
Wanmei Development Project
6237 Tassajara Road, Dublin

City File: PLPA 2015-00023

Revised and Recirculated

**INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION**

**Lead Agency:
City of Dublin**

**Prepared By:
Jerry Haag, Urban Planner**

October 2016

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City of Dublin

Environmental Checklist/ Initial Study

Introduction

This *Revised & Recirculated* Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared in accord with the provisions of the California Environmental Quality Act (CEQA) and assesses the potential environmental impacts of implementing the proposed project described below. The Initial Study consists of a completed environmental checklist and a brief explanation of the environmental topics addressed in the checklist.

Following circulation of the original Initial Study/Mitigated Negative Declaration (IS/MND) dated March 2016 by the City of Dublin that ended on April 21, 2016, the City became aware of new information regarding biological resources that could result in potentially significant impacts to protected species that were not identified or analyzed in the original IS/MND. Specifically, it was brought to the City's attention that a Golden Eagle nest was noted approximately 200 feet southeast of the project site; the project site is located at 6237 Tassajara Road in Eastern Dublin. The nest was not known at the time the original IS/MND was prepared and therefore was not identified or analyzed in original project IS/MND document. This new information required a "substantial revision" of the IS/MND and recirculation of the revised document for public review.

Prior to becoming aware of the new information regarding the golden eagle nest, the City had released a draft IS/MND for a 30-day public review period. Several comments on the original IS/MND noted that an active Golden Eagle nest had been established southeast of the project site on an adjacent property. The adjacent property is the Northern Drainage Conservation Area, an undeveloped biological resources mitigation area. Golden eagles and active nests are protected species that have the potential to be affected by the proposed development. Other comments raised questions or provided additional information on California Red-Legged Frog, the proposed creek setback exceptions, and other matters. In the course of preparing written responses to the public comments, staff determined that discovery of the Golden Eagle nest required a substantial revision of the original IS/MND under CEQA Guidelines section 15073.5. The City decided that the Revised IS/MND would also address prior public comments on California Red-Legged Frog and the proposed creek setback exceptions.

The City has substantially revised portions of the original IS/MND and is recirculating the revised document for public review in accordance with CEQA Guidelines section 15073.5. More specifically, the updated Biological Resources section reflects the presence of the golden eagle nest offsite but near the project site and analyzes whether implementation of the project could result in potentially significant impacts on this nest. The City has also taken this opportunity to add discussion on the California Red-Legged Frog to the Biological Resources section and to modify the Geology and Soils and Hydrology and Water Quality sections to provide more discussion on the proposed creek setback exceptions. The Revised IS/MND also includes information the City prepared in response to comments on the original IS/MND where the comments related to the above issues.

Recirculation of the Revised IS/MND provides the public an opportunity to review and comment on the added discussion on the eagle nest, California Red-Legged Frog, and creek setbacks. The public review period for the Revised IS/MND will be 30 days, same as for the original IS/MND.

This Revised IS/MND updates the Biological Resources, Geology and Soils, and Hydrology and Water Quality sections based on prior public comments on the original IS/MND. The City of Dublin requests that reviewers limit their comments to these revised discussions. Following the recirculation period, the City will prepare written responses to the original comments that were not addressed in the Revised IS/MND and to comments on the Revised IS/MND. CEQA does not require written responses to comments on an IS/MND, however, the City has chosen to provide responses, given the public interest in this project.

In this Revised IS/MND, new text added to or changed from the original Initial Study are in italics and underlined to delineate changed and updated information included in this version of the Initial Study.

City of Dublin Contact Person

Marnie Delgado
Community Development Department
100 Civic Plaza
Dublin CA 94568
(925) 833 6610

Project Location and Context

The City of Dublin consists of approximately 14.9 square miles of land area lying in eastern Alameda County, also known as the Livermore-Amador Valley, or the Tri-Valley area. Surrounding jurisdictions include San Ramon and unincorporated Contra Costa County to the north, unincorporated Alameda County to the east and west and the cities of Pleasanton and Livermore to the south.

The proposed project is located on the east side of Tassajara Road in the Eastern Extended planning area just south of Quarry Lane School.

Exhibit 1 shows the location of Dublin in relation to surrounding communities and other major features. **Exhibit 2** shows the location of the project site in relation to Tassajara Road, Quarry Lane School and other features.

The project site contains 2.64 acres of land in a linear shape between Quarry Lane School to the north and a tributary of Tassajara Creek to the south. The street address is 6237 Tassajara Road and the County Assessor's Parcel Number (APN) is 985-0072-002-00.

The site contains native and introduced tree and other vegetation species, as further described in the Biological Resources section of this Initial Study. The site has historically been used as landscape contracting business with outdoor storage and contains one single-family structure and a number of accessory outbuildings. Building materials and similar equipment are currently stored on the site. It has a gradual slope to the south, towards the tributary. A 6-foot chain link fence with a 4-

gradual slope to the south, towards the tributary. A 6-foot chain link fence with a 4-foot tall sheet metal barrier at the base has been installed along the southern property line to provide a wildlife barrier between the project and the adjacent tributary.

Surrounding land uses include Quarry Lane School to the north. This is a private K-12 school located at a higher topographic elevation from the project site. To the east of the project site are open spaces lands that are part of the Northern Drainage Conservation Area (see **Exhibit 3**). Immediately south of the project site is an unnamed tributary of Tassajara Creek (further described below). South of the unnamed tributary there is a mix of single-family dwellings and open spaces associated with the residential development. Tassajara Road is located immediately west of the site.

The project site is located immediately north of an offsite unnamed tributary of Tassajara Creek, a major regional watercourse located west of the project site. The tributary was previously part of the project parcel but was subsequently parceled off to be restored and incorporated into a 245-acre permanent conservation easement with open space lands to the east, *known as the Northern Drainage Conservation Area (NDCA)* (see **Exhibit 3**). The restoration of the creek and the open space lands to the east serve as mitigation for development allowed on portions of the nearby Dublin Ranch development. This mitigation was required by the Regional Water Quality Control Board (RWQCB). Today, the tributary is a separate parcel owned and managed by the Center for Natural Lands Management and is not part of the project property. The tributary is maintained in a natural open space area and provides suitable habitat for a number of special-status, protected wildlife species. As part of the restoration of the tributary, a 6-foot chain link fence and 4-foot sheet metal barrier was installed along the southern boundary of the project site to prevent migration *of the California Red Legged Frog (CRLF)* onto the project site. *No changes to the existing barrier are proposed. However, the applicant proposes to construct a secondary barrier within the project site that would consist of a 4-foot solid block wall with an additional 2-feet of ornamental steel on top. The secondary barrier would be located completely within the project site along the southern property line and eastern property line.* The off-site tributary has been dedicated as part of a permanent conservation area and is managed accordingly. No development is proposed within the tributary.

The final design, use of materials and color of the proposed barrier would be subject to Design Review by the City of Dublin.

Applicant:

Wanmei Properties, LLC
520 Mill Creek Road
Fremont CA 94539

Attn: Hayes Shair

Prior Environmental Review Documents

The project has been included in a previous EIR, as noted below:

Eastern Dublin General Plan Amendment and Eastern Dublin Specific Plan EIR (State Clearinghouse #91103064). A Program Environmental Impact Report for the Eastern Dublin General Plan Amendment (Eastern Extended Planning Area) and the Eastern Dublin Specific Plan (EDSP) was certified by the City Council in 1993 by Resolution No. 51-93. This document and its related Addenda collectively are referred to as the "Eastern Dublin EIR" or "EDEIR." It evaluated the following impacts related to the urbanization of the Eastern Dublin area:

Land Use; Population, Employment and Housing; Traffic and Circulation; Community Services and Facilities; Sewer, Water and Storm Drainage; Soils, Geology and Seismicity; Biological Resources; Visual Resources; Cultural Resources; Noise; Air Quality; and Fiscal Considerations.

The City adopted a Statement of Overriding Considerations (Resolution No. 53-93) for the following impacts:

Cumulative loss of agriculture and open space land, cumulative traffic, extension of certain community facilities (natural gas, electric and telephone service), consumption of non-renewable natural resources, increases in energy uses through increased water treatment and disposal and through operation of the water distribution system, inducement of substantial growth and concentration of population, earthquake ground shaking, loss or degradation of botanically sensitive habitat, regional air quality, noise and alteration of visual character.

The Eastern Dublin EIR was challenged in court and was found to be legally adequate.

The Eastern Dublin project approved the current Medium Density Residential land use designation; the Eastern Dublin EIR assumed up to 20 dwelling units for the project site. The proposed project does not amend the current General Plan land use designation or density.

Project Description

Overview. The proposed project includes subdivision of the site to create up to 19 individual lots on the site and construction of one single-family dwelling and related improvements on each lot. The existing dwelling on the site and stored materials would be removed to allow construction of proposed improvements.

The proposed development plan is shown on **Exhibit 4**. The applicant proposes to construct a single access road from Tassajara Road that would serve 16 dwellings on the north side of the road and three dwellings on the south side of the on-site road. Lot sizes range from 2,886 square feet to 5,316 square feet. The average lot size in the proposed subdivision would be 3,564 square feet.

The specific size and location of individual lots, the size of future dwellings on each lot, the design of the dwellings and the height of individual dwellings have been

proposed as part of a Site Development Review application for consistency with the Eastern Dublin Specific Plan and other City land use regulations and policies regarding achieving quality design.

Access, Circulation & Parking. Proposed dwellings would be served by a single private two-way road extending east from Tassajara Road. The road would terminate in a cul-de-sac on the eastern side of the site. The cul-de-sac would be designed to meet Alameda County Fire Department fire equipment turn-around dimensional criteria. No traffic signal would be installed at the intersection of the private road and Tassajara Road. Access to the site would be limited to right-in/right-out movements to and from Tassajara Road. A sidewalk currently exists on the east side of Tassajara Road north of the site, adjacent to Quarry Lane School. No sidewalk exists along the project's Tassajara Road frontage. Future improvements included in the project would be a 6-foot wide sidewalk along the project frontage and an 8 foot wide bike lane along the east side of Tassajara Road.

A sidewalk would be installed along each side of the private street in front of the lots only.

Each house would include a 2-car garage. The project also proposes 45 guest parking spaces. The majority of on-site guest parking spaces would be accommodated within private driveways associated with individual single-family dwellings. Nine (9) on-site guest parking spaces would be located along the south side of the private road, with four spaces located near the entrance off of Tassajara Road and the remainder located on the eastern portion of the site past the proposed cul-de-sac feature.

Building Elevations. The applicant proposes to construct dwellings using a number of differing architectural styles. These are depicted on **Exhibit 5**. Exterior house designs are summarized as follows:

- *Farmhouse*, which would include a low-pitched gable roof and shed accent roofs. Exterior finishes would include board-and-batten siding combined with lap siding. Roofs would consist of composition shingle roofing with standing seam metal accents. Accent features would include wood and smooth foam trim, wood braces and railings, posts and columns, wood braces and corbels and style appropriate metal garage doors.
- *Contemporary Farmhouse*, similar to the farmhouse design but with a steeper pitched gabled roof in combination with a lower pitched roof over portions of the dwelling. Exterior finishes would include light sand or smooth stucco with vertical board and batten siding accents. Roofs would consist of composition shingle roofing. Accent features would include wood and smooth foam trim, posts and columns, wood braces and corbels and style appropriate metal garage doors.
- *California Modern* which would be designed with a low-pitched gable roof and a light sand or smooth stucco finish with lap siding accents. Roofing would

be composition shingle. Accent features would include wood and smooth foam trim, metal awnings and style appropriate metal garage doors.

- *American Farmhouse* which would feature steeply pitched gable roofs, board and batten vertical siding. Roof would be composition shingle. Accent features would include wood and smooth foam trim, wood braces and railings, posts and columns, wood braces and corbels and style appropriate metal garage doors.

Grading, Water Quality and Infrastructure. The project site would be graded to accommodate the proposed road, dwellings and other improvements. The preliminary grading plan indicates that approximately 2320 cubic yards of material would need to be removed from the site. Drainage and related water quality improvements, as required by the City of Dublin, would be installed in accordance with City standards. The applicant is proposing the construction of a water quality pond that also provides for stormwater detention and retention on the southwest corner of the site.

Utilities, including water, sewer, and natural gas and communication facilities would be extended into the site from Tassajara Road. These utilities would be located underground. The City of Dublin will also require long-term operational water quality features as part of the project in accordance with City standards, including but not limited to covering of solid waste and recycling containers.

Landscaping and walls. The applicant would landscape the project frontage along Tassajara Road. **Exhibit 6** shows the general location and type of proposed landscaping. A solid noise barrier wall would also be constructed behind the landscaped area along Tassajara Road. The height of the noise barrier is proposed at eight feet and the final height will be determined based on the final grading plan and confirmed by a qualified acoustic consultant. As noted above, there is an existing 6-foot chain link fence and 4-foot sheet metal barrier along the southern property line that serves to prevent migration of California Red-Legged Frogs (CRLF) from the adjacent tributary onto the project site. No changes to the existing barrier are proposed. The applicant proposes to construct a secondary barrier within the project site that would be a 4-foot solid block wall with an additional 2-feet of ornamental steel on top. The secondary barrier would be located within the project site within the southern property line and eastern property line.

Creek Setbacks. *Exhibit 7 depicts various setback distances from the top of bank of the tributary just south of the site. The exhibit shows the 100-foot setback for major tributaries and the 50-foot setback for minor tributaries established by the Eastern Dublin Comprehensive Stream Restoration Program. The project is also subject to the City's Watercourse Protection Ordinance (Ordinance 52-87 and DMC chapter 7.20) which requires a 20-foot creek setback to safeguard watercourses; this setback is also shown on Exhibit 7.*

Requested land use approvals. The following land use approvals are required and/or requested from the City of Dublin to construct the project. These are described in more detail below.

Planned Development Rezoning and related Stage 1 & Stage 2 Development Plan. A PD Rezoning and Stage 1 and 2 Development Plan has been requested.

Vesting Tentative Map. Approval of a subdivision map is required to create lots for individual dwellings, roads and utilities.

Site Development Review (SDR). A Site Development Review (SDR) Permit is required to approve exterior designs of proposed dwellings, landscaping and related improvements.

Watercourse Setback Exception. Approval by the Public Works Director to encroach into the required 20-foot setback for flooding, erosion and sedimentation protection pursuant to DMC Chapter 7.20.

Creek Setback Encroachment. Approval by the California Department of Fish & Wildlife to encroach into the required 100-foot setback for flooding and biological resource protection pursuant to the Eastern Dublin Comprehensive Stream Restoration Program.

Blue Ox Associates, Berkeley, California 10-26-2015

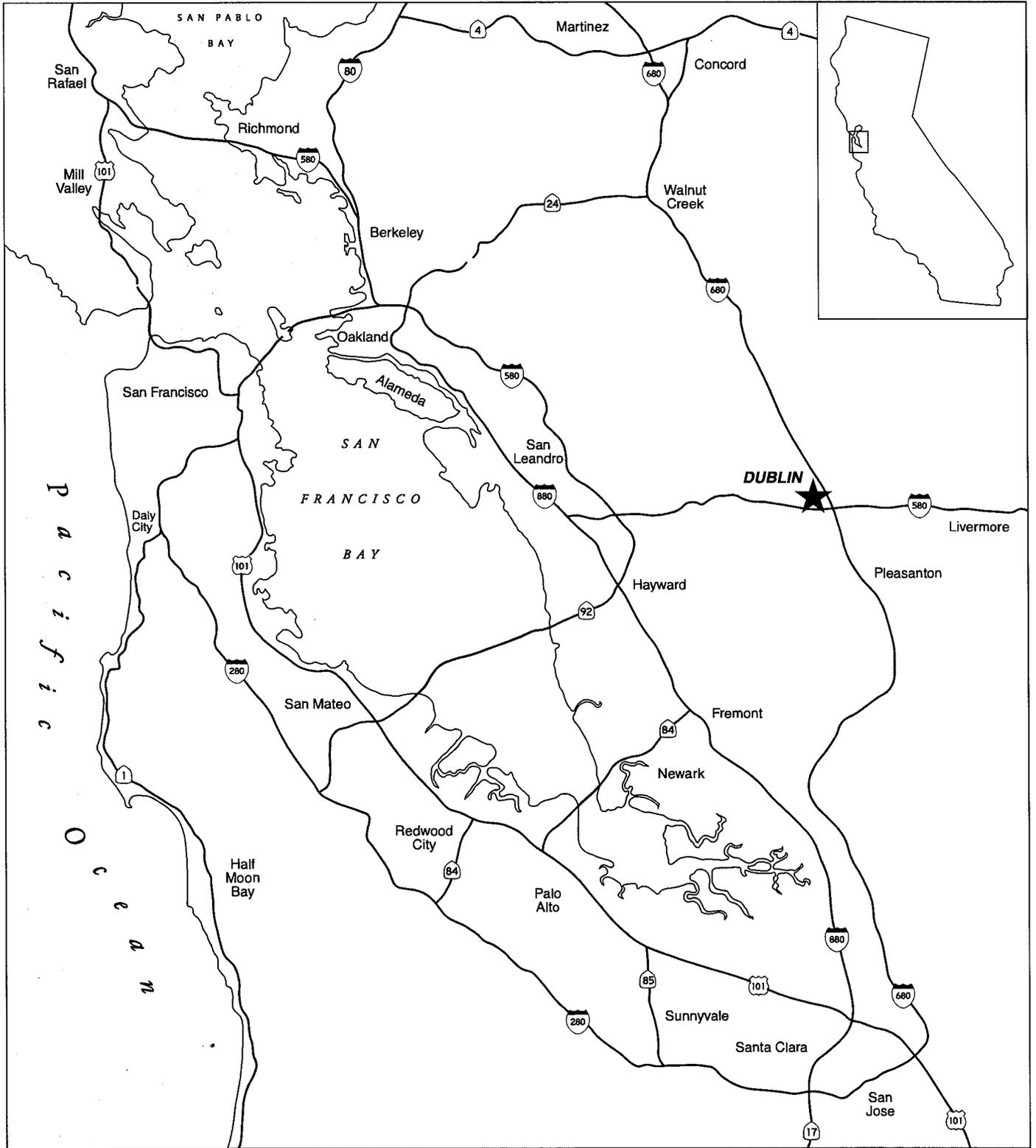
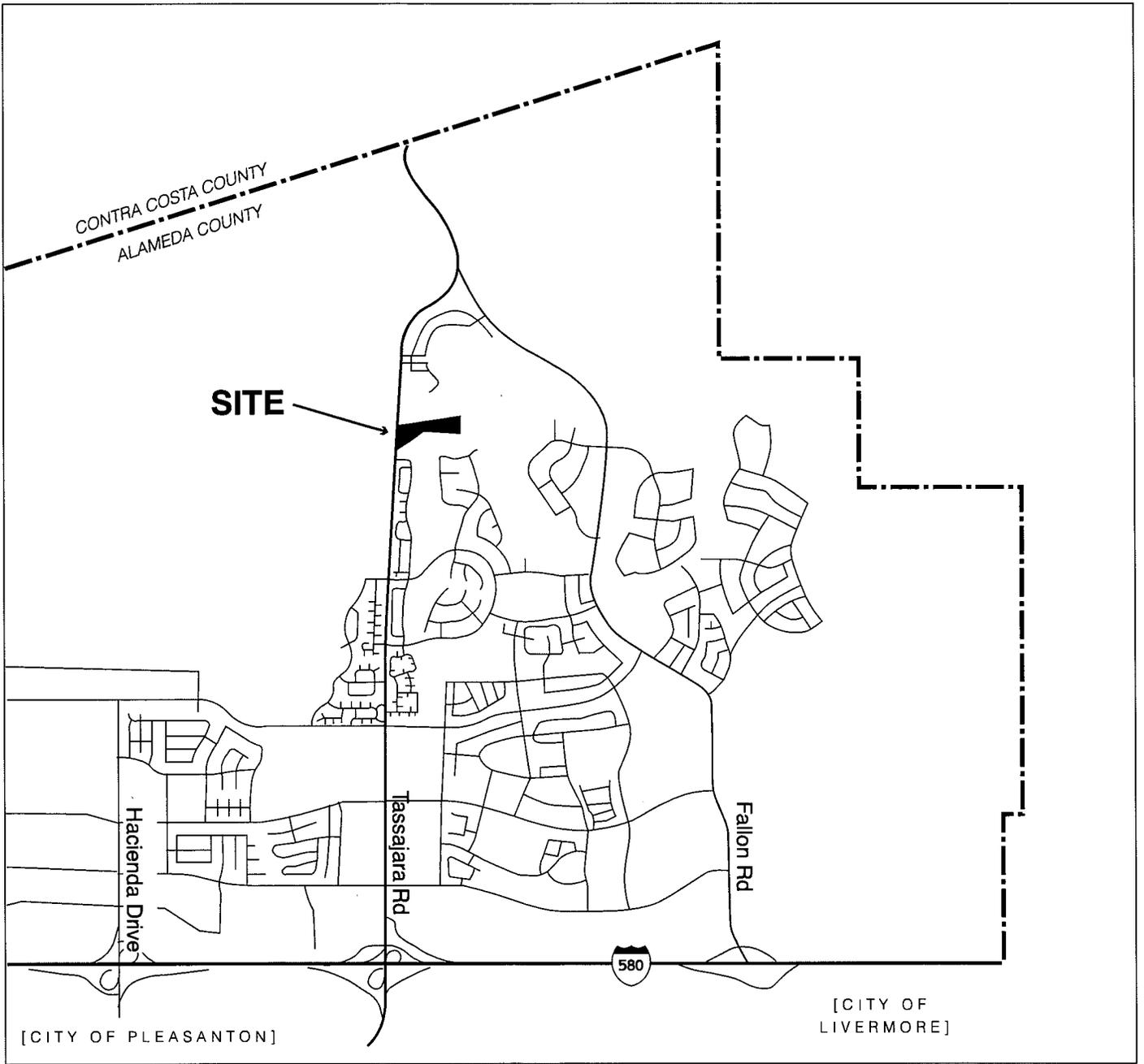


Exhibit 1
REGIONAL LOCATION



CITY OF DUBLIN
WANMEI DEVELOPMENT PROJECT
INITIAL STUDY







ELEVATION 2A FARMHOUSE

- ELEVATION 2A
- GENERAL ROOF MASSING
 - PREDOMINANTLY LOW PITCH GABLE ROOF FORMS
 - VARIED PLATE HEIGHTS
 - SHED ACCENT ROOFS

- ROOF MATERIAL
- DIMENSIONAL COMPOSITION SHINGLE ROOFING
 - STANDING SEAM METAL ACCENT ROOFS

- EXTERIOR FINISH
- BOARD AND BATTEN SIDING
 - LAP SIDING WITH 8" EXPOSURES
 - BOLD ACCENT COLORS & PANELS

- WINDOWS AND DOORS
- PREDOMINANTLY SINGLE HUNG WINDOWS
 - HORIZONTAL WINDOW MULLIONS
 - ACCENT PAINTED ENTRY DOORS
 - METAL GARAGE DOORS

- TRIM AND ACCENTS
- WOOD AND SMOOTH FOAM TRIM
 - WOOD BRACES & RAILINGS
 - WOOD PLASTER SMOOTH PORCH
 - POSTS & COLUMNS
 - WOOD BRACES & CORBELS

ELEVATION 3B CONTEMPORARY FARMHOUSE

- ELEVATION 3B
- GENERAL ROOF MASSING
 - PREDOMINANTLY STEEP PITCHED GABLE ROOF FORMS
 - WITH LOW PITCHED ROOF OVER MAIN BODIES
 - VARIED PLATE HEIGHTS
 - SHED ACCENT ROOFS

- ROOF MATERIAL
- DIMENSIONAL COMPOSITION SHINGLE ROOFING

- EXTERIOR FINISH
- LIGHT SAND OR SMOOTH STUCCO FINISH
 - BOARD AND BATTEN SIDING
 - WOOD BAY WINDOWS @ ENHANCED PLAN

- WINDOWS AND DOORS
- PREDOMINANTLY SINGLE HUNG WINDOWS
 - ACCENT PAINTED ENTRY DOORS
 - METAL GARAGE DOORS

- TRIM AND ACCENTS
- WOOD AND SMOOTH FOAM TRIM
 - WOOD PLASTER SMOOTH PORCH
 - POSTS & COLUMNS
 - WOOD BRACES & CORBELS

ELEVATION 2C CALIFORNIA MODERN

- ELEVATION 2C
- GENERAL ROOF MASSING
 - PREDOMINANTLY LOW PITCH GABLE ROOF FORMS
 - VARIED PLATE HEIGHTS
 - SHED ACCENT ROOFS

- ROOF MATERIAL
- DIMENSIONAL COMPOSITION SHINGLE ROOFING

- EXTERIOR FINISH
- LIGHT SAND OR SMOOTH STUCCO FINISH
 - LAP SIDING WITH 8" EXPOSURES
 - WOOD BAY WINDOWS
 - BOLD ACCENT COLORS & PANELS

- WINDOWS AND DOORS
- PREDOMINANTLY SINGLE HUNG WINDOWS
 - HORIZONTAL WINDOW MULLIONS
 - ACCENT PAINTED ENTRY DOORS
 - METAL GARAGE DOORS

- TRIM AND ACCENTS
- WOOD AND SMOOTH FOAM TRIM
 - METAL AWNING

ELEVATION 1B AMERICANA FARMHOUSE

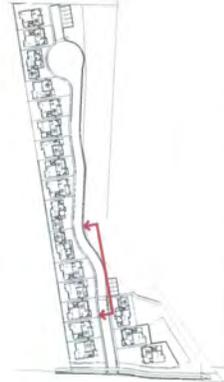
- ELEVATION 1B
- GENERAL ROOF MASSING
 - PREDOMINANTLY STEEP PITCHED GABLE ROOF FORMS
 - WITH LOW PITCHED ROOF OVER MAIN BODIES
 - VARIED PLATE HEIGHTS
 - SHED ACCENT ROOFS

- ROOF MATERIAL
- DIMENSIONAL COMPOSITION SHINGLE ROOFING
 - STANDING SEAM METAL ACCENT ROOFS

- EXTERIOR FINISH
- BOARD AND BATTEN SIDING
 - LAP SIDING WITH 8" EXPOSURES
 - BOLD ACCENT COLORS & PANELS

- WINDOWS AND DOORS
- PREDOMINANTLY SINGLE HUNG WINDOWS
 - HORIZONTAL WINDOW MULLIONS
 - ACCENT PAINTED ENTRY DOORS
 - METAL GARAGE DOORS

- TRIM AND ACCENTS
- WOOD AND SMOOTH FOAM TRIM
 - WOOD BRACES & RAILINGS
 - WOOD PLASTER SMOOTH PORCH
 - POSTS & COLUMNS
 - WOOD BRACES & CORBELS

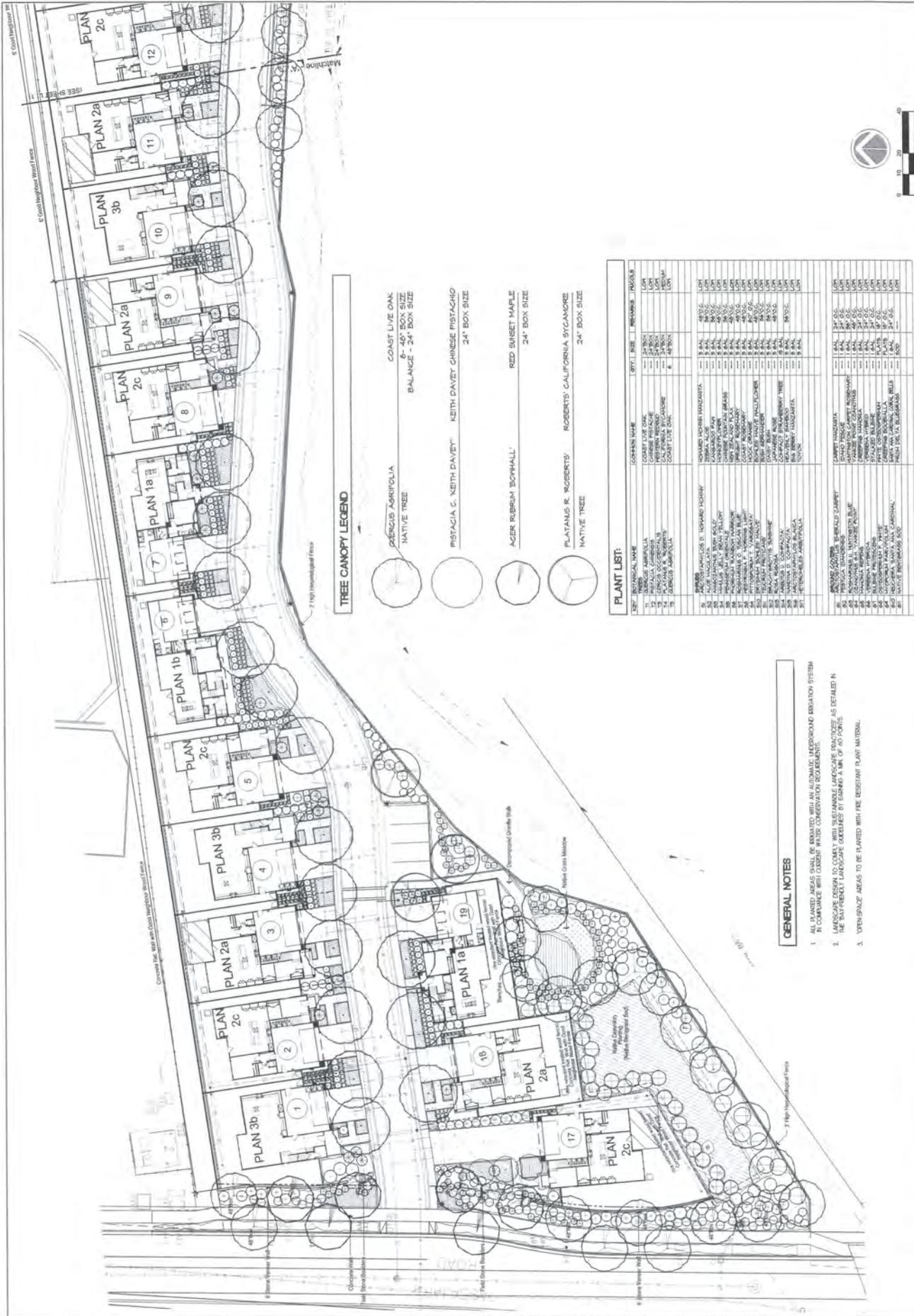


SOURCE: Dahlin Group and Reed Associates, 12-16-2015.

CITY OF DUBLIN
WANMEI DEVELOPMENT PROJECT
INITIAL STUDY

Exhibit 5

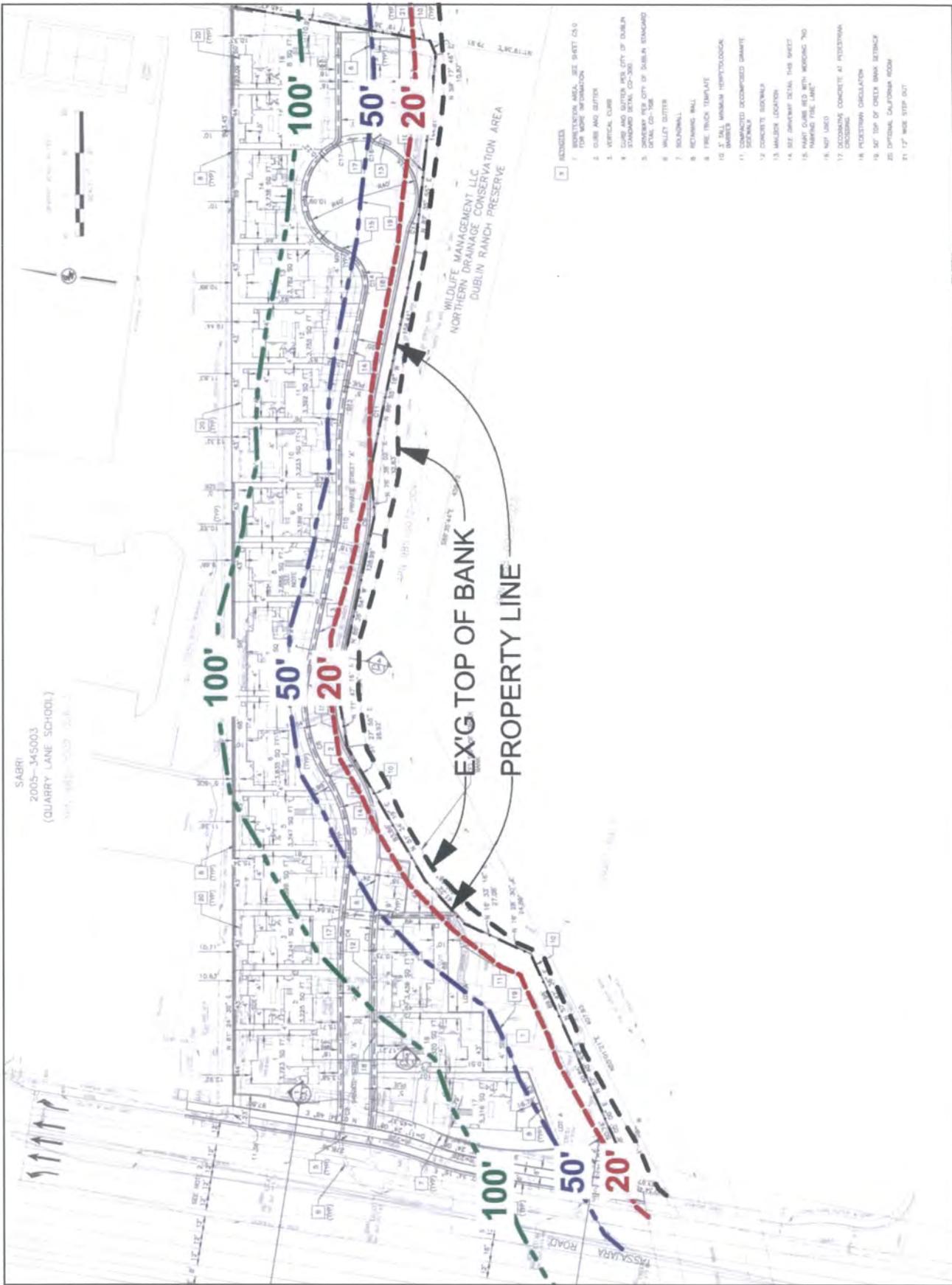
PROPOSED BUