast height (dbh) or greater in circumference measured 4.5 feet above ground level for trees native to this area of California; and b) 30" dbh or greater in circumference measured 4.5 feet above ground level for introduced tree species (e.g., eucalyptus).</p>	<p>Undetermined /Potentially Inconsistent"</p>	<p>The Project sites contain numerous mature trees, which are described broadly in Chapter 6 (Biological Resources) as including a mix of native and non-native species, introduced ornamental and screening trees. An arborist report has not yet been commissioned by the developer or requested by the County, as the biological analysis is deemed to provide adequate description for the purposes of CEQA and this EIR. A more formal inventory by the biological resource consultant or an arborist will be required as a condition of approval in order to determine how the developer will comply with Policy D.4.</p> <p>The Project grading as proposed would require removal of all trees on the sites. An alternative design that preserves all the trees is not feasible, but some preservation does appear feasible without substantially altering the Project's lot sizes and configuration. The preservation of eucalyptus trees is generally undesirable due to fire safety considerations, although the individual specimens on the south side of the western tract are prominent in most</p>	<p>Consistent:</p> <p>The Project is consistent with this policy. There are less than a half dozen trees that fit the criteria of "large, mature" trees on-site, none of which can be preserved without substantially and adversely affecting the site and grading plan in a way that would be both infeasible and undesirable.</p> <p>Moreover, the conceptual landscape plan that is currently being prepared proposes a significant tree replacement approach, with at least a 5:1 tree replacement ratio. In addition, this plan would involve the planting of larger, 24" box replacement trees as opposed to standard 15-gallon trees, which will greatly enhance the finished landscaping for the Project.</p>

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		views toward the site (see Chapter 4, Figures 4.2 and 4.3). In general, however, no significant visual impacts are associated with removal of trees from the sites.	
<p>Policy D.6. A landscape plan prepared by a registered landscape architect shall be submitted for all development projects. The plan shall include landscaping of slopes, especially around the development's perimeter, to mitigate the effects of grading and man-made structures. The landscaping shall be installed and inspected (or guaranteed through a bond) as a part of the grading improvements or subdivision improvements. The Planning Director may waive this requirement for projects which retain significant natural vegetation.</p>	<p>Inconsistent/ Undetermined</p>	<p>A landscape plan has not yet been prepared or submitted, pending review of the draft EIR. However, a plan will be required to be submitted prior to consideration of the Project by the County Planning Commission, unless, as provided by the policy, significant natural vegetation is retained, which could include the trees on the sides of the Project sites noted above.</p>	<p>Consistent:</p> <p>A conceptual landscape plan is being finalized at this time for consideration by the County. As noted above, the conceptual landscape plan that is currently being prepared proposes a significant tree replacement approach, with at least a 5:1 tree replacement ratio. In addition, this plan would involve the planting of larger, 24" box replacement trees as opposed to standard 15-gallon trees, which will greatly enhance the finished landscaping for the Project.</p>

Letter C Response – Miller Starr Regalia (Law firm representing D Street Investments LLC (Applicant))

- Response to C-1: Comment noted. The Applicant’s additional Project objectives are recognized and hereby incorporated into the EIR (see Chapter 6: Errata to the Draft EIR). The addition of these Project objectives does not materially alter in any substantive manner the analysis of the Project as presented in the Draft EIR, nor do these additional objectives alter the EIR’s consideration of alternatives to the Project.
- Response to C-2: The County recognizes the applicant’s proposed approach to site grading, and recognizes that the grading approach is an essential factor in the design of new streets for meeting County standards and providing design solutions to create accessible development sites and usable yard spaces, balancing cut and fill, and controlling and treating stormwater runoff. Except for consistency with identified Fairview Area Specific Plan policies pertaining to retention of natural topography, the Draft EIR recognizes that these holistic design considerations have been incorporated into the Project’s design plan. However, this comment does not provide evidence that the Draft EIR is deficient in identifying significant impacts of the Project, or that any of the EIR Alternatives (other than the No-Project Alternative), would fail to meet either the fundamental objectives of the Project or these additional grading objectives.
- Response to C-3: Comment noted. See Master Response A to frequent comments regarding the issue of consistency of the Project with the Fairview Area Specific Plan. See that portion of Master Response A pertaining to the determination of overall Project consistency as being the responsibility of County decision-makers, as informed by this EIR.
- Response to C-4: Comment noted. See Master Response A to frequent comments regarding the issue of consistency of the Project with the Fairview Specific Plan. The County acknowledges the commenter’s citation of judicial opinion, “Because policies in a general plan or a specific plan reflect a range of competing interests, an agency is allowed to weigh and balance the plan’s policies when applying them, and it has broad discretion to construe its policies in light of the plan’s purposes.” The County has used this discretion in its determination to require Mitigation Measure Land Use-2, Topography Preservation, to reduce land use impacts to a less than significant level, and to thereby serve the Plan’s objectives, purposes and policies.
- Response to C-5: See Master Response A to frequent comments regarding the issue of consistency of the Project with the Fairview Specific Plan, and specifically that portion of the Master Response pertaining to CEQA impact considerations with respect to the Specific Plan’s policies and principles. The Draft (pages 9-5 and 9-6, and Table 9.1) acknowledge the well-established and accepted practice of grading slopes to create flat pads. However, The Draft EIR (at page 9-7), also indicates the feasibility of using split pads and reduced excavation to complement and expand on the EIR’s determination that the conflict with the Plan policies would be significant. As also noted on Draft EIR at page 9-17, “physical changes to existing topography resulting from new development, where the topography is clearly recognized as an essential environmental quality of the district, is an adverse effect.”

Response to C-6: The Draft EIR has relied on several objective conclusions drawn from the Project's proposed grading plan to reach its conclusion of inconsistency with the policies and principles regarding preservation of natural topography. These objective observations and conclusions include illustrations of existing and post-Project topographical conditions on the sites, which show cuts of over 20 feet and fill in other locations of up to 20 feet, the creation of new slopes around the perimeter of the site at a regular 2:1 slope, and a short, steep slope on Lot 15 on the eastern tract that would exceed 10 feet in height between two adjacent lots. County staff disagrees that these physical implications of the proposed grading plan are subject to interpretation.

Response to C-7: The Draft EIR does recognize that the Project may result in a development that looks similar to much of the existing surrounding development, and thus not significantly degrade the character and quality of the surroundings. However, that is a different consideration than whether the Project is consistent with Fairview Area Specific Plan policies. The EIR appropriately does not assess or question whether other surrounding development is consistent with the Specific Plan's policies pertaining to retention of natural grade.

Response to C-8: This comment provides no evidence to support its conclusion that development of a project that utilizes split-pad foundations would necessarily result in adverse aesthetic impacts, increased off-site haul of soil, or would impair the timely redevelopment of the site. There is nothing objectively adverse or negative about the appearance of split-pad foundation homes. It is reasonable and feasible that an alternative grading concept could be designed that uses split-pad foundations and still achieves a cut and fill balance between the two tracts. The use of split-pad foundations does not mandate or require individualized, custom home designs for each lot.

The Project intends to use split-pad foundation on the lower portion of the lower Tract. Adding additional split-pad foundations on the upper Tract would not result in secondary adverse environmental effects.

Response to C-9: County staff has reviewed the applicant's suggested changes to Table 9.1 of the Draft EIR, and fundamentally disagree with each of these suggestions. These suggested changes will be forwarded to County decision-makers for their consideration, particularly as to the overall consistency of the Project to the Fairview Area Specific Plan. Please also see Master Response A regarding the Project's consistency with the Specific Plan.

Based on County staff's review as presented in the Draft EIR (beginning at page 9-11), the Project is in conflict with certain policies and principles of the Specific Plan, and these conflicts result in physical changes to existing topography, where the topography is clearly recognized as an essential environmental quality. These changes in topography are clearly demonstrated in Draft EIR Figures 9-1, 9-2, 9-4 and 9-5. The Draft EIR indicates, and County staff continues to maintain that these physical changes to existing topography resulting from the Project, where existing topography is clearly recognized as an essential environmental quality, is an adverse environmental effect under CEQA. To reduce the severity of topographic changes as proposed by the Project, the Draft EIR recommends Mitigation Measure Land Use-2: Topography Preservation. Pursuant to this mitigation measure, grading

of the Project shall provide for split pad foundations on Lots 1, 2, 8 and 15 of Tract 8297.¹ The Draft EIR concludes that implementation of this mitigation measure would retain natural topography to an adequate level, such that it would conform to the policy intent and performance measures of the Fairview Area Specific Plan, and would reduce this impact to a less than significant level.

This comment suggests that split-pad foundation design “would make the Project unbuildable”, would “generate a great deal of community concern”, and would be “less aesthetically pleasing and resulting in adverse aesthetic impacts”, among other reasons opposing such foundation design. However, these suggestions are in direct contradiction to the Project’s own proposal to build split-pad foundations on eight of the 16 lots within Tract 8296. It is unclear why the commenter believes that split-pads are acceptable and specifically proposed for Tract 8296, but completely unacceptable on Tract 8297.

The four lots within Tract 8297 where Mitigation Measure Land Use-2 would apply are specifically identified because these lots are located on sites where the existing topography substantially rises up from the proposed roadway grade (at Lots 1,2 and 8), or substantially drops for the road grade (at Lot 15). Split-pad foundations are indicated in Mitigation Measure Land Use-2 to seek means by which to minimize the proposed changes in the topography at these lots, while still enabling single-family home construction.

- Response to C-10: These comments regarding the purpose of including an analysis of alternative in the Draft EIR are fully consistent with the explanations and descriptions of the Alternatives chapter of the EIR, and no response is warranted.
- Response to C-11: This comment suggests that Alternative C represents “the most narrow reading of the Specific Plan”, whereas the Draft EIR indicates that Alternative C is simply “more fully consistent with the principles and guidelines of that Plan”.
- Response to C-12: As indicated above in response to C-8 and C-9, County staff disagrees with the commenter’s position. County staff believes that the Project would result in a significant inconsistency with County policies adopted for purposes of avoiding environmental effects, and that Mitigation Measure Land Use-2, would effectively reduce this impact to a less than significant level. County staff also continues to maintain that Alternative C does facilitate informed decision making (for all of the reasons cited in this letter - Comment C-10 above), and that this Alternative is more fully consistent with the principles and guidelines of the Fairview Specific Plan as that Plan’s policies and principles apply to retention of natural topography.
- Response to C-13: As indicated on page 14-1 of the Draft EIR, “the EIR need examine in detail only [those alternatives] that the lead agency determines could feasibly attain most of the basic objectives of the project.” CEQA Guidelines, section 15126.6(b) further clarifies that EIR alternatives “shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impeded to some degree

¹ Custom grading with the same effect, or pier and grade beam construction may be substituted on all or a portion of these lots, to the satisfaction of the Planning Director.

the attainment of the project objectives, or would be more costly.” County staff does not see any fundamental reason why Alternative C could not feasibly attain most of the basic objectives of the project, including:

- Developing high quality market-rate single-family homes on a desirable site compatible with surrounding residential development;
- Create an on-site stormwater control and detention system that meets legal requirements;
- Limiting disturbance to surrounding neighbors by avoiding off-haul of grading material; and
- Grading and developing the site to direct all impervious surface drainage through biofiltration and detention.

Alternative C may impede to some degree the manner in which the applicant intends to accomplish these objectives, but does not prevent attainment of these basic objectives. The comment does not provide any evidence to support a conclusion that Alternative C would necessarily result in significant constraints resulting from individual lot grading; would necessarily result in substantial off-haul of soil; would necessarily prevent full compliance with all applicable legal requirements relating to water quality and stormwater control; or would create incompatibilities with surrounding residential uses simply as a function of padded lots, site layout and design.

Major physical changes to existing topography has been defined as an adverse environmental impact in the Draft EIR, pursuant to the authority given to the County as lead agency to define significant impacts and thresholds. Therefore, an alternative that reduces this impact is appropriate to consider in an EIR.

Response to C-14: As indicated in the Draft EIR (page 4-10), “Without a detailed design of [Alternative C], a comparative environmental assessment of this alternative can only be conceptual.” However, County staff does not see any reason why a more detailed and thoroughly designed development that is generally consistent with Alternative C would necessarily impede the ability to redevelop this site with much-needed, high-quality housing; would create lots that are not buildable; would necessarily result in the need for additional retaining walls to accommodate a house; would necessarily require off-haul and import of soil; would prevent full compliance with applicable clean water requirements; would create incompatibilities with the surrounding residential uses; or necessarily increase adverse aesthetic impacts. Each of these issues could be, and would necessarily need to be fully addressed in a more detailed and fully designed subdivision plan, at a greater level of detail than is presented in the conceptual layout of Alternative C as presented in the Draft EIR.

Response to C-15: As requested, Comment Letter C from the project applicant’s attorney is included in this Final EIR, along with responses to the comments contained in that letter. Together with these responses, this information does serve to amplify and clarify the analysis contained in the Draft EIR, for consideration by the Planning Commission.

Letter D

From: John and Chanthanom Driscoll-Ounkeo

<driscoll_ounkeo@hotmail.com<mailto:driscoll_ounkeo@hotmail.com>>

Date: February 7, 2017 at 8:07:17 PM MST

To: "Young, Andrew, CDA" <andrew.young@acgov.org<mailto:andrew.young@acgov.org>>

Cc: Rita Chung <ritachungdesigns@yahoo.com<mailto:ritachungdesigns@yahoo.com>>, "

barrylana@yahoo.com<mailto:barrylana@yahoo.com>"

<barrylana@yahoo.com<mailto:barrylana@yahoo.com>>, "amloss@pacbell.net<mailto:amloss@pacbell.net>"

<amloss@pacbell.net<mailto:amloss@pacbell.net>>

Subject: SCH #[2016062057](#) DEIR D St Development

Dear Mr Young:

I and my wife live in Carlson Ct, the nearest subdivision to the proposed two subdivisions under consideration in this DEIR.

We understand there has already been a consultation concerning this for the community back on March 7th, 2016. We were not informed of this by mail. We hope you will include us in all future mailings concerning the DEIR

Our biggest surprise was in the determination in the DEIR that there was no significant impact on traffic flow from the new development. We would like to offer the following for your consideration.

1. D St is a narrow and hilly street in the block from Fairview to Carlson Ct - there is barely enough room for two way traffic when cars are parked on both sides, especially since many residents own large SUVs or pickups.

D-1

2. The curious and clumsily planned left turning lane onto D St going east when it has become Fairview Avenue after the stop signs barely accommodates two waiting cars. Hardly adequate for the inevitable increase in traffic.

D-2

3. Worst of all will be the increase in oncoming traffic for Carlson Ct residents doing a blind turn left from D St going east with oncoming traffic also blind. That is an accident waiting to happen, potentially complicated also by traffic entering D St north from the westerly new division just where Carlson Ct vehicles are waiting to turn.

D-3

Thank you for reading this and we hope some action can be taken on traffic flow to mitigate these issues.

John Driscoll and Chanthanom Ounkeo

23587 Carlson Ct

[415-261-7266](tel:415-261-7266)

Letter D Response – John Driscoll and Chanthanom Ounkeo

Response to D-1: See Master Response B2 regarding frequent comments on traffic-related issues, especially regarding D Street traffic concerns.

Response to D-2: As shown on DEIR Figure 11.2, the existing left-turn volume onto D Street is 14 vehicles during the a.m. peak hour (one left-turn every 4 minutes) and 29 during the p.m. peak hour (one left-turn every 2 minutes). Therefore, it is rare for more than one vehicle to be making the referenced left-turn. Based on the trip distribution, the Project will generate four additional left-turns during the a.m. peak hour (one added left-turn every 15 minutes), and one Project vehicle left turn during the p.m. peak hour (one added left-turn every 60 minutes). Therefore, with the addition of Project trips, the volume of left-turn would still be no more one left-turn every 2 minutes, and the left-turn capacity will remain adequate.

Also see Master Response B2 regarding frequent comments on traffic-related issues, especially regarding D Street.

Response to D-3: This topic is addressed beginning at Page 11-30 of the Draft EIR, which includes an analysis of the Project's roadway design, which will result in a total of three intersections with local side streets intersecting D Street within approximately 130 feet of each other, including the existing D Street/Carlson Court intersection and the two proposed local access streets to serve the Project. The Draft EIR concludes that such a configuration (where northbound and southbound lanes to/from D Street will be offset) would be undesirable, if a high volume of conflicting turning movements was anticipated. However, traffic volumes on the segment of D Street east of Fairview Avenue and Maud Avenue are relatively low (with less than 170 peak hour vehicles in total, in both directions on D Street, under Cumulative plus Project conditions). Given the low volume of potentially conflicting traffic movements, the Draft EIR concluded that the Project's proposed site access configuration is not anticipated to result in a significant volume of conflicting movements and is adequate to safely accommodate the anticipated volume of trips to and from the Project site, as well as existing and cumulative traffic on the nearby roadways.

Under a more ideal design, the westerly street in Tract 8296 might be re-aligned further to the east, to allow for a standard four-leg intersection with D Street/Carlson Court. An internal roadway could split traffic between the two Project sites. However, as indicated in the Draft EIR (page 11-34), ". . . because the two Project sites are separated by another private property (the separate Hilltop Care facility parcel) not under control by the Project applicant, there is no feasible opportunity for the Project to independently design and build a road crossing the privately owned Hilltop Care parcel. Even if an internal roadway connection between the two Project sites could be achieved, that connection would need to be placed far into the Hilltop Care parcel to allow for an internal "T" intersection, designed using best engineering practice and capable of accommodating all on-site turning movements and providing adequate stacking and turning distance for access/egress to and from D Street. Such an alternative roadway design would need to use most, if not all of the Hilltop Care facility's existing parking area. An

alternative ‘best practices’ street design is therefore not considered feasible given the Project sites’ limited frontage along D Street, and the presence of an existing use on the intervening private property between the two Project sites.

Also, See Master Response B2 regarding frequent comments on traffic-related issues, especially regarding D Street.

Letter E

E-Mail from JoAnne Gross (jag811@comcast.net), Feb. 20, 2017

Dear Mr. Lopez and Mr. Young:

I am not able to attend tomorrow's planning meeting but want to express to you my concern about 31 homes being built at the top of D Street on less than 10 acres of land. I have lived on D Street since 1975 and can tell you that the amount of traffic whizzing by my house has increased over the years to the point of being unsafe for drivers, pets, and pedestrians. Besides the traffic, the project does not appear to preserve any open space for people to enjoy. And what about the displacement of wildlife? There are many deer in the hills that have nowhere else to go. The amount of building up here has already adversely affected the quality of life in the Fairview area, which as you know was rural to semi-rural in nature until recent years. I urge you to recommend that the developer scale down the number of units and to include more open space in the plan. While I am glad the proposal is for single family homes, I dread yet another housing development being squeezed into Fairview.

E-1

E-2

E-3

Respectfully,

JoAnne Gross

2533 D Street

Hayward

Sent from my iPhone

Letter E Response – JoAnne Gross

Response to E-1: The comment refers to existing conditions, which the DEIR found would not be significantly affected by the proposed Project.

Also, see Master Response B2 regarding frequent comments on traffic-related issues, especially regarding D Street.

Response to E-2: As stated in Table 9.1, on p. 9-5 of the DEIR: “The Project’s Site Plan shows that each lot would have at least 1,000 square feet of usable open space area, consistent with the dimensional standards of the Fairview Area Specific Plan. The Project would provide level rear yards on most of the eastern tract, but almost no level rear yards on any of the western tract lots. However, the 15-foot wide side yards could be counted as useable open spaces, and as limited to a maximum building lot coverage of 30 percent, there would be adequate useable open space.”

Regarding wildlife, the biological reconnaissance survey conducted at the Project site by Zander and Associates found the following (as described in more detail in the DEIR, p. 6-3): “Evidence of mule deer and eastern fox squirrels was abundant on the parcel Birds such as white-crowned sparrow and American goldfinch were also observed in the trees and shrubs. Other wildlife expected to use the habitats on the parcel include non-native animal species typically found in disturbed areas, such as European starling, rock dove, Virginia opossum, and Norway rat, as well as native species that have adapted to ruderal areas including red-tailed hawk, American crow, raccoon, and coyote. The scrub habitat in the southeastern portion of the parcel could also provide habitat for reptiles such as Pacific gopher snake, California king snake and western fence lizard.”

Development of the Project may displace these common wildlife species, but these species are not accorded protection under CEQA or any federal, state or local regulations. The DEIR does include a more detailed discussion on CEQA-related wildlife concerns pertaining to special-status species, sensitive natural communities, wetlands, riparian areas, established native resident or migratory wildlife corridors, and native wildlife nursery sites (Draft EIR, beginning at p. 6-15).

Response to E-3: Comment noted. As indicated in the Draft EIR (page 3-4), the Project sites have a General Plan land use designation under the Fairview Area Plan (a part of the County General Plan, adopted September 1997) for single-family residential use, and the properties are zoned R-1-B-E, a residential zoning district with minimum 10,000 square foot lot sizes. Development of these properties at the densities proposed is consistent with the Fairview Plan and with existing County zoning.

Community Comments

Letter F

To: Alameda County Planning Commission,
224 West Winton Avenue, Room 111
Hayward, CA 94544

From: Chris Higgins 23964 Madeiras Ave Hayward, Ca 94541

Date: 2/19/2017

Re: PLN: 2015-180 D Street LLC-Tracts 8296-8297

Comments: Please see my comments on this proposed development below. Thank you for considering these comments. My sincere apologies for not completing this sooner.

- 1) Construction period hours of operation, noise level and some sort of teeth in enforcement are required. The proposed hours of operation include weekend hours. Why should the neighboring property owners be subject to construction noise and traffic 7 days a week, can't we give them at least one day of quiet. F-1
- 2) Land Use 2 Topography Preservation. I concur with the findings that custom grading, or pier and grade beam construction as proposed results in a superior development than does strict adherence to the specific plan F-2
- 3) Traffic. I think the traffic will have a material impact on the D-street/Maude/Fairview intersection and will materially add to cumulative impact on the following marginal intersections:
 - a. Wood roe/Maude/Kelley (this will also soon be hit with traffic from the Northstar private school) F-3
 - b. B-Center-Kelley
 - c. 2"d-D
 - d. D-Foothill-Jackson
- 4) Traffic the peak hour traffic estimates use numbers that are out of date and do not reflect current conditions. The estimate assumes 1 peak hour trip per house. This is too low. Maybe we can develop a more accurate measure by measuring actual trips per residence from some nearby newer developments. As residents, we recognize that current economic conditions mean there are more licensed drivers per household than there used to be. Multiple generations now reside in a large percentage of the homes in our community. Could staff please explain the logic behind these numbers. Are these numbers based on demography for the Bay Area or perhaps another part of the country? F-4
- 5) Traffic- Could we look at addressing intersections 2 and 3 as a single intersection? This is Maude/D/Fairview. F-5
- 6) At the risk of asking to broaden the scope of the traffic study can we examine the impact of pedestrian traffic on Hansen going to East Ave School? F-6
- 7) Traffic there seem to be several logical inconsistencies. Where traffic already exceeds the acceptable thresholds, the study dismisses its impact since the intersection is already failing. F-7

When the study examines the intersections of D/2nd and d/foothill it ignores the cumulative service level of both these intersections in tandem as well as the Foothill/Jackson, D/Mission, Mission/Jackson and Watkins/Jackson that are part of transiting this intersection.

8) Traffic-Pedestrian-Bicycles. The report says there are no bicycle designated routes in the study area. But observation of road markings as well as statements in the Fairview Specific Plan indicate otherwise. F-8

9) Pedestrian-The study seems to dismiss the impact of traffic volume and lack of sidewalks on pedestrian traffic. We have a lot of pedestrian traffic and would expect more if we had safe pathways. The New sidewalks at San Felipe Park dramatically increased pedestrian traffic and made it possible for people with young families to safely walk to the park. I submit that sidewalks all they down D Street and Maude would reduce peak morning traffic. More children would walk to school. F-9

10) Traffic-The study does not address the cumulative impact of traffic for Northstar School on the intersection of Maude/Kelley/Woodroe. This school will be opening soon. F-10

11) The report states "it is not substantially the developer's obligation to provide sidewalks on public streets for this purpose, but primarily a County obligation". Seems like this is telling me I need to pay to subsidize development in my community. This does not seem very fair to me. F-11

12) Parking. The report proposes eliminating parking on one side of a 300 foot stretch of D Street. This will certainly improve sightlines but a lot of cars park on D Street. Overflow from the convalescent home and residences lacking adequate off street parking. F-12

13) The D street/Maude/Fairview has some pretty bad sightlines and of course the lack of sidewalks all the way to Fairview School is a big concern to the community. F-13

14) Gee-Instability and retaining walls. Please help ensure this development is constructed so the community is not faced with failing retaining like those in the Jelincic development F-14

15) Wildland Fires. Can you please confirm with the fire department that this site is not in a wildland fire zone. Seems like it is pretty close to some dangerous areas. F-15

16) Hydrology: Can we require satisfactory maintenance agreement with the Machado Ct community and some sort of statement acknowledging a requirement to contribute to the maintenance of the pipes crossing Madeiros and Fairlands private roads. I commend the developer for NOT moving water between watersheds, F-16

17) Certification that simulations have been reviewed with all neighboring properties. Please confirm that all the adjacent property owners have had a chance to see what it will look like from their properties. We have had some bad experiences here in Fairview. F-17

18) Simulations in the DEIR show sidewalks installed in D Street. Is this a requirement for the project (Figures 4.3-4,5)? It would certainly help for children going to school. It would also reduce traffic. We have met with parent groups at Fairview School and a lot of them drive their children to school because there is no safe route to walk to school. The report says ' F-18

19) Trees. The developer is working with the community and the county save mature trees when appropriate and replace them as appropriate

F-19

20) On Page 9-11 of the report could we have the staff please explain what this statement means?

'County considers conflict with adopted policies of its General Plan (which extend to the Fairview Area Specific Plan) to represent potentially significant environmental impacts 'This seems to conflict with other statements made to the community.

F-20

Letter F Response – Chris Higgins

- Response to F-1: See Master Response C regarding frequent comments on construction noise and construction schedule.
- Response to F-2: Comment noted. Please also see Master Response A pertaining to Consistency with the Fairview Area Specific Plan.
- Response to F-3: Each of the referenced intersections, except for the D Street/2nd Street intersection, was evaluated in the DEIR Transportation and Circulation Chapter. Impacts at each intersection were found to be less than significant based on the relatively low volume of Project traffic generated (23 a.m. and 31 p.m. peak hour vehicle trips, thus just one added trip every two to three minutes). Impacts at D Street/2nd Street would be similar to the findings at the D Street/Maude Avenue and D Street/Foothill Boulevard/Jackson Street intersection. The volume of Project traffic is too low to affect levels of service at a significant level. Furthermore, the addition of 12 peak hour trips is simply too low (just one added trip per five minutes) to affect average delay at any intersection at a significant level.
- Also, See Master Response B2 regarding frequent comments on traffic-related issues, especially regarding D Street.
- Response to F-4: Existing peak-hour traffic volume on D Street east of Fairview Avenue is approximately 60 a.m. vehicle trips and 39 p.m. peak hour trips. The current rate of vehicle trip generation is less than one vehicle trip during the peak hour per house. There are more than 60 dwellings accessing that segment of D Street. Therefore the estimate of one peak hour vehicle trip per dwelling is conservatively high, to provide a “worst-case” scenario for analysis purposes.
- See also Master Response B1 regarding frequent comments on traffic-related issues, especially trip generation estimates.
- Response to F-5: The two intersections are 180 feet apart. Intersection 2 (D Street/Maude Avenue) is an all-way stop-sign controlled intersection, while Intersection 3 (D Street/Fairview Avenue) is a side-street stop-sign controlled intersection. LOS is based on average delay to all four approaches at all-way stop-sign controlled intersections. At side-street stop-sign controlled intersections, LOS is based on delay to the worst approach (thus the stop-sign controlled approach from D Street determines the LOS at Intersection 3). Given these differences, combining into one intersection would not allow for a valid LOS calculation, and would provide less detail without altering overall findings. Furthermore, the 180-foot distance between the two intersections is far larger than any typical single intersection.
- Response to F-6: Pedestrian counts were taken at the intersection of Fairview Avenue at Hansen Road-Vista Lane. During the a.m. peak hour (7:00 a.m. to 9:00 a.m.) and p.m. peak hour (4:00 p.m. to 6:00 p.m.) there was one pedestrian each travelling eastbound towards East Avenue School.
- Response to F-7: The comment is incorrect, as the DEIR does not identify any impacts as less than significant simply because an intersection is already failing. One intersection is already failing -- D Street/ Foothill Boulevard – and as defined by County criteria, such an impact would be significant if the Project resulted in an increase in average delay of five seconds or more. At that location, the added trips generated by the

Project (12 peak-hour trips added to the intersection) is much less than the existing intersection volume (4,795 existing peak-hour vehicles). As a result, the additional 12 trips would have virtually no measurable effect on the overall intersection average delay per vehicle.

- Response to F-8: The comment is consistent with what is stated in the DEIR, in that adopted plans identify future bicycle facilities in the area. The DEIR states (on p. 11-7) that “there are no classified Class I, II, III, or IV facilities, although Fairview Avenue is identified in the *Alameda County Bicycle Master Plan for Unincorporated Areas* as one of the roadways designated to become a Class III bike route between D Street and the Hayward city limits.” The DEIR also states on p. 11-15 that “Fairview Avenue, along with D Street, Maud Avenue, Kelly Street, Hansen Road and East Avenue in the unincorporated Fairview area are all designated as proposed Class IIIA “Rideways,” one of four subclasses of Class III bike routes. Class III routes typically provide “Bike Route” signage but no designated roadway lane or path separate from the street.”
- Response to F-9: See Master Response B3 regarding frequent comments on traffic-related issues, especially regarding sidewalks in the Project vicinity.
- Response to F-10: The DEIR includes an analysis of cumulative traffic impacts that incorporates anticipated future traffic growth in the area. The Project contribution to cumulative traffic growth at the Maude/Kelley intersection is 10 additional a.m. peak hour trips, 16 mid-day peak hour trips (school peak) and 16 in the p.m. peak. Given the relatively low volume, impacts would remain less than significant even with higher cumulative volumes.
- Response to F-11: The Project will add new sidewalks along its entire D Street frontage, consistent with County requirements for new development projects. To clarify the comment in Table 9.1 of the Draft EIR, development projects in the County are not obligated to make improvements to public infrastructure (i.e., to fill in gaps in existing off-site sidewalks) unless there is a correlation between the project’s added demands on that public infrastructure. The County does not expect its existing residents to subsidize new development, but also does not fully expect new development to redress existing deficiencies. Providing for sidewalks on those portions of public streets that are not affected by new development is primarily a County obligation.
- Response to F-12: See Master Response B3 regarding frequent comments on traffic-related issues, especially regarding D Street parking.
- Response to F-13: See Master Response B4 regarding frequent comments on traffic-related issues, especially regarding sidewalks in the Project vicinity.
- Response to F-14: The Project will be required to comply with California Building Code standards, with the Alameda County Grading Ordinance (Code of Ordinances, Title 15 - Buildings and Construction, Chapter 15.36 – Grading) and the Alameda County Subdivision Ordinances (Title 16 - Subdivisions, Chapter 16.08.050). These regulations require a geotechnical/geologic investigation report be prepared, subject to the approval of the Director of Public Works, with recommendations included in the reports and approved by the Director of Public Works to be incorporated in the Project’s final plans and specifications. The recommendations for the Project, as included in the required geotechnical report (*Henry Justiniano & Associates, Geotechnical Investigation Report and Updates, Proposed 31 Single*

Family Residences at 3231 & 324 7 D Street (Tract 8296) and 3289 & 3291 D Street (Tract 8297), August 10, 2015 (Appendix G) are presented in the Draft EIR. The Director may require additional or supplemental geotechnical/geologic investigations and reports, as the Director may find necessary.

The Draft EIR also cites the Geotechnical Investigation report (pg. 6) as indicating, “a large swale exists within the northeastern portion of the site where previous subsurface explorations were performed, that does contains deep soil deposits (of 13 to 14 feet), and the topography appears irregular and possibly may contain old slide deposits. Additionally, areas where clayey sands were encountered were moist and may be subject to creep (a gradual, downslope soil movement).”

Mitigation for slope instability is addressed in the Geotechnical Report.

Recommendations call for over-excavation of this area of fill, soft soil deposits and residual soil; installation of sub-drain pipes or trenches; placement of fill materials as a continuous bench at slopes not exceeding a 2 horizontal: 1 vertical gradient; engineering fill requirements for compaction; and seeding of all disturbed slope to mitigate erosion. All of these operations are to be conducted under the supervision of the Project Engineer, and compaction testing procedures conducted by a Field Technician. With incorporation of these geotechnical recommendations in the final plans and specifications for the Project, the potential risk of landslides would be reduced to a less than significant level.

- Response to F-15: The Fairview area is considered a “local responsibility area” (LRA) with respect to fire protection, meaning that fire protection services are provided by a local as opposed to a state agency. The Project site is not identified on the State Fire Hazard Severity Zone map as being within a fire hazard severity zone.
- Response to F-16: Comment noted. The Draft EIR does not specifically address on-going maintenance costs, but such costs are typically allocated to new development as part of the County’s permits to connect with those off-site storm water collection and conveyance services provided by the Alameda County Flood Control and Water Conservation District. The Draft EIR (page 8-19) does indicate that assurances shall be provided for continued maintenance of on-site drainage facilities by the Project’s homeowners association.
- Response to F-17: CEQA does not require analysis of individual views of the Project from each surrounding private property, and such site-specific analysis has not been conducted. The visual analysis for the Project does include several photo-simulations showing existing public scenic vistas, and the same public vistas with new development pursuant to the Project, demonstrating that the Project would not substantially block these vistas from public viewing locations.
- Response to F-18: If not included in its design, the Project would be required to construct sidewalks along its individual frontage on D Street. These sidewalk improvements are shown on Figure 3-8 of the Draft EIR, indicating that sidewalks constructed on the internal Street A would wrap around at the intersection of D Street and continue for the length of Tract 8296 frontage on D Street, and northerly to the new intersection within tract 8297.
- Response to F-19: Comment noted. Consistent with the policies of the Fairview Area Specific Plan, the Project would be required as a condition of approval to re-establish at least five

new 15-gallon trees, or one boxed native specimen tree for every large tree that must be removed. Large, mature trees (including native trees at least 20" in diameter at breast height (dbh), or introduced tree species of at least 30" dbh) requiring replacement.

Response to F-20: The sentence to which the commenter refers continues, "...where those policies are specifically adopted to protect environmental qualities." See Master Response A regarding consistency with the Fairview Plan, especially regarding Policy Inconsistency as a CEQA Impact.

Letter G

March 15, 2017

To: Alameda County Planning Department
Attn: Christina Horrisberger, Andrew Young, Albert Lopez

Hello

My name is Cathy Langley, and I live at 23922 Maud Ave, very close to the intersections of Maud, D St & Fairview Ave. I am providing comment on the DEIR report - tracts 8296 and 8297 –PLN2015-00180

I would choose Alternative A – No Project, No development

The DEIR shows 9 inconsistencies and 3 undetermined/possibly inconsistent as compared to the FASP. Each of these must be brought to the FASP standard.

G-1

TRAFFIC: The population count is based on the 2010 census that shows an average of 2.71 persons per household. The census is outdated as we are in 2017. The cost of homes has exploded in the Bay Area, many households contain 3 – 4 generations, possibly 20 people in a home, and numerous cars.

DEIR page 11-16 quote

“Public Streets...policy of the County to maintain a level of service C...”

G-2

Item 1: The County is committed to improving the traffic system immediately affecting the Fairview Area, while preserving the quality of life of surrounding existing residences. Improvements to the internal street system must take into consideration the needs of existing residents, and pedestrians as well as motorists. The need for such improvements must be balanced against the desirability of preserving existing neighborhoods. It is the policy and preference of the community to avoid traffic signals in the Fairview area where possible.

Page 11-14, Table 11.6, Peak Hour Intersection Level of Service-Future Baseline Conditions

Existing conditions at peak hour for (3) D Street / Maud Avenue, are rated “B”, and for Future baseline also “B”. (5) D Street / Foothill Boulevard, are rated “E”. The DEIR states that 195 homes will be built in the future, 31 on tracts 8296 & 8297, as well as 27 on tract 8057. That is 58 homes, with 137 homes remaining to be built in Fairview. If you average 3 cars per household that would be 441 more cars at these intersections and the other 5 intersections impacted from the growth. The ability of “...the County to maintain a level of service C...”, will not be possible with this rate of development. D Street / Maud Avenue, as well as D Street / Foothill, and all other intersections will deteriorate to unacceptable levels of service.

G-3

I performed a layman’s traffic study at the D Street / Maud Avenue intersection at peak hour on Wednesday, March 8th, from 4:38 pm to 4:48 pm. I counted 138 cars, 13.8 cars per minute. In addition, out of every 4 cars, only 2 stopped at the stop signs. Cars were traveling an average of 40 miles per hour as I watched the traffic monitor on D Street for 10 minutes.

G-4

There are no consistent sidewalks on D Street and Maud Ave. Parents and children, children in baby carriages have to navigate over bumpy, muddy paths to get to work. Handicapped people in wheel chairs, skate boarders are in harms way as they go to their destinations.

G-5

In addition, I have been told that a child was hit by a car and died on D Street, and a number of people have been injured in these intersection areas. A neighbor told me she witnessed her dog being killed on D St. Also, homes damaged by drivers speeding and making circles in the roadway.

Page 11-18, Significance Criteria “The project would have a significant environmental impact if it were to: Line 5- “result in inadequate emergency access.”

Upper D Street is too narrow to support the traffic overflow from residents who own more than 3 cars, (parking capacity as provided by the development). It is common for Fairview residents to own more than 3 cars. The plan is to seal off 300 feet from parking on D Street. As it is, D Street experiences congested parking. Excessive parking makes the road too narrow, and future development will make this worse, making it difficult to impossible for emergency vehicles to access.

G-6

NOISE DURING CONSTRUCTION – 7 DAYS A WEEK – 24 MONTHS OR LONGER

Page 10-5, Local Physical Setting

The noise monitoring survey was conducted between February 4 –February 9, 2016, representing Wednesday through Tuesday. It includes Saturday and Sunday. Increased traffic will be the biggest contributor to noise. A more accurate picture of noise conditions would be a survey from Monday through Friday.

G-7

Per the information in the DEIR, noise levels are typically 54 – 70 during the day, and 40 – 65 during the day. The high dBA number of 70 represents “Common Outdoor Activity” of “Noisy urban area, daytime lawn mower, 100 feet, Commercial area, Heavy traffic at 300 feet”

Page 10-4, “primary concern(s) with construction...(is) the potential to interfere with the enjoyment of life”...

Page 10-8, “The Project would have a significant environmental impact if it were to result in: Item 4. “A substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the project.”

G-8

Page 10-9, “...applicable threshold is whether the Project would substantially increase temporary and/or periodic ambient noise levels in the Project vicinity above levels existing without the Project. Construction activities are considered to be temporarily or periodically significant if they would increase ...noise levels...by an average noise level exceeding 60 dBA and/or increase ...noise levels by a least 5 dBA, for a period of more than 1 year.”

My comments: As indicated in the DEIR, as above, the highest existing dBA is at 70 dBA. Therefore, Fairview is already above an average noise level exceeding 60 dBA.

Page 10-9, “...typical hourly average construction-generated noise levels range from about 81 – 88 dBA...”. The Project will continue for approximately 24 months, or longer.

Table 10.2, page 10-3, “ Typical Sound Levels...” the noise levels for the construction of the Project are projected by the DEIR to be 81 – 88 dBA. However, the table states common outdoor activities at 80 dBA, to be “Noisy urban area, daytime gas lawn mower, 100 feet, commercial area, Heavy traffic at 300 feet. Those are descriptions of very moderate noise

G-9

levels compared to the pile driving, heavy equipment etc. At the height of each Model Home, each residential home being built over a long period of time, noise levels will be between 90 dBA and 100 dBA.

Therefore, the noise of the Project is more than significant.

The traffic generated from approximately 120 vehicles, at least 4 trips per vehicle per day or 480 trips, would be more than significant, and intolerable to our existing residents. I have forwarded a video I filmed on D Street. Listen to the roar of the vehicles. In addition, I've spoken to many neighbors who say they can't open their front doors, can't let their children play on the D Street side of their residence, or let their pets out.

I have emailed a video of the intersection of Maud & D Street to Planning Department, showing more than 1/2 of the cars moving through that intersection, during Fairview School releasing students, NOT STOPPING AT THE STOP SIGNS, NOT YIELDING AT THE YIELD SIGN. Also, a picture of a group of students playing ball on the sidewalk, and moving into D Street.

G-10

Page 13-18, Growth Inducement

"The addition of 84 new residents in an area designated by the Fairview Area Specific Plan for population growth does not qualify as substantial increase in population..."

Comment: This finding is based on an outdated 2010 census. Housing in the Bay Area is extremely expensive. People are living multi-generationally in households. The addition of 84 new residents in the Project, is unrealistic. In addition, the DEIR does not take into consideration that there will be a total of 195 new homes, which include the Project. That would result in (using the census figure), 529 new residents, with 3 cars each residents would result in 1,587 cars! 4 trips per car per day would be 6,348 trips per day! 2 children in school would result in 1,058 children in Fairview Schools.

G-11

Page 14-2, Alternatives Analysis

"Land Use: conflict with the policies of the Fairview Area Specific Plan adopted to protect the topography of the Fairview District."

Comment: Upper D Street is a rural topography in Fairview. The topography of the area has been forever changed by the recent development there. It should not be developed any further, otherwise all of that rural topography will be destroyed forever. The Project is, in no way, in keeping with the "rural topography" of Fairview.

G-12

Pages 6-5 through 6-9 / Special Status Plant Species-Sensitive Status Animals

Comment: Many special status plant species would be eliminated from this Project's development. In addition several sensitive status animals would be destroyed. One is the Alameda Whipsnake (AWS). The study discredits the possibility that the AWS exists. The DEIR study is incorrect to report that the AWS needs outcroppings for habitat. In the U.S. Fish & Wildlife September 26 2016 article, the article cites habitat as grasslands, nesting and hibernating in mammal burrows. I spoke at length to the Herpetologist at Hayward's Reptile Room, he says they exist all over the Hayward Hills. He has cited them. In addition, let me refer you to the "U.S. Fish & Wildlife Service / Sacramento Fish & Wildlife Office, article dated September 2016. Alameda Whipsnake - "Range-3. Hayward Hills...Alameda County (Hayward-

G-13

Pleasanton Ridge population". I grew up in Fremont and Hayward, and happen to be fond of snakes. I used to see this snake, and now it is endangered.

I could continue my comments, but hopefully other residents will voice their comments and cover other concerns.

Sincerely,

Cathy S. Langley
23922 Maud Ave.
Hayward, CA 94541

Letter G Response – Cathy Langley

- Response to G-1: See Master Response A regarding consistency with the Fairview Plan, in particular that portion of the master response addressing Fairview Area Specific Plan Consistency Determination.
- Response to G-2: Data from the 2011-2015 ACS estimate show an average household size in Alameda County of 2.78, a minor increase from the 2010 census of 2.71. It is true that future homeowners of each home will have their own unique demographic characteristics and populations per household, but these unique characteristics cannot be predicted in advance. Area-wide and Countywide averages provide the best estimate of future conditions.
- Also, see Master Response B1 regarding frequent comments on traffic-related issues, especially regarding the development of traffic count estimates.
- Response to G-3: The Future Baseline Conditions include anticipated future traffic volumes, which result in the potential cumulative impacts analyzed in the DEIR for the Project area vicinity. On p. 11-26, the DEIR concluded that, “Traffic generated by the Project, when added to other cumulative traffic levels at Project study intersections, would not change level of service under Cumulative Baseline conditions at any studied intersections. This scenario is based on the Future Baseline or cumulative conditions (with buildout of all anticipated development in the Project vicinity as listed in Table 11.4), with the addition of expected vehicle trips from the Project”.
- Response to G-4: The counts taken by the resident at this intersection is consistent with the data collected, which found an average of 13 cars per minute over a 60-minute period during the p.m. peak hour.
- Also, see Master Response B1 regarding frequent comments on traffic-related issues, especially regarding traffic counts.
- Response to G-5: See Master Response B3 regarding frequent comments on traffic-related issues, especially regarding sidewalks in the Project vicinity.
- Response to G-6: As noted on page 11-38 of the Draft EIR, parking is not a CEQA-related impact and no CEQA thresholds for parking are established. However, discussion regarding parking is included in the Draft EIR for public and county decision makers’ information. As indicated, each single-family residence in the Project will have at least two off-street motor vehicle parking spaces as required by Chapter 17 of the Alameda County General Ordinance Code. In addition, the Project’s proposed local access streets have a curb-to-curb width of 36 feet, wide enough to accommodate internal on-street parking on both sides of each local access street segment. Based on the site plan, the on-street parking will equate to an additional one to two parking spaces per dwelling unit, and the total parking supply (including both on-street and off-street parking) will exceed an average of three parking spaces per unit. Visiting guests may also use garage aprons if needed, further increasing the supply of parking. The Project will fully accommodate its own parking demand on site and internal to the development.
- Although the Project would eliminate on-street parking spaces on D Street, the Project would remove two existing residences that front onto D Street, thereby also eliminating the demand or need for those spaces. The recommended

prohibition of on-street parking on the south side of D Street for a distance of more than 300 feet could potentially remove up to 12 other currently used on-street parking spaces, but would substantially improve sight distance safety and emergency access.

Response to G-7: The noise monitoring survey captured four weekdays and two weekend days, so that average noise levels could be presented. The noise surveys accurately and adequately describe current, typical noise conditions in the area.

Response to G-8: In the analysis of construction noise level, the DEIR states (p. 10-5), "Hourly average noise levels typically ranged from 54 to 70 dBA Leq during the day and 40 to 65 dBA Leq at night. The calculated Ldn at this location ranged from 60 to 64 dBA Ldn." As discussed in the analysis, "Ldn" refers to the average noise level during a 24-hour day, obtained after addition of 10 dBs to levels measured in the night between 10:00 PM and 7:00 AM. Average noise levels near the Project range from 60 to 64 dBA Ldn. In those locations where average noise levels already exceeding 60 dBA, the threshold for Project impacts is defined as an increase in average noise levels by a least 5 dBA.

The DEIR concludes that construction does have the potential to exceed this threshold, and recommends Noise-1 Mitigation Measures, which it concludes will reduce these levels to less-than-significant (see also Master Response C regarding the potential significance of construction noise impacts).

The DEIR states (on page 10-14) that, "Traffic data provided for the Project were reviewed by the EIR noise consultant to calculate potential Project-related traffic noise level increases along roadways serving the Project site. Increases in cumulative traffic noise level were calculated by comparing the future traffic volumes and the Cumulative plus Project volumes to existing traffic volumes. The traffic noise increases calculated under both future scenarios were approximately 1 dBA Ldn in the Project site vicinity. Since the increase in traffic noise levels under both future scenarios is less than 3 dBA Ldn, no cumulative traffic noise impacts are identified. Furthermore, the Project would not make a cumulatively considerable contribution (i.e., more than 1 dBA Ldn or more attributable solely to the proposed Project)."

Response to G-9: The DEIR estimates maximum construction noise that could be expected from site preparation activities to reach between 81 to 88 dBA Leq at 50ft. Noise from building construction to range from 65 to 71 dBA Leq at 50 feet. The Draft EIR (page 10-10) also presents average noise impacts due to construction, based on a central noise source at the center of each tract. This represents typical average noise effects at adjacent sensitive receptors. Based on this averaged noise assessment, typical hourly average noise levels the adjacent Hilltop Care facility (at between 160 feet and 170 feet from the center of each Tract) would range from 70 to 78 dBA Leq, with maximum instantaneous noise levels ranging from 69 to 81 dBA Lmax. Typical hourly average noise levels at the existing adjacent residences to the east and west of the Project site (at distances of approximately 160 to 210 feet from the center of each Tract) would range from 69 to 78 dBA Leq, with maximum instantaneous noise levels ranging from 68 to 81 dBA Lmax. These average and maximum noise levels would temporarily elevate noise levels at adjacent noise-sensitive receptors to levels exceeding ambient levels by more than 5 dBA and

mitigation measures are identified, but noise levels are not expected in the range of over 90 to 100 dBA Leq of Lmax, as suggested in this comment. As indicated on page 10-9 of the Draft EIR, pile driving (which generates higher noise levels) is not expected as part of the construction process. See also Master Response C regarding Construction Noise.

Response to G-10: See Master Response B regarding frequent comments on traffic-related issues, especially regarding D Street.

Response to G-11: The Project would develop 31 new housing units. Data from the 2011-2015 ACS estimate show an average household size in Alameda County of 2.78, a minor increase from the 2010 census of 2.71 as cited in the DEIR. As stated in the DEIR (p. 13-18), "Other than direct increase in development on the site analyzed in this document, the Project itself would not be anticipated to have a growth-inducing effect.

The Draft EIR (page 9-20) does present an anticipated cumulative development forecast for the Fairview area, and this cumulative forecast is used in assessing potential cumulative effects, including cumulative traffic impacts. As noted in the Draft EIR, "County staff estimates that the most likely cumulative development potential for this portion of the Fairview area is represented by construction of approximately half of the 130 assumed net development potential. This amounts to approximately 65 new residential units over the next 18 years (between now and 2035), reflecting an average growth rate of about 1 percent per year.

Response to G-12: Please see Master Response A regarding consistency with the County's policies and goals regarding preservation of natural topography and rural character.

Response to G-13: The Draft EIR does not discredit the possibility that AWS exist, but rather indicates that; "presence of AWS is unlikely, but it is possible that an individual AWS could use the property for forage and dispersal." As indicated on page 6-7 of the Draft EIR, "The Project sites are not within the USFWS-designated Critical Habitat for this species. According to Connectivity Modeling data, the nearest core or patch habitat for AWS is approximately one mile to the east." The Draft EIR also identifies habitat for AWS as being "typically associated with scrub habitat - northern coastal sage scrub and coastal sage. Occupied areas usually support a prey base of at least two lizard species, especially the western fence lizard, and whipsnake populations thrive when lizards are abundant. Rock outcrops are particularly important foraging habitat for the AWS because they support many of the species' prey."

Hi Andrew,

Letter H

Unfortunately, I will be out of town for the Public Hearing on Feb 21st for the Draft EIR for the 2 new subdivisions as shown on Tentative Tract Maps 8296 and 8297. So I am providing you the following comments/concerns based on my review of the DEIR.

In general, I was pleased to see that these 2 new subdivisions closely follow the Fairview Plan, and they should be good additions to our neighborhood. Based on our experience on Carlson Court, the proposed street design with sidewalks and parking on both sides of the street is quite beneficial. The lot grades seem quite reasonable.

H-1

However, I am disappointed that the DEIR states there is no significant impact to traffic flow due to these new subdivisions. I have some serious concerns that the added cars from the 2 new developments will only exacerbate the safety issues that already exist with D Street traffic.

Presently, with cars/trucks/SUVs parked on both sides of D St from Carlson Court to Fairview Ave, the two-way traffic lanes become very narrow, and thus, it is quite dangerous for cars to pass by each other safely at the posted 25 MPH speed limit. **Many times one has to pullover to the parking area in order to let the car in the other direction pass before you can proceed on your way. If there was a center-line painted on the existing D St roadway, It would help alleviate the need to pullover so often.** This situation will be made even worst with all the new traffic from these two new subdivisions.

H-2

Thus, I would recommend that D Street be widened from the Carlson Court to Fairview Avenue. I believe that the present width of D Street is only around 30 feet, which is less than today's Alameda County road standards. There appears to be plenty of right-away available to allow for widening of D Street. **Another possible alternative would be to restrict parking on one side of D Street.**

In addition with no sidewalks on D St from Carlson Court to Fairview Avenue, pedestrian safety is greatly compromised, especially considering more children from the 2 new developments will be walking to the nearby Elementary School on Maud Avenue. **Recommend that sidewalks be added to north side of D St** since it would connect directly to Maud Avenue.

I fully support the DEIR recommendation to make on-street parking on the south side of D St prohibited near the entrances to both new developments(see page 11-34). BTW, the County in March 2014 added a red curb on north side of D Street and east/west of Carlson Court in order to improve sight distance for Carlson Court homeowners. This has greatly improved the traffic safety for making right turns at the Stop Sign on Carlson Court as well as left turns onto Carlson Court from D Street. **I assume that the existing no parking zone on the north side of D St will be retained.**

H-3

However, there is still concern by many Carlson Court residents that the cars coming from Thurston and Machado Courts and heading West on D St are exceeding the speed limit. Since the grade on D Street prevents Carlson Court residents from seeing these cars until after they crest the top of the hill near the existing Hilltop Care Center road, **turning left onto Carlson Court from D St still remains a real safety issue.** There has been two accidents at Carlson Court/D Street intersection due to this problem and dozens of near

H-4

misses. Also, making the left turn from D St onto Carlson Court will become even more dangerous with the added cars from the new subdivision Tract 8297.

Thus, we would like to see speed bumps on only the westbound lanes of D Street prior to crest of hill as well as more signage on D Street to slow these cars down to a safe speed. Both new entrance roads to the 2 proposed developments will be impacted by this speed / vision problem, and the chances of additional accidents would significantly increase. Also, **we would like to recommend that the County explore placing a Stop Sign on only the westbound lane of D Street at the intersection with the new Road from Tract 8297 as a safer alternative to speed bumps.**

H-5

Finally, the existing left turn lane onto D St going East at Fairview Ave (right after the intersection of D St and Maud Avenue) barely accommodates two waiting cars. The concern is that the added traffic due to the 2 new subdivisions will probably result in cars overflowing (more than 2 waiting) from this left turn lane, which could potentially result in partial blocking of the traffic heading to Fairview Ave. This probably is a rear-end accident waiting to happen. Also, poor visibility of the cars that are coming down Fairview Ave makes this left turn onto D St hazardous, especially for someone not familiar with this area. **I would like to recommend that the County explore an alternate design (such as a roundabout) for this awkward intersection at D St and Fairview Ave to address the above issues.**

H-6

If you have any questions about my comments/concerns, please contact me by email or cell phone.

I appreciate the opportunity to input to the Alameda County planning process.

Regards,

Michael Loss
President of Carlson Court Homeowners Association
510-432-5648 (cell)

Letter H Response – Michael Loss, President of Carlson Court Homeowners Association

- Response to H-1: Comment noted. Please also see Master Response A regarding consistency with the County’s policies and goals regarding preservation of natural topography.
- Response to H-2: As noted on page 11-38 of the Draft EIR, parking is not a CEQA-related impact and no CEQA thresholds for parking are established. However, discussion regarding parking is included in the Draft EIR for public and county decision makers’ information. As concluded in the Draft EIR, the Project will fully accommodate its own parking demand on-site and internal to the development. The Project would also be consistent with this comment’s suggestion to eliminate on-street parking on the south side of D Street for a distance of more than 300 feet (thereby substantially improving sight distance safety and emergency access) and by constructing sidewalks along its entire southerly frontage on D Street, as shown on Figure 3-8 of the Draft EIR. Please also see Master Response B to frequent comments regarding traffic issues, especially regarding D Street.
- Response to H-3: The Project does not affect existing parking restrictions currently in effect elsewhere on D Street or anywhere else in the vicinity. See Master Response B2 to frequent comments regarding traffic issues, especially regarding D Street.
- Response to H-4: The commenter refers to an existing condition, which would not be worsened due to the Project.
- Response to H-5: Comment noted. See Master Response B2 to frequent comments regarding traffic issues, especially regarding D Street.
- Response to H-6: Comment noted. See Master Response B2 to frequent comments regarding traffic issues, especially regarding D Street.

Letter I

From: Jeri Mares [<mailto:jerimares@aol.com>]
Sent: Friday, March 03, 2017 1:02 PM
Subject: Comments on Proposed Upper D Street Project

To Whom It May Concern:

We are writing to share our input on the proposed development of tracts 8296 abd 8297 - PLN2015-00180, on upper D Street.

We are concerned with the inconsistencies shown in the Draft Environmental Report, and the potential impact on an area that is already experiencing notable erosion and mudslides.

I-1

We'd also like the commission to consider the impact to traffic conditions, not only as they concern residents but for safety and service vehicles as well. Upper D street, where this project is slated to be, is very narrow. Just with the residential traffic that currently exists, there is barely enough room, and often not enough room, for two cars to pass each other on their respective sides of the street. It takes a delicate balance of alert and patient drivers to manage driving daily on this street, and adding to this will surely be problematic. Especially in the case of emergency vehicles that may need access. We are concerned about how this issue will be addressed. There is not an option to widen the street as widening will encroach upon residents' properties.

I-2

Additionally, please consider the builder's proposal to have the project running 7 days a week. The homeowners in this community deserve their quality of life and living to be preserved and prioritized over the developer's agenda. Can you imagine someone living with a construction zone behind their home 7 days a week? We ask that you please consider this issue in your decision making.

I-3

We appreciate your consideration of my comments, and ask that once received, you confirm receipt of this message.

Respectfully,

Jeri Mares, M.A. and William Mares, MSW
3205 D Street
Hayward, CA 94541

Letter I Response –Jeri Mares, M.A. and William Mares, MWS

Response to I-1: See Master Response A regarding consistency with the County’s General Plan and Fairview Area Specific Plan.

With respect to potential erosion and mudslides, the Draft EIR presents conclusions from a Geotechnical Report (see p. 13-8 of the DEIR), which indicate; *“The Project site is not located in an area mapped by the California Geological Society where previous occurrence of landslide movement, or local topographic, geological, geotechnical and subsurface water conditions indicate a potential for permanent ground displacements. “There are no steep, unsupported banks that potentially could be influenced by lurching or lateral spreading. Seismically induced slope failure may occur in hillside areas, especially when sites are in close proximity to earthquake epicenters. Based on the relatively gentle nature of the site topography and shallow depth to relatively strong rock, we consider that this risk would be insignificant and far below the range of acceptability that would commonly be associated with hillside construction in the Hayward Hills area.”* The Geotechnical Report provided a series of recommendations for the Project developer, detailed in the DEIR beginning on p. 13-9, to ensure that the potential risks from erosion and soil instability are less than significant. In addition, potential impacts related to erosion are fully addressed in Chapter 8: Hydrology and Water Quality of this Draft EIR. The Project will be required to include a Stormwater Pollution Prevention Plan (SWPPP) under the terms of the County’s Construction General Permit, which includes measures to control the risk of soil erosion related to Project construction activities.

Response to I-2: See Master Response B2 to frequent comments regarding traffic issues, especially regarding D Street.

Response to I-3: See Master Response C to frequent comments regarding construction noise.

Letter J

3140 Atwal Ct., Hayward, Ca 94541

Date: 2/23/2017

Re: PLN: 2015-180 D Street LLC-Tracts 8296-8297

Please see my comments on this proposed development below:

It brings me some anguish that yet another beautiful pasture will be mangled into a subdivision. That being said, I appreciate the opportunity to participate in a disciplined, structured process that will hopefully result in a new neighborhood that enhances the existing community.

I have read the Draft EIR for Tracts 8296-8297 and made the following observations:

1. The plots are shoehorned into the available area with little to no “green areas” that can serve as a playground or recreational area for families. One small gathering place would lend a friendlier, more peaceful atmosphere to the neighborhood. It would also provide a bit of relief for children as they navigate streets with assigned ownership everywhere. J-1

2. There is a broad range of grades, most of which are greater than 10%. I would urge caution as to how the hills are flattened to place the houses. This will take a tremendous amount of industry with resulting impacts on air (particulates), water flow, ground stability and any number of things of which I, as a lay person, am not aware. The area is fragile and erosion is a constant threat. There is a mudslide on a hill on D street, 50 yards from the planned development. J-2

3. Traffic in upper D street is already problematic. There are many areas without sidewalks where children going to Hayward Elementary must walk in the street. Traffic is intense twice a day with many hundreds of cars converging from lower D Street, and Fairview and Maude Avenues. The addition of potentially hundreds of cars to the immediate area poses safety and quality of life issues. Is an easily accessed bus stop near the subdivision? I did not see plans for effectively abating the increased traffic. J-3

Thank you for considering my comments.

Cynthia Richardson

Letter J Response – Cynthia Richardson

Response to J-1: Comment noted. As stated in Table 9.1, on p. 9-5 of the DEIR: *“The Project’s Site Plan shows that each lot would have at least 1,000 square feet of usable open space area, consistent with the dimensional standards of the Fairview Area Specific Plan. The Project would provide level rear yards on most of the eastern tract, but almost no level rear yards on any of the western tract lots. However, the 15-foot wide side yards could be counted as useable open spaces, and as limited to maximum building lot coverage of 30 percent, there would be adequate useable open space.”*

Response to J-2: Comment noted. Each of the topics mentioned in the comment is fully analyzed in the DEIR. Also, see response to comment J-1 regarding erosion.

Response to J-3: See Master Response B3 to frequent comments regarding traffic issues, especially regarding D Street.

With respect to accessible bus stops, AC Transit line 95 is the closest bus stop near the proposed Project. This is located on Maud Avenue, near the intersection of D Street, approximately 1,000 feet away from the Project site.

Peak-hour traffic in the area is affected by the school drop-off and pick-up at Fairview Elementary. The amount of traffic that would be generated by the proposed Project is proportionally much smaller than existing traffic volumes in the area.

Letter K

Subject: FW: D Street DEIR - Comments by S Saxon for Machado Court HOA 3-16-17
Andrew,

Our association had a handful of primary comments about the DEIR.

1. Traffic

The traffic analysis in the DEIR is impressive, but it seems to be based on a false assumption. The estimate of ~30 cars per day of additional traffic doesn't seem realistic. For 31 new homes, one car per home per day of additional traffic just doesn't match the realities of 2017 behavior.

According to Marc Crawford, the homes in the development are planned as 4 bedroom houses, which matches pretty well the density of those on Machado Court. Our car density is much more than one per home, however. Since parking has become a difficult subject for our neighborhood, I know that our residents are averaging more than three cars per home. Three households on Machado are having to manage 5 or 6 cars, and most of them are going in and out every day.

K-1

A more realistic number for the new neighborhood would be greater than three cars per day per household, which would put it closer to 100 than the study's assumption of 30. Also, the implications for parking in the new neighborhood and on upper D street, aside from the moving traffic considerations, seems to be entirely missing in the DEIR.

2. Pedestrian safety on upper D street

The absence of sidewalks on upper D street, as well as the inadequate width of upper D compared with county standards should be addressed before the county approves two new cul de sac streets and the development of 31 new homes. The Crawford project intends to add sidewalks for the portion of upper D street directly touched by the project, but that leaves most of the street unchanged. With the blind views caused by the hillock in the middle of upper D street and the additional traffic volume, the resulting conditions will be very unsafe for residents who regularly walk their dogs or simply walk around to get around.

K-2

The county should address these two concerns (sidewalks and inadequate street width) before permitting more housing density.

3. Disturbance and Disruption During Construction

There have been rumors and statements about the days & hours of construction, and the length of time that construction will be expected to take, but no firm plans have been committed. Our association has grave concerns about the estimated two year construction period and the impacts that heavy construction machinery, building tradespersons, and other associated disturbances will have on our neighbors. There are a considerable subset of individuals on Machado who work from home, so this presents not a slight inconvenience, but a full-time disruption of our lives.

K-3

4. Drainage / Runoff to Machado Court

The drainage plans for the development indicate that approximately half of the upper tract will run off into the privately maintained storm drains and catch basins of Machado Court. Our

K-4

system was not designed with this in mind, nor is it fair for us to accept the additional flow from the new development.

K-4

We are not looking for compensation or for the new neighbors or HOA of the upper tract to split the cost of maintenance with us. We prefer instead that drain plans of the new neighborhood(s) be re-designed to catch and release their own storm runoff to the main sewer instead of shunting it to our neighborhood.

There are some other concerns that have been raised (parking congestion on upper D street, the incomplete counts of the wildlife census, including fox and coyote, a resident family of deer, at least 30 wild turkeys, humming birds, crows, bats, and others), but these were the ones I've heard mentioned most in my conversations and in our meetings.

K-5

Thank you for your diligence and your attention to our concerns.

Sincerely,

Stephen Saxon

President, Tract 4523 Homeowners Association

board@machadocourt.org

[510-882-4908](tel:510-882-4908)

Letter K Response – Stephen Saxon, President, Tract 4523 Homeowners Association

- Response to K-1: See Master Response B1 regarding frequent comments on traffic issues, especially the discussion of methodology of trip generation. The DEIR indicates on Page 11-19 the proposed Project would generate 295 daily vehicle trips (not 30).
- Response to K-2: See Master Responses B2 and B3 regarding frequent comments on traffic issues, especially regarding D Street and sidewalks in the Project vicinity. Based on the applicable significance criteria, this does not constitute a significant impact.
- Response to K-3: See Master Response C to frequent comments regarding construction noise.
- Response to K-4: As indicated in the Draft EIR (page 8-19) the eastern (upper) parcel is mostly open ground. Approximately half of the existing runoff from this parcel sheet flows downslope to the west towards the Hilltop Convalescent Center property and from there into the stormwater main in D Street, and most of the remaining storm runoff from this parcel flows downslope to the east, towards the Machado Court neighborhood. Existing runoff towards Machado Court is captured by a concrete V-ditch and enters into an underground storm drain line. That storm drain outfalls to an upper branch of Deer Canyon Creek, through the Five Canyons Open Space area, and eventually to San Lorenzo Creek and Don Castro Reservoir.
- The Project’s proposed grading plan would alter existing grades and surface runoff from the site, and would result in a substantial increase in impervious surfaces and associated runoff, which could potentially affect the direction and increase the volume of stormwater flows, with potential adverse effects on downstream drainage facilities or neighboring properties. Therefore, the Project includes a preliminary Stormwater Management Plan that is intended to meet the County’s NPDES C.3 flow control standards to limit post-construction stormwater flows to a level that is no greater than the amount or rate of runoff flowing off the site under existing, pre-development conditions. As shown in Figures 8-3, runoff originating from the eastern (upper) parcel will be managed and designed so that future flows leaving the site towards Machado Court are first treated for water quality within on-site bioretention areas, and from there into an underground oversized pipe equipped with an outlet control structure to meter flows into a new storm drain line that connects to the existing storm drain system that passes through the Machado Court neighborhood. As shown on Table 8.2 of the Draft EIR, stormwater flows exiting the site towards the Machado Court storm drain system (at exit point E2) are designed, and will be metered to result in no increase (actually a slight decrease) as compared to current 10-year and 100-year stormwater flows.
- Any alternative design that would further reduce or avoid stormwater flows from exiting the Project site towards Machado Court would necessarily result in increasing flows elsewhere in the stormdrain system, inconsistent with the County’s flow control standards.
- Response to K-5: Regarding parking congestion on Upper D Street, See Master Response B regarding frequent comments on traffic issues, especially regarding D Street.
- Regarding wildlife, the biological reconnaissance survey conducted at the Project site by Zander and Associates found the following, as described in more detail in the DEIR for both tracts, p. 6-3 (scientific names here excluded): “*Evidence of mule*

deer and eastern fox squirrels was abundant on the parcel Birds such as white-crowned sparrow and American goldfinch were also observed in the trees and shrubs. Other wildlife expected to use the habitats on the parcel include non-native animal species typically found in disturbed areas, such as European starling, rock dove, Virginia opossum, and Norway rat, as well as native species that have adapted to ruderal areas including red-tailed hawk, American crow, raccoon, and coyote. The scrub habitat in the southeastern portion of the parcel could also provide habitat for reptiles such as Pacific gopher snake, California king snake and western fence lizard.” The DEIR further concluded that there are no sensitive natural communities, wetlands or riparian areas on or in the immediate vicinity of the site. The DEIR concluded that the Project would not “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.” (p. 6-15).

From: sassy1955@comcast.net <sassy1955@comcast.net>

Sent: Monday, March 13, 2017 6:51 PM

Letter L

To: Young, Andrew, CDA

Cc: 'lauracomstock@sbcglobal.net'; 'chris@higginsfamily.net'; 'stephen@saxon.com';
'sassy1955@comcast.net'; 'cathylangley@comcast.net'; 'CAABCO@aol.com'; 'SIL9093@aol.com';
'laura_nelson517@yahoo.com'; 'amloss@pacbell.net'; 'jayjelincic@yahoo.com';
'ronandkathybender@yahoo.com'; 'paradise_designs@att.net'; 'c@cynthiar.com';
'freemyheart@yahoo.com'; 't157mitchell@gmail.com'; 'abchan411@gmail.com';
'dscott24284@comcast.net'; 'bdclark12@gmail.com'

Subject: Tract Maps 8296 & 8297/PLN2015-00180

Traffic:

The Fairview Area Specific Plan identifies several critical intersections where development must take into account the needs of automobile, bus, bicycle, and pedestrian traffic.¹ The following areas are considered critical and closest to where proposed construction would take place: 1) D Street/Maud Avenue; 2) Kelly Street/Maud Avenue; 3) Hansen Road/Fairview Avenue.

L-1

The Project is expected to prepare a Construction Operations Plan detailing the schedule of trucks, supplies, and workers to the site.² The critical intersections previously listed are likely to be used for the delivery of supplies and workers. Which of these intersections and streets would be able to accommodate large trucks? Will the increased traffic due to construction spread itself across these key intersections? Will the increased traffic only use one of these routes?

L-2

The policy of the County is to maintain a level of service C in the internal street system except at several intersections, including Kelly Street, where the level of service is D. Will speed, density, service flow, and intersection saturation remain within acceptable levels? It is the interest of concerned citizens that these questions are addressed and the Construction Operations Plan be made evident to the public when completed.

L-3

Pollution:

The Fairview Plan takes special consideration to, “unacceptable health conditions”³ as result of land use. The staff report finds the potential for air quality impact significant. While it is understood the basic and enhanced mitigation measures should reduce the impact of construction dust to an acceptable level, it is the hope of concerned citizens that special consideration be taken into account for the residences neighboring Tract 8297. Concrete dust has potential for various respiratory diseases including, lung cancer, COPD, Asthma, and Silicosis. Please take a moment to understand where my specific bias comes from. By late September, the Stuchlik residence will be home to a newborn infant. Nearly the first year-and-a-half of this child’s life will be within mere meters of potential construction pollution and noise. We hope some of the mitigation measures, such as wind breaks, will be installed in the area discussed to ensure there are no significant health hazards.

L-4

Noise:

OSHA states excessive noise can create physical and psychological stress in the workplace environment.⁴ We understand mitigation is being planned to reduce these effects on the neighboring residents. As you know, the convalescent hospital is home to approximately 55 residents. This hospital has the unfortunate situation of being sandwiched between both construction sites. If an outcome is decided which results in construction, we hope the mitigation measures, such as plywood fences, are installed with consideration of the convalescent hospital and other elderly and infants surrounding the construction tracts.

L-5

It would seem the Project wishes to work 7 days per week, from morning until night, until its conclusion two years from now. The Construction Operations Plan should allow weekends to be free from noise by construction for current residents.

L-6

Conclusion:

If the decision is made to go forward with construction, we hope the commission will be willing to compromise with public concerns. Alternative plan B, which aims for a reduction in density by 25%, may, but not guarantee, to help alleviate neighborhood construction anxiety. Combining the density reduction of Alternative B with the environmentally superior Alternative C seems like a compromise. The majority of the neighborhood would prefer no construction take place. The Project, however, would like to see its objectives met. A compromise, taking into account the objectives of the Project, the concerns of current residents, and established planning policy of the Fairview Plan may be the most logical solution.

L-7

This document does not support the project going forward, but rather, bring up concerns.

L-8

1Fairview Area Specific Plan. Adopted Sept. 4, 1997. Page 8

2Transportation-7. Executive Summary. Page 2-22

3Fairview Plan. Page16.

4United States Department of Labor. Occupational Safety and Health Administration.
<https://www.osha.gov/SLTC/noisehearingconservation/healtheffects.html>

Letter L Response – Susan Stuchlik (sassy1995@comcast.net)

- Response to L-1: The three referenced intersections are evaluated in the DEIR, starting on p. 11-25.
- Response to L-2: Alameda County has a preferred truck route map, last modified and reviewed by most jurisdictions in Alameda County in September 2014. The intent of the route map is for planning purposes, according to the Alameda County Goods Movement Plan Task 2c memorandum. In the Fairview Area, trucks are prohibited on Fairview Avenue between D Street and south to Hayward Boulevard. Trucks would most likely access the Project site via D Street or Maud Avenue, which could potentially include all study intersections except Fairview Avenue/Hansen Road/Vista Lane. The Construction Operations Plan will detail the anticipated schedule of trips involving construction workers and equipment, and delivery of materials and supplies to and from the Project site during various stages of construction activity. The Construction Operations Plan will be reviewed by the County for compliance with applicable regulations.
- Response to L-3: Per the DEIR, the study intersections are within acceptable levels of service except for D Street/Foothill, which operates at LOS E in the existing conditions. In the existing plus Project, Future baseline, and Future Baseline plus Project conditions, this intersection continues to operate in LOS E. The Project’s effects on intersection LOS and average delay at the D Street/Foothill intersection is minimal (i.e., no change in either LOS or delay), and the Project’s impact at this intersection is less than significant.
- Response to L-4: County staff and the EIR consultants do understand and appreciate the seriousness of expressed concerns pertaining air quality and associated health risks due to construction activities. We also understand that the Project site is located in immediate proximity to sensitive receptors, including children and seniors. Generally, construction of a relatively small residential project of 31 new homes is not expected to result in significant construction-period air quality effects, with implementation of “Basic” best management practices and all applicable demolition-related regulatory requirements of the BAAQMD (including Regulation 11, Rules 2 and 14, which address asbestos demolition and standards for asbestos-containing soils). However, given the Project’s proximity to sensitive receptors and the Project’s substantial grading operations, the EIR also identifies implementation of “Enhanced” construction-period mitigation measures. These enhanced measures include required use of best available control technology (i.e., Tier 4 diesel engines) and wind breaks to ensure that health risks are fully mitigated (see also Master Response C regarding construction-period air emissions).
- Response to L-5: Pursuant to CEQA Guidelines, section 15041, the County (as lead agency) has the authority to require feasible mitigation measures be implemented by the Project in order to substantially lessen or avoid significant effects on the environment. CEQA Guidelines section 15126 provides that mitigation measures must be fully enforceable through permit conditions, agreements or other legally binding instruments. CEQA Guidelines section 15097 further provides for assurances that adopted mitigation measures are implemented, by adopting a program for monitoring and reporting on those mitigation measures adopted for the Project that are necessary to mitigate or avoid environmental effects. If the Project is approved and the mitigation measures recommended in the EIR are adopted as

part of that approval (including all identified noise mitigation strategies), these measures will be required to be implemented.

Response to L-6: See Master Response C to frequent comments regarding the construction period.

Response to L-7: As indicated in the Draft EIR (page 14-3), Alternative B assumes the site would be developed generally as proposed under the Project, but with a 25% reduction in density (i.e., from 31 to 23 residential units). Alternative B would still include demolition of all existing structures on the site, substantial re-grading of both tracts, installation of new roadways and utilities, and construction of new single-family residential homes. As such, its construction-period effects would be almost identical to those of the Project. Alternative B would only reduce post-development effects on traffic, air quality and noise in relatively modest terms and would not eliminate any specific impact or need for a particular mitigation measure. Therefore, the Project, Alternative B and Alternative C are relatively equal in their comparative environmental effects (i.e., less than significant), with only marginal differences.

The reduced density under Alternative B would reduce the total number of new homes to be constructed, with a potential reduction in the overall duration of construction-period noise. However, impacts related to construction noise would still be anticipated, compliance with existing regulatory requirements and recommended mitigation measures would still be required and this alternative would not effectively avoid or reduce potential construction-period noise effects.

The comment suggesting a compromise between the objectives of the Project and the concerns of current residents will be forwarded on to County decision-makers for their consideration.

Response to L-8: As noted in the Introduction chapter of the Draft EIR, the purpose of a CEQA document is not to support or oppose any individual project. Rather, CEQA documents are informational documents that provide public agencies and the public in general with detailed information about the effects that a project is likely to have on the environment. CEQA documents list ways in which the significant effects of the Project might be minimized, and indicate alternatives to the Project – specifically any alternatives capable of reducing or avoiding significant environmental effects. The information contained in this EIR is intended to be objective and impartial, and to enable the reader (including County decision-makers) to arrive at an independent judgment regarding the significance of the impacts resulting from the Project.

Air Quality – AQ 2:

Letter M

Wetting down dust 2 time a day not enough

<http://www.dustboss.com/support/dust-related-health-safety-issues/demolition-dust-hazards-and-control/>

Edwin Peterson, CEO, Dust Control Technology; Mark Shaurette, Ph.D., Assistant Professor, Building Construction Management Dept., Purdue University; David Clarke, Managing Director of CDC Demolition, Past President and Honorary Life Vice President of NFDC

M-1

◦ **MITIGATION TECHNIQUES**

“The most common methods for controlling demolition dust are surface wetting and airborne capture. With surface suppression, the goal is to prevent dust problems by wetting the source before particles can become airborne, usually with hand-held hoses or movable sprinklers. While these tactics can help reduce the amount of migratory dust, they tend to saturate target surfaces, often creating standing water that can become an additional safety concern or environmental hazard. In addition, their reach is generally limited, and either approach frequently requires significant staff time to man the hoses or reposition sprinkler heads. Neither technique delivers a meaningful effect on airborne particles, and both add unnecessary weight and moisture content to the debris.”

Table 2.1 on page 2-7

AQ 3 & 4

Who will be responsible to monitor Operational Emissions and Carbon Monoxide Emissions? What are acceptable levels and how will this information be sent to the public?

M-2

BIO-2, Page 2-9 & 10

How will the project prevent both common and special status terrestrial wildlife from fleeing to surrounding neighbors homes and who is responsible for payment of pest control should there become a problem, especially with rats and rodents invading neighboring yards and homes?

M-3

Noise 1, page 2-18

We do not want a 7 day a week construction. The neighborhood should be allowed weekends to be a time for peace, quiet and rest.

Construction Noise Handbook

M-4

3.0 Effects of Construction Noise

3.1 Introduction

“Construction noise in the community may not pose a health risk or damage peoples' sense of hearing, but it can adversely affect peoples' quality of life. To some degree, construction noise can be a contributing factor to the degradation of someone's health in that it can cause people to be

irritated and stressed and can interrupt their ability to sleep - all of which may lead to higher blood pressure, anxiety, and feelings of animosity toward the people or agencies responsible for producing the noise.”

There is a Skilled Nursing Facility between the two projects. The ill and elderly people are already under stress due to their illnesses and environment.

M-5

Noise-3 Vehicular Traffic Noise, page 2-19

No Mitigation Warranted? How so? If you have an average of 2.58 people per household and if each own a car which is very likely, that is equivalent to 100 cars coming and going up and down D Street several times a day. This would not occur if the project was not existing. We are no experts on this subject, but we view this as a significant and permanent increase in noise.

M-6

“The 2010 Census enumerated 308.7 million people in the United States, a 9.7 percent increase from 281.4 million in Census 2000. Of the total population in 2010, 300.8 million lived in 116.7 million **households** for an **average** of 2.58 people per household.”

Noise and Land Use Compatibility page 2-20

Why is it that Tract 8296 is being offered the forced-air Mechanical ventilation unit so their windows may be kept closed. Will this device filter the air also from any toxins caused by the project?

It is expected that the neighbors keep their windows closed during the summer heat with no air conditioning? Who is going to pay the electric bill for these devices? This is an unreasonable expectation.

M-7

- Who cleans up dust on homes and cars made by the project.
- Who is going to pay for the hepa filters and electricity needed especially for homes with babies, young children and the elderly? Who pays for air conditioning that may need to be installed when keeping windows closed?

Transportation 1 & 2, page 2-20

Why is there no explanation of what the “level of service”. What is the level of service?

M-8

Geo 2 & 3 re: Liquefaction, page 2-24

These two points seem to conflict with each other. One says no liquefaction and the other say liquefaction.

M-9

Project Description, page 3

The construction schedule indicates construction will take approximately 24 months. However, only models will be built and therefore, once lots are sold, more

M-10

construction will be occurring. This could take years!

Email attached to document

I myself also sent an email detailing our family's concerns. Why was that not attached?

M-11

Final notes:

The back side of my property will border tract 8297. There will be no privacy in our backyard and the fumes from cars will be unhealthy and toxic. We request some sort of vegetation such as Cypress trees to filter the fumes and provide some sort of privacy and prevent any cars from missing the turn and landing in my property, or worse, in our home. The property is located at 3303 D Street. We request this be made known to the developers and we would like a response from them.

M-12

There are no sidewalks on D Street were the projects will be placed. This will be dangerous to pedestrians.

M-13

Will speed bumps or stop signs be installed where there is a blind spot coming from Tract 8297? We have been almost hit backing our of our driveway due to speeding cars. Now with more cars turning onto D Street from Tract 8297, there may be more probability of accidents.

M-14

Thank you for your kind consideration and time in reviewing the above response to the project. We moved to this area for it's feeling of peace and the view of the hills. Since then, we have had to endure four new developments near our home.

Susan Stuchlik
Donald Stuchlik
Anthony Stuchlik
Adrienne Stuchlik
Michael Stuchlik

Return Addresses:
Susan, Donald and Michael Stuchlik
3644 Roxbury Lane
Hayward CA 94542

Anthony and Adrienne Stuchlik
3303 D St.
Hayward CA 94541

Hand delivered and also sent by email to Andrew Young, Alameda County Community Development Agency.

Received by: _____

Name

Title

Date

Letter M Response – Susan Stuchlik, Donald Stuchlik, Anthony Stuchlik, Adrienne Stuchlik, Michael Stuchlik

- Response to M-1: Each Project site contains two older single-family dwellings (i.e., four total dwellings) with several associated outbuildings, each built between 1905 and 1950. All of these buildings are proposed to be demolished during the clearing stage of construction for the Project. Each of these buildings are relatively small, and demolition and removal is expected to be completed within several days of initiation. The demolition activity will be required to implement “Basic” best management practices, including watering two times per day, and will be required to comply with all applicable demolition-related regulatory requirements of the BAAQMD (including Regulation 11, Rules 2 and 14 which address asbestos handling, if applicable). In addition, the Project is required to implement “Enhanced” best management practices for dust suppression, including watering exposed surfaces at a frequency adequate to maintain minimum soil moisture of 12 percent, suspending all excavation, grading and/or demolition activities when average wind speeds exceed 20 mph, and installing wind breaks (e.g., fences) on the windward sides of actively disturbed areas of construction.
- Response to M-2: Please see Master Response C regarding construction-period effects on air quality.
- Response to M-3: If a significant pest condition were to arise as a result of construction, affected residents can contact the Alameda County Vector Control Services District to request service.
- Response to M-4: Please see Master Response C regarding frequent comments on the construction-period schedule and noise effects.
- Response to M-5: Comment noted. Please see Master Response C regarding construction-period schedule, noise impacts and effects on air quality.
- Response to M-6: Please see Master Response B regarding the increase in traffic due to the Project based on trip generation rates. The analysis included in the DEIR (p. 10-14) indicates that, *“Traffic data provided for the Project were reviewed by the EIR noise consultant to calculate potential Project-related traffic noise level increases along roadways serving the Project site....Cumulative traffic noise level increases were calculated by comparing the future traffic volumes and the Cumulative plus Project volumes to existing traffic volumes. The traffic noise increases calculated under both future scenarios were approximately 1 dBA Ldn in the Project site vicinity. Since the increase in traffic noise under both future scenarios is less than 3 dBA Ldn, no cumulative traffic noise impacts are identified. Furthermore, the Project would not make a cumulatively considerable contribution (i.e., more than 1 dBA Ldn or more attributable solely to the proposed Project).”*
- Response to M-7: Based on the EIR’s noise consultant recommendations, the Project’s two proposed residential units located adjacent to D Street on Tract No. 8296 should be provided with forced air mechanical ventilation (air conditioners). Air conditioners would enable windows to be kept closed at the occupant’s discretion to control nighttime noise in the bedrooms at or below 45 dBA Ldn, consistent with General Plan policies. As indicated in the Draft EIR, this recommendation is not based on a significant environmental impact, but is recommended to ensure that interior noise levels at the proposed residences can be kept to 45 dBA Ldn or less, consistent with

policies of the General Plan. All utilities to run the air conditioner would be paid by the homeowner. No systems for air filtration are recommended or identified as being necessary to address ambient air quality.

Response to M-8: Level of Service (LOS) is specifically defined in the Draft EIR at page 11-4.

Response to M-9: Comment noted. The statement to which the commenter refers to is in the Executive Summary, which describes the region as being seismically active area and potentially susceptible to ground shaking and liquefaction.

Site-specific analysis and discussion of geologic conditions at the Project site (Starting at page 13-7 and 13-8 of the Draft EIR) indicated that the site is likely to be subject to moderate to strong ground shaking during the life of the buildings. The Project would conform to regulatory requirements intended to ensure safety. All future homes constructed at the Project site will be required to be designed in accordance with all seismic provisions of the most recent version of the California Building Code (CBC, 2016, in effect in January 1, 2017), and with County of Alameda and State of California Standards for seismic construction. Based on the Project's Geotechnical Investigation Report the Project's hillside building envelope locations and bedrock lithology indicate that the risks of liquefaction and densification at the site are considered insignificant.

Response to M-10: Please see Master Response C regarding frequent comments on the construction-period schedule and noise effects.

Response to M-11: This Final EIR responds to all comments received by the County specifically addressing or commenting on the Draft EIR.

Response to M-12: As noted on page 5-22 of the Draft EIR, the Project is a relatively small (36-unit) residential development, and would not be a significant source of toxic air contaminants and would not subject sensitive receptors to new sources of toxic air contaminant emissions.

The Project applicant has modified the Project's landscape plan for Tract 8297 to include planting of additional trees and construction of a privacy wall within the common Parcel A (primarily used as a stormwater detention basin) to address the neighbor's privacy, safety and vehicle-light concerns.

Response to M-13: See Master Response B to frequent comments regarding traffic-related issues, including D Street.

Response to M-14: Comment noted. See Master Response B to frequent comments regarding traffic-related issues, including D Street.

Fairview Orchards/Fairview Meadows Subdivision Project
Draft EIR Tracts 8296 and 8297 –PLN2015-00180
Fairview Community Resident Comments Rollup

Residents who provided comments:

Chris Higgins
Cathy Langley
Cynthia Richardson
Susan Stuchlik
Donald Stuchlik
Anthony Stuchlik
Adrienne Stuchlik
Michael Stuchlik

General:

There is a consensus that the project will significantly diminish the character and livability of Fairview. The proposed construction introduces environmental and safety risks, in addition to exacerbating already existing traffic, infrastructure issues. We would like to suggest serious consideration of Alternatives, and in any case, full adherence to the provision of the Fairview Special Plan.

Verbatim Comments

#	Traffic	Initials
1	<p>The <u>Fairview Area Specific Plan</u> identifies several critical intersections where development must take into account the needs of automobile, bus, bicycle, and pedestrian traffic.¹</p> <p>The following areas are considered critical and closest to where proposed construction would take place: 1) D Street/Maud Avenue; 2) Kelly Street/Maud Avenue; 3) Hansen Road/Fairview Avenue.</p> <p>The Project is expected to prepare a <u>Construction Operations Plan</u> detailing the schedule of trucks, supplies, and workers to the site². The critical intersections previously listed are likely to be used for the delivery of supplies and workers.</p> <ul style="list-style-type: none"> • Which of these intersections and streets would be able to accommodate large trucks? • Will the increased traffic due to construction spread itself across these key intersections? • Will the increased traffic only use one of these routes? <p>The policy of the County is to maintain a level of service C in the internal street system except at several intersections, including Kelly Street, where the level of service is D.</p> <ul style="list-style-type: none"> • Will speed, density, service flow, and intersection saturation remain within acceptable levels? <p>It is the interest of concerned citizens that these questions are addressed and the Construction Operations Plan be made evident to the public when completed.</p>	SS
2	<p>Traffic Impact Study</p> <p><i>'Pedestrian activity in the vicinity is constrained by the fragmented sidewalk network and lack of other walking pathways. The existing low-density development pattern in the study area makes it necessary for a vast majority of trips, or nearly every general purpose trip, to be made by car. It is possible that the little evidence of pedestrian usage along Fairview Avenue is an indication that walkers in the area stay on their local streets and small courts away from the comparatively busy Fairview Avenue, or may be more active during non-peak hours (i.e., leisure time or weekends). As infill development occurs and the area matures, the need and expectations for safe pedestrian routes along more of the area roadways can be anticipated, and walking is strongly encouraged by public health policies.'</i></p>	CH

	<p>This is an excellent summary of pedestrian issues in Fairview. Lack of sidewalks impacts pedestrian traffic. Anecdotal observation shows there is significant pedestrian traffic during non-peak traffic hours and most of that traffic occurs the local streets. Please note that are stretches of sidewalks have been installed, notable at San Felipe Park, pedestrian traffic has visibly increased. The community in conjunction with the school district is vigorously lobbying County, State and Federal officials for help on this front. Some developments in the area had conditions of approval requiring sidewalks for the main access roads to the school but somehow these never materialized.</p> <ul style="list-style-type: none"> • What is the basis for determining whether the standards deemed an acceptable level of service (LOS) are appropriate for our community? • Shouldn't the community have a say in this? <p>Intersections 2 and 3 should probably be considered as a single intersection. We should treat the intersection of D St, Maude and Fairview as a single intersection. I think doing so will help identify the best way to mitigate traffic flow issues at this intersection.</p>	
3	<p>I appreciate the inclusion of The D Street/Foothill intersection. Perhaps the D street 2nd street intersection might be examined. I suspect its level of service will be comparable to the D Street/Foothill intersection. I think the date of the traffic counts for the Maude/Kelly (6) and Kelly/B/Center (7) were conducted after Woodroe Woods School (a private pre-school with roughly 200 students) closed and before Northstar School (a parochial school with roughly 170 students) now located on that site opened. Consideration should be given to either recount the traffic at those intersections to apply some sort of adjustment factor to the existing counts. It appears the methodology and traffic estimation tables used in the study are based on the 2010 Highway Capacity Manual. Given the publication of the 2016 Highway Capacity Manual, would the estimates change at all? Have there been changes in trip generation methodology? How do the tables in the HCM compare with the Trip Generation Manual? Do the assumptions behind these estimates reflect figures for number of licensed drivers per household or number of vehicles per household in our community? Driving through our community and looking at the number of vehicles now parked on the streets vs the way it was 7 years ago, shows a lot more vehicles parked on the street. If the counts were obtained using people stationed at the intersections with count boards, wouldn't it be better to look at several days' traffic counts using modern video equipment? A quick glance at the HCM tables shows a standard deviation rate on the order of 3.7 meaning daily trips per dwelling could range from 6 to 14.</p> <p>Seems like we can do better here. Our community has to live with the consequences of the decisions made by this board. We would like feel comfortable that the decisions are made with the best available information. I have some questions regarding the growth potential section of the report.</p> <ul style="list-style-type: none"> • Does the 195 unit growth potential shown in tables 11.4 and 11.5 include the 3-unit development on Hidden Lane, the 28 units at Fairview Gardens, the 8 lots off Kelley presently under construction, the 12 lots at 2492 D Street, the plans for 4 homes at 2689 D Street, the 3 properties on Randall with plans to add homes or the properties off Maude under consideration for development? What impact does this have on growth potential? 	CH

	<p>Additionally the Quarry Road., 3200 block of D Street properties and Ohlone Way properties will all use this stretch of upper D Street 48 more homes.</p> <ul style="list-style-type: none"> • What is the cumulative impact on upper D Street here? <p>Figure 11-3 Future Baseline Traffic Geometry seems to show peak hour trip discrepancies: 94 peak hour trips westbound on D Street at Carlson Ct. 6 westbound trips get added at Carlson Ct but when they get to the Fairview Ave intersection there are only 75 westbound trips.</p> <ul style="list-style-type: none"> • Can we please schedule a working session so we in the community can understand this? 	
4	<p>D Street traffic is already congested and hazardous. Cars park on both sides of the road, which is too narrow to accommodate the parked cars and two-way traffic, bicycles and pedestrians who must walk in the road in the many areas without sidewalks. I initially became involved in Fairview area advocacy out of concern for the children and their families who walk to and from Fairview Elementary school. Many of them cross D Street at Maud at the worst traffic times.</p> <p>Twice a day there is a rush hour with a non-stop train of high speed vehicles coming through from Maud, Fairview Ave. and other access roads, through the D Street intersection just down the road from the proposed development. The addition of the vehicles from 31 new homes will significantly increase congestion and risk.</p>	CR
5	<p>TRAFFIC: The population count is based on the 2010 census that shows an average of 2.71 persons per household. The census is outdated as we are in 2017. The cost of homes has exploded in the Bay Area, many households contain 3 – 4 generations, possibly 20 people in a home, and numerous cars.</p> <p>DEIR page 11-16 quote</p> <p>“Public Streets...policy of the County to maintain a level of service C...”</p> <p>Item 1: The County is committed to improving the traffic system immediately affecting the Fairview Area, while preserving the quality of life of surrounding existing residences. Improvements to the internal street system must take into consideration the needs of existing residents, and pedestrians as well as motorists. The need for such improvements must be balanced against the desirability of preserving existing neighborhoods. It is the policy and preference of the community to avoid traffic signals in the Fairview area where possible.</p> <p>Page 11-14, Table 11.6, Peak Hour Intersection Level of Service-Future Baseline Conditions</p> <p>Existing conditions at peak hour for (3) D Street / Maud Avenue, are rated “B”, and for Future baseline also “B”. (5) D Street / Foothill Boulevard, are rated “E”. The DEIR states that 195 homes will be built in the future, 31 on tracts 8296 & 8297, as well as</p>	CL

	<p>27 on tract 8057. That is 58 homes, with 137 homes remaining to be built in Fairview. If you average 3 cars per household that would be 441 more cars at these intersections and the other 5 intersections impacted from the growth. The ability of "...the County to maintain a level of service C...", will not be possible with this rate of development. D Street / Maud Avenue, as well as D Street / Foothill, and all other intersections will deteriorate to unacceptable levels of service.</p> <p>I performed a layman's traffic study at the D Street / Maud Avenue intersection at peak hour on Wednesday, March 8th, from 4:38 pm to 4:48 pm. I counted 138 cars, 13.8 cars per minute. In addition, out of every 4 cars, only 2 stopped at the stop signs. Cars were traveling an average of 40 miles per hour as I watched the traffic monitor on D Street for 10 minutes.</p> <p>There are no consistent sidewalks on D Street and Maud Ave. Parents and children, children in baby carriages have to navigate over bumpy, muddy paths to get to work. Handicapped people in wheel chairs, skate boarders are in harms way as they go to their destinations.</p> <p>In addition, I have been told that a child was hit by a car and died on D Street, and a number of people have been injured in these intersection areas. A neighbor told me she witnessed her dog being killed on D St. Also, homes damaged by drivers speeding and making circles in the roadway.</p>	
6	<p>Page 11-18, Significance Criteria <i>"The project would have a significant environmental impact if it were to: Line 5- "result in inadequate emergency access."</i></p> <p>Upper D Street is too narrow to support the traffic overflow from residents who own more than 3 cars, (parking capacity as provided by the development). It is common for Fairview residents to own more than 3 cars. The plan is to seal off 300 feet from parking on D Street. As it is, D Street experiences congested parking. Excessive parking makes the road too narrow, and future development will make this worse, making it difficult to impossible for emergency vehicles to access.</p> <p>The traffic generated from approximately 120 vehicles, at least 4 trips per vehicle per day or 480 trips, would be more than significant, and intolerable to our existing residents. I have forwarded a video I filmed on D Street. Listen to the roar of the vehicles. In addition, I've spoken to many neighbors who say they can't open their front doors, can't let their children play on the D Street side of their residence, or let their pets out.</p> <p>I have emailed a video of the intersection of Maud & D Street to Planning Department, showing more than ½ of the cars moving through that intersection, during Fairview School releasing students, NOT STOPPING AT THE STOP SIGNS, NOT YIELDING AT THE YIELD SIGN. Also, a picture of a group of students playing ball on the sidewalk, and moving into D Street.</p>	CL
7	<p>There are no sidewalks on D Street were the projects will be placed. This will be dangerous to pedestrians.</p> <ul style="list-style-type: none"> • Will speed bumps or stop signs be installed where there is a blind spot coming from Tract 8297? <p>We have been almost hit backing out of our driveway due to speeding cars. Now with more cars turning onto D Street from Tract 8297, there may be more probability of accidents.</p>	Stuchlik family

Noise		
8	<p>OSHA states excessive noise can create physical and psychological stress in the workplace environment. ⁴ We understand mitigation is being planned to reduce these effects on the neighboring residents. As you know, the convalescent hospital is home to approximately 55 residents. This hospital has the unfortunate situation of being sandwiched between both construction sites. If an outcome is decided which results in construction, we hope the mitigation measures, such as plywood fences, are installed with consideration of the convalescent hospital and other elderly and infants surrounding the construction tracts.</p> <p>It would seem the Project wishes to work 7 days per week, from morning until night, until its conclusion two years from now. The Construction Operations Plan should allow weekends to be free from noise by construction for current residents.</p>	SS

NOISE DURING CONSTRUCTION – 7 DAYS A WEEK – 24 MONTHS OR LONGER

Page 10-5, Local Physical Setting

The noise monitoring survey was conducted between February 4 –February 9, 2016, representing Wednesday through Tuesday. It includes Saturday and Sunday. Increased traffic will be the biggest contributor to noise. A more accurate picture of noise conditions would be a survey from Monday through Friday.

Per the information in the DEIR, noise levels are typically 54 – 70 during the day, and 40 – 65 during the day. The high dBA number of 70 represents “Common Outdoor Activity” of “Noisy urban area, daytime lawn mower, 100 feet, Commercial area, Heavy traffic at 300 feet”

Page 10-4, “primary concern(s) with construction...(is) the potential to interfere with the enjoyment of life” ...

Page 10-8, “The Project would have a significant environmental impact if it were to result in:

Item 4. “A substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the project.”

Page 10-9, “...applicable threshold is whether the Project would substantially increase temporary and/or periodic ambient noise levels in the Project vicinity above levels existing without the Project. Construction activities are considered to be temporarily or periodically significant if they would increase ...noise levels...by an average noise level exceeding 60 dBA and/or increase ...noise levels by a least 5 dBA, for a period of more than 1 year.”

My comments: As indicated in the DEIR, as above, the highest existing dBA is at 70 dBA. Therefore, Fairview is already above an average noise level exceeding 60 dBA.

Page 10-9, “...typical hourly average construction-generated noise levels range from about 81 – 88 dBA...”. The Project will continue for approximately 24 months, or longer.

Table 10.2, page 10-3, “ Typical Sound Levels...” the noise levels for the construction of the Project are projected by the DEIR to be 81 – 88 dBA. However, the table states common outdoor activities at 80 dBA, to be “Noisy urban area, daytime gas lawn mower, 100 feet, commercial area, Heavy traffic at 300 feet. Those are descriptions of very moderate noise levels compared to the pile driving, heavy equipment etc. At the height of each Model Home, each residential home being built over a long period of time, noise levels will be between 90 dBA and 100 dBA.

Therefore, the noise of the Project is more than significant.

9

CL

10	<p>Noise-3 Vehicular Traffic Noise, page 2-19</p> <ul style="list-style-type: none"> No Mitigation Warranted? How so? <p>If you have an average of 2.58 people per household and if each own a car which is very likely, that is equivalent to 100 cars coming and going up and down D Street several times a day. This would not occur if the project was not existing. We are not experts on this subject, but we view this as a significant and permanent increase in noise.</p>	Stuchlik Family
Air Quality		
11	<p>The Fairview Plan takes special consideration to, “unacceptable health conditions” ³ as result of land use. The staff report finds the potential for air quality impact significant. While it is understood the basic and enhanced mitigation measures should reduce the impact of construction dust to an acceptable level, it is the hope of concerned citizens that special consideration be taken into account for the residences neighboring Tract 8297.</p> <p>Concrete dust has potential for various respiratory diseases including, lung cancer, COPD, Asthma, and Silicosis. Please take a moment to understand where my specific bias comes from. By late September, the Stuchlik residence will be home to a newborn infant. Nearly the first year-and-a-half of this child’s life will be within mere meters of potential construction pollution and noise.</p> <p>We hope some of the mitigation measures, such as wind breaks, will be installed in the area discussed to ensure there are no significant health hazards.</p>	SS
	<p>Noise and Land Use Compatibility page 2-20</p> <p>Why is it that Tract 8296 is being offered the forced-air Mechanical ventilation unit so their windows may be kept closed. Will this device filter the air also from any toxins caused by the project?</p> <p>It is expected that the neighbors keep their windows closed during the summer heat with no air conditioning? Who is going to pay the electric bill for these devices? This is an unreasonable expectation.</p> <ul style="list-style-type: none"> Who cleans up dust on homes and cars made by the project. Who is going to pay for the hepa filters and electricity needed especially for homes with babies, young children and the elderly? Who pays for air conditioning that may need to be installed when keeping windows closed? 	

12	<p>Air Quality – AQ 2: Wetting down dust 2 time a day not enough http://www.dustboss.com/support/dust-related-health-safety-issues/demolition-dust-hazards-and-control/</p> <p>Edwin Peterson, CEO, Dust Control Technology; Mark Shaurette, Ph.D., Assistant Professor, Building Construction Management Dept., Purdue University; David Clarke, Managing Director of CDC Demolition, Past President and Honorary Life Vice President of NFDC</p> <p>MITIGATION TECHNIQUES</p> <p>“The most common methods for controlling demolition dust are surface wetting and airborne capture. With surface suppression, the goal is to prevent dust problems by wetting the source before particles can become airborne, usually with hand-held hoses or movable sprinklers. While these tactics can help reduce the amount of migratory dust, they tend to saturate target surfaces, often creating standing water that can become an additional safety concern or environmental hazard. In addition, their reach is generally limited, and either approach frequently requires significant staff time to man the hoses or reposition sprinkler heads. Neither technique delivers a meaningful effect on airborne particles, and both add unnecessary weight and moisture content to the debris.”</p>	SS
Construction		
13	<p>Working conditions during construction - ‘A detailed construction equipment list and expected constructed timeframe was not provided, but construction activities are expected to include demolition, site preparation (clearing trees and vegetation), excavation and grading work, building construction, paving, and architectural coating, each of which will result in increased noise levels in the surrounding area. The construction period for all of these activities combined could take up to 24 months to complete. Therefore, construction noise is considered to be potentially significant’</p> <p>Having a responsible contact on the construction site is a partial mitigation for violations of the conditions of construction. The community needs a responsible enforcement contact at the county. Our experience has been a confusing array of please call someone else from the county. Developers know this and are emboldened to ignore the conditions of development. There needs to be some consistent enforcement authority and an agency willing to ‘own’ the process. Further, there must be consequences for bad behavior.</p>	CH
14	<p>Geo 2 & 3 re: Liquefaction, page 2-24 These two points seem to conflict with each other. One says no liquefaction and the other say liquefaction.</p>	CL
15	<p>Project Description, page 3 The construction schedule indicates construction will take approximately 24 months. However, only models will be built and therefore, once lots are sold, more construction will be occurring. This could take years!</p>	SS

	Hydrology and Water Quality	
16	<p>Hydrology ‘Under post-project conditions all of the residential lots will have individual bio retention basins to treat runoff from impervious surfaces within each lot.’ [REDACTED]</p> <p>It is unclear to me how we keep these bio retention basins on individual lots working. Historically we have had problems when homeowners fill these in to accommodate other uses they want on their property. There needs to be some way to keep these areas protected. Perhaps the HOA needs to maintain them and have annual inspections. The hydrology report states that it must be updated as development plans are updated. Will there be time for public comment when this takes on its final form? Will there be some provision ensuring the HOA is responsible for assisting in maintenance of private roads where the North Fork of Sulfur Creek crosses private roads down stream?</p>	CH
	Land Use	
17	<p>Page 14-2, Alternatives Analysis</p> <p>“Land Use: conflict with the policies of the Fairview Area Specific Plan adopted to protect the topography of the Fairview District.”</p> <p>Comment: Upper D Street is a rural topography in Fairview. The topography of the area has been forever changed by the recent development there. It should not be developed any further, otherwise all of that rural topography will be destroyed forever. The Project is, in no way, in keeping with the “rural topography” of Fairview.</p>	CL
	Population and Housing	
18	<p>The DEIR states that the two new tracts will have no substantial increase in population. It stands to reason that 31 new households in an area where there were 4 constitutes a considerable increase in population in the immediate area. The increase is in an increment below requirements for additional police, school, etc. services. However, the accumulation of this new population, in addition to other recently developed and planned neighborhoods, is establishing a huge impact on the infrastructure and pressures on the area.</p>	CR
19	<p>Page 13-18, Growth Inducement</p> <p>“The addition of 84 new residents in an area designated by the Fairview Area Specific Plan for population growth does not qualify as substantial increase in population...”</p> <p>Comment: This finding is based on an outdated 2010 census. Housing in the Bay Area is extremely expensive. People are living multi-generationally in households. The addition of 84 new residents in the Project, is unrealistic. In addition, the DEIR does not take into consideration that there will be a total of 195 new homes, which include the Project. That would result in (using the census figure), 529 new residents, with 3 cars each residence would result in 1,587 cars! 4 trips per car per day would be 6,348 trips per day! 2 children in school would result in 1,058 children in Fairview Schools.</p>	CL

	Biological Resources	
20	<p>Pages 6-5 through 6-9 / Special Status Plant Species-Sensitive Status Animals</p> <p>Comment: Many special status plant species would be eliminated from this Project's development. In addition several sensitive status animals would be destroyed. One is the Alameda Whipsnake (AWS). The study discredits the possibility that the AWS exists. The DEIR study is incorrect to report that the AWS needs outcroppings for habitat. In the U.S. Fish & Wildlife September 26 2016 article, the article cites habitat as grasslands, nesting and hibernating in mammal burrows. I spoke at length to the Herpetologist at Hayward's Reptile Room, he says they exist all over the Hayward Hills. He has cited them. In addition, let me refer you to the "U.S. Fish & Wildlife Service / Sacramento Fish & Wildlife Office, article dated September 2016. Alameda Whipsnake - "Range-3. Hayward Hills...Alameda County (Hayward-Pleasanton Ridge population". I grew up in Fremont and Hayward, and happen to be fond of snakes. I used to see this snake, and now it is endangered.</p>	CL
21	<p>Table 2.1 on page 2-7 AQ 3 & 4</p> <ul style="list-style-type: none"> Who will be responsible to monitor Operational Emissions and Carbon Monoxide Emissions? What are acceptable levels and how will this information be sent to the public? 	SS
22	<p>BIO-2, Page 2-9 & 10</p> <ul style="list-style-type: none"> How will the project prevent both common and special status terrestrial wildlife from fleeing to surrounding neighbors' homes and who is responsible for payment of pest control should there become a problem, especially with rats and rodents invading neighboring yards and homes? 	SS
	Alternative Plans	
23	<p>If the decision is made to go forward with construction, we hope the Commission will be willing to compromise with public concerns. Alternative plan B, which aims for a reduction in density by 25%, may, but not guarantee, to help alleviate neighborhood construction anxiety. Combining the density reduction of Alternative B with the environmentally superior Alternative C seems like a compromise. The majority of the neighborhood would prefer no construction take place. The Project, however, would like to see its objectives met. A compromise, taking into account the objectives of the Project, the concerns of current residents, and established planning policy of the Fairview Plan may be the most logical solution.</p>	ES

24	<p>EIR Page 14-5. Alternative B - Reduced Density (25% Reduction) <i>With respect to most environmental considerations, there is generally very limited environmental benefit that would result from reducing the density of development at the Project sites to below densities as allowed under the Fairview Area Specific Plan. Therefore, the Project and Alternative B are environmentally equal, and without substantially different consequences.</i></p> <p>This statement dismisses the reduction of residential units from 31 to 23 as being environmentally negligible such that the project and Alternative B are “environmentally equal”. It seems almost intuitively obvious that 8 fewer units, a reduction of 25% development, would be a significantly environmentally superior option.</p> <ul style="list-style-type: none"> • What evidence of this is there that there is no additional impact building 31 units instead of 23? 	CR
25	<p>EIR Page 14-8 Alternative C: Greater Consistency with Fairview Area Specific Plan. This implies that following the Specific Plan is an alternative, vice a requirement in the first place.</p> <p><i>According to State law, a specific plan may be administered as, and thus have the force of, zoning. Policies and regulation developed by the Fairview Area Specific Plan take precedent over and replace standard zoning and the provisions of the Alameda County Zoning Ordinance for the Plan Area. Where the Specific Plan is silent provisions of the Zoning Ordinance will apply. Enforcement of the provisions of this Plan shall be done in the same manner as enforcement of the provisions of the Zoning Ordinance, and violation of the provisions of this Plan shall constitute a violation of the Zoning Ordinance. The policies of this Area Plan are in accord with the adopted General Plan of Alameda County.</i></p>	CR
26	I would choose Alternative A – No Project, No development	CL

References:

- 1 Fairview Area Specific Plan. Adopted Sept. 4, 1997. Page 8. Last updated 2015.
- 2 Transportation-7. DEIR Executive Summary. Page 2-22
- 3 Fairview Area Specific Plan. Page16.
- 4 United States Department of Labor. Occupational Safety and Health Administration. <https://www.osha.gov/SLTC/noisehearingconservation/healtheffects.html>

Letter N Response

This letter collects various comments from several other commenters (Chris Higgins, Cathy Langley, Cynthia Richardson, Susan Stuchlik, Donald Stuchlik, Anthony Stuchlik, Adrienne Stuchlik, and Michael Stuchlik), all of whose comments are addressed in their individual comment submissions.

Comments made at the February 17, 2017 Planning Commission Hearing

Speaker 1: John Driscoll

1A: Traffic on D Street at Maud is pretty good, but after [or west of] Maud Avenue, the traffic is a mess. D Street is not able to accommodate any more traffic, and cannot even accommodate the traffic that exists.

Response 1A: The perception of existing traffic conditions expressed in this comment may be compared to the way existing congestion is described in the Draft EIR (page 11-7), using intersection level of service (LOS) criteria (described on page 11-6). As shown in Table 11.3, the intersection of D Street and Maud Avenue operates at LOS B during both morning and afternoon peak hours, which is consistent with the characterization of operations as “pretty good”. Also shown in Table 11.3, the intersection of D Street and Foothill Boulevard, a major signalized intersection west of Maud Avenue, operates at LOS D in the morning, and LOS E in the afternoon peak, reflecting generally congested conditions as noted by the commenter.

However, as noted in the Draft EIR (page 11-26), during peak hours the Project would add on average, approximately 1 trip every 2 minutes to the local roadway network, and those trips would be dispersed via multiple routes. The Project’s effect on existing traffic conditions on the surrounding roadway network would be very limited, and the Project’s impact related to traffic congestion would be less than significant.

1B: The traffic analysis presented in the Draft EIR under-estimates cars from the Project. The Project’s future residents will have more than 2 or 3 cars per house, and will generate more trips that presented in the Draft EIR.

Response 1B: Please see Master Response B1 regarding the EIR’s assumed trip generation estimates.

Speaker 2: Don Sutlan

2A: Project construction activities will generate too much dust and noise, especially affecting elderly residents at the Hilltop Care Facility.

Response 2A: Please see Master Response C pertaining to construction-period impacts, including a description of the construction schedule, and CEQA-related topics of dust and construction emissions, and noise. Issues related to effect on residents at the Hilltop Care facility are addressed in the Draft EIR, and in Master Response C.

2B: The traffic analysis does not address the types of traffic frequently arriving at the Hilltop Care Facility, which includes ambulances, fire trucks and other emergency vehicles.

Response 2B: The traffic analysis presented in the Draft EIR address, consistent with CEQA Guidelines, those potential impacts generated by the proposed Project. The EIR does not, nor would it be appropriate to analyze potential impacts associated with other existing residences or facilities in the area. The presence of ambulances, fire trucks and other emergency vehicles serving the Hilltop Care Facility are not related to the Project.

2C: Almost all of the homes in the vicinity, including the Hilltop Care Facility have single-pane windows. Who is going to provide double-pane windows as recommended in the EIR’s mitigation measure?

Response 2C: Two of the Project’s proposed residences on the western parcel (Tract 8296) would have setbacks of approximately 20 feet from the centerline of D Street, with direct exposure to traffic noise. This traffic noise exposure is similar to the exposure of other existing residences fronting onto D Street. All of these residences adjacent to and nearest D Street have exterior noise levels ranging from 61 to 65 dBA Ldn, which meets the County’s allowable exterior noise standard for single-family residences.

New development in the County is required under County General Plan policies to provide for an interior noise level at or below 45 dBA Ldn. Interior noise levels vary depending on the design of the building and construction materials, but standard construction provides approximately 15 dBA of exterior to interior noise reduction, assuming the windows are partially open for ventilation. Standard construction with the windows closed provides approximately 20 to 25 dBA of noise reduction. Although not required under CEQA, the EIR acoustic consultant recommends that the 2 new homes within the Project that front onto D Street be provided with forced-air mechanical ventilation system so that windows can be kept closed at the occupant’s discretion to control noise. This recommendation does not apply to existing homes along D Street.

As indicated in the Draft EIR (page 10-14), traffic generated by the Project would not significantly increase ambient noise levels in the vicinity above levels existing without the Project.

Speaker 3: Cathy Langley

3A: Construction activity occurring 7 days per week is too much. The existing neighbors need a break from construction noise, dust and other construction effects.

Response 3A: Please see Master Response C pertaining to construction-period impacts, including a description of the construction schedule, and CEQA-related topics of dust and construction emissions, and noise. As also indicated in Master Response C, the Planning Commission could impose additional limitations on construction activities, such as disallowing construction on Sunday mornings or all day on Sundays.

3B: The traffic findings of the Draft EIR are incorrect. D Street is too busy and too narrow to accommodate additional traffic.

Response 3B: Please see Master Response B2 regarding D Street access and safety.

3C: The traffic analysis does not account for church traffic conditions.

Response 3C: Traffic impacts were evaluated based on adopted County criteria, which, similar to most jurisdictions, focus on the AM and PM peak hours. These weekday peak periods represent “worst-case” conditions for all traffic flow. As a rule, the peak hour volume is typically about 10 percent of daily volumes. Generally, traffic related to church services and events do not occur during the weekday peak period, but may cause temporary non-peak congestion. The Jehovah’s Witnesses Kingdom Hall at the Maud Avenue/D Street intersection may generate periodic and off-peak traffic, but with a parking capacity of approximately 47 total parking spaces, the total traffic congestion resulting from church activities would not be significant, and is unrelated to the Project.

3D: The intersection at Maud/D Street is not an all-way stop as indicated in the Draft EIR.

Response 3D: The intersection at Maud Avenue and D Street is a 3-way intersection, with Maud Avenue to the north and D Street to the east and west. All approaches to this intersection are stop-sign controlled, except for westbound D Street turning right onto northbound Maud Avenue, which is signed and painted as “yield”. The single “semi-free” right turn does not ‘disqualify’ the intersection from being analyzed in general as an all-way stop sign controlled intersection for the purposes of the traffic analysis.

3E: Traffic flow through the neighborhood moves too fast, especially down D Street and Fairview Avenue.

Response 3E: The posted speed limit on Fairview Avenue and on D Street in the Project site vicinity is 30 miles per hour. The three roundabouts on Fairview Avenue are intended to reduce vehicle speeds on this roadway. The stop sign at Maud Avenue and elsewhere along D Street also serves this purpose. The Draft EIR acknowledges that speeds are nonetheless typically higher than the posted speed limit. However, this is a concern with existing conditions and on which the Project would have minimal effect. See also Response 1A above.

3F: The Draft EIR’s estimate of 2.7 people per household is outdated and incorrect. There will be more people than assumed, with more cars than were assumed in the Draft EIR. A more accurate assumption would be that each house will have up to 6 cars per unit.

Response 3F: Please see Master Response B1 regarding the EIR’s assumed trip generation estimates.

Speaker 4: Chris Higgins

4A: The permitted construction hours are too long, with too many successive days of construction activity.

Response 4A: Please see Master Response C pertaining to construction-period impacts, including a description of the construction schedule, and CEQA-related topics of dust and construction emissions, and noise.

4B: This is a good project, but there is one big problem – traffic.

Response 4B: Please see Master Response B addressing traffic-related issues, including the Project’s trip generation estimates, D Street access and safety, and the width of D Street and sight distance concerns. Please also see Response 1A above.

4C: The Project would cause reduced parking on D Street. Where will all of the existing and added parking happen instead?

Response 4C: The EIR technical transportation consultant has suggested that on-street parking on the south side of D Street should be prohibited for a distance of more than 300 feet, from approximately 30 feet east of the Tract 8297 intersection, to 30 feet west of the Tract 8296 intersection. This suggestion (not an EIR mitigation measure) is intended to enhance the sight distances for vehicles exiting the Project’s roadways onto D Street.

The Project will provide adequate parking internal to the site to accommodate its parking demand. Each single-family residence in the Project will have at least two

off-street motor vehicle parking spaces, driveway aprons, and the proposed new local public streets are wide enough to accommodate on-street parking on both sides of each street. The total parking supply will exceed an average of three parking spaces per unit (not including driveway aprons), and no additional parking supply for the Project along D Street is required. The recommended on-street parking prohibition on the south side of D Street would occur on approximately 300 linear feet, all along the Project's frontage, and could potentially result in loss of an equivalent of approximately 12 total on-street parking spaces. It should be noted that, on the opposite side of D Street at the Carlson Court intersection approximately 165 feet of curb is already painted red to establish a no-parking zone, and this has been in place for several years without noticeable community disruption.

4D: There are many more pedestrians in the area than indicated in the Draft EIR.

Response 4D: As noted in the Draft EIR (page 11-9) current pedestrian counts were conducted at study intersections during peak hour traffic conditions, and amounted to less than seven pedestrians per peak hour. It is likely true that there are a greater number of pedestrians in the area than these counts would indicate, and this is also noted in the Draft EIR, suggesting that "pedestrians may be more active during non-peak hours (i.e., leisure time or weekends)."

4C: Was traffic from the Northstar School included in this analysis?

Response 4C: The Draft EIR (at page 11-7) indicates that traffic counts were collected at intersections #1 to #5 on February 3, 2016, and at intersections #6 and #7 on September 8, 2016, when local schools were in session. Additional peak-period traffic counts were taken on September 8, 2016 in the afternoon at the intersection of Kelly Street and Maud Avenue, to count peak school-related traffic. According to the Northstar School calendar, their school year opened on September 6th, so their traffic was included in the analysis.

4D: The hydrology analysis is well done.

Response 4D: Comment noted.

Speaker 5: Commissioner Moore

5A: Expressed concern about access to the Convalescent Center.

Response 5A: During construction activity, access to the Hilltop Care Facility will not be affected. The grading operations would transport cut and fill soils across the back of the existing facility (by separate agreement with the Hilltop property owner), and would not be transporting construction equipment on D Street across the Hilltop driveway location.

After construction is complete, access to the Hilltop Care Facility would continue much as it is today, with access off D Street at the new Project intersection (just a few feet north of the current driveway into the Hilltop facility), and the Project would construct a new driveway off the Project street, connecting directly to the existing Hilltop parking area.

5B: Why doesn't the traffic study identify any traffic calming strategies, such as speed bumps and other traffic calming measures? Is County Public Works Department engaged in these traffic issues?

Response 5B: Please see Master Response B addressing traffic-related issues, including the Project's trip generation estimates, methodology and results for Project-related traffic impacts, D Street access and safety, and the width of D Street and sight distance concerns. Please also see Response 1A above.

Speaker 6: Commissioner Rhodes

6A: It appears that Public Works Department is denying there is a traffic problem in this area – but it is not working. Accidents and speeding on the local streets in this area is a problem, so what can be done to address this issue? Can we add pedestrian bulb-outs, speed bumps or other measures?

Response 6A: Please see Master Response B addressing traffic-related issues, including the Project's trip generation estimates, methodology and results for Project-related traffic impacts, D Street access and safety, and the width of D Street and sight distance concerns. Please also see Response 1A above.

Although not required to address a CEQA impact (the Draft EIR concluded that the Project's impact related to conflicts with plans and policies for pedestrian facilities would be less than significant and no mitigation measures are required), the DEIR (page 11-35) does recommend that the Project's roadway design at each of the local street intersections at D Street provide pedestrian bulbouts to reduce the curb-to-curb roadway width on the Project's internal streets, at the intersection only, to 24 feet. Reducing the roadway width on 10 to 20 linear feet from the intersection of both local access streets would allow for a reduction in pedestrian crossing distances and increased safety for pedestrians traveling east or west on the south side of D Street.

Revisions to the Draft EIR

Based on the responses to all comments on the Draft EIR, there is a very limited number of revisions to the Draft EIR that have been indicated. All revisions to the Draft EIR are related to the Project Description, as indicated in underlined text below.

Revision to Chapter 3: Project Description.

Revisions to Page 3-7:

Consistent with CEQA Guidelines Section 15124(b), a clear statement of objectives and the underlying purpose of the Project shall be discussed.

The underlying purpose of the Project is to develop high quality market-rate single-family homes on a desirable site compatible with surrounding residential development.

The Applicant's stated Project Objectives for the Project are:

- Create an on-site stormwater control and detention system that meets legal requirements.
- Limit disturbance to surrounding neighbors by avoiding off-haul of grading material.
- Grade and develop the site so as to direct all impervious surface drainage through bio-filtration facilities and thence to a detention basin located under the proposed streets.
- Create a well-planned subdivision, utilizing existing utility and street infrastructure, which can timely deliver much-needed additional housing by providing for its development in an orderly manner that takes into consideration practical building constraints-
- Remove existing, blighted structures and redevelop an under-utilized, infill site with a residential project that implements the overall vision of the Fairview Specific Plan, while taking into consideration impacts on the community as these relate to aesthetics, duration of construction, off-haul of soil, and preservation of watershed drainage patterns and flow capacities.
- Develop a residential project that is consistent and compatible with the surrounding residential uses in terms of relevant development standards such as density, setbacks, site layout and design, and padded lots, and that provides public streets for on-street guest parking.

Revisions to Page 3-10 and 3-11:

Proposed Grading Plan

Both of the Project sites would be graded to prepare the sloping terrain of the sites for development of homes. All of the new home sites on Tract 8297 are proposed to be graded to create level building sites. On Tract 8296, the upper (or easterly) home sites would also be graded for level building pads, whereas home sites on the lower (or westerly) portion of the site would be graded to accommodate split pad

foundations. The general grading concept is described below by tract. Off haul of grading materials is not proposed for the Project since all soil will be used on site.

Grading of upper Tract 8297 will include over-excavation of existing soft fill soil deposits from the center “saddle” between the two on-site ridges (at Lots 4 through 6). The excavation is anticipated to be approximately 12-feet deep to expose a uniform surface of firm, non-yielding bedrock materials. A subdrain pipe will be placed at the heel of the excavation, with sub-drain outlets provided at the low points. The over-excavated soils will be placed back into the excavated area as benched, engineered fill. Once this area is stabilized, the high points of this Tract on the north and south will be cut, with the depth of cuts to approximately 16 feet on the north and approximately 10 feet on the south. This cut material will be placed as fill over the previously excavated and filled “saddle” in the center of this Tract, with fills of up to 10 feet on the eastern boundary, and fills of 4 to 6 feet along the westerly boundary (see Figure 3-7). New cut and fill grades will be designed to meet existing grade at the eastern property boundary using 2:1 slopes of 10 feet in height at the rear of the new lots, and will meet existing grade on the western boundary at an existing 5-foot retaining wall at the Hilltop Care facility site.

Grading of Tract 8296 is designed to cut the upper slope of this Tract along its upper boundary (adjacent to the Hilltop Care site) at cut depths of 10 to 14 feet, and placing this cut material, as well as excess fill material from Tract 8297, as fill on the lower westerly portion of the site (see Figure 3-8). Fill depths range from up to 20 feet in the center of the site, to 6 to 8 feet along the westerly (or lower) boundary. These new cut and fill grades will be designed to meet existing grade at the westerly property boundaries using 2:1 slopes of 10 to 20 feet in height at the rear of the new lots (sloping down from the Hilltop Care site), and meeting a new proposed 5-foot retaining wall along the lower, westerly property line.

The Project's grading concept was developed with a holistic approach. In preparing the Site Grading Plans, a number of issues were considered and integrated into the plan. These included:

- Overall consistency with Fairview Specific Plan policies and guidelines
- County Street Design standards
- Minimizing grading on the Project site
- Creating usable yard space
- Balancing cut and fill
- Controlling stormwater runoff, and
- Locating stormwater quality treatment in areas visible and accessible from public streets

Revisions to Page 3-10:

Proposed Circulation and Access

Access to the Project site will be from D Street via two proposed local streets, one local street for Tract #8296 and one for Tract #8297. Each of these local street are approximately 500 feet long, ending in cul-de-sacs. Both streets have a 46-foot right-of-way width to include a 36-foot wide roadway with 5-foot sidewalks on both sides and no landscape strip between the sidewalks and roadway.

The Project's two proposed local streets will intersect D Street at locations that are approximately 130 feet apart, and offset by approximately 50 feet to the west and 70 feet to the east of the existing

intersection of D Street/Carlson Court. A new driveway off of the local access road in Tract #8297 will provide access to the adjacent Hilltop Care facility that occupies the wedge-shaped parcel between the two Project sites. Additionally, two access easement (each 20-feet in width) will be provided within the boundaries of the site to maintain existing easements to the Deruig property to the north, and to the Bassard property to the southeast. At the Project's common Parcel A, the project will include a stormwater detention facility, with new tree plantings and a short privacy wall to reduce potential safety issues, and to minimize light and glare to the adjacent (downhill) properties.

Revisions to Page 3-11:

Construction Schedule

Construction is expected to begin in the spring of 2017 and take approximately 24 months. Initial tasks include site clearance and site grading. Once the grading is complete, the retaining walls would be installed and the utility infrastructure would be put into place. The next major task, anticipated to take place at in spring of 2018, and would be the construction and completion of the model homes. Construction on the remaining houses would continue as lots are sold. Completion of the Project would be anticipated by April 2019. Construction access to the Project site will be from D Street.

Construction is expected to begin in the spring of 2018 and take approximately 24 to 28 months. The approximately 2-year construction schedule is broken down into the following general phases, each phase corresponding to the types of work expected:

- Initial tasks include site clearance and site grading. This phase is expected to last approximately 2 months.
- Once the grading is complete, underground utility infrastructure would be put into place. This phase is also expected to last approximately 2 months (months 2 thru 4).
- Once utilities are installed, the next phase would involve balance grading for new streets, installation of curb and gutters, roadway subbase and pavement, and site cleanup. This phase is expected to last approximately 3 months (months 5 thru 7).
- Remaining phases would involve construction of new homes, expected to occur in two separate phases over the next 17 to 18 months (months 8 through 24/25).

The grading operation would not cause construction truck trips on public streets in the neighborhood, as all trips would only occur within the Project boundaries, or only crossing the Hilltop Care Home's private property (the Hilltop property owner has not expressed an objection to temporary use of their property for this purpose). A typical construction traffic control plan would be required to guarantee repair of public road if they are damaged by delivery trucks.

Completion of the Project is anticipated by end of 2019.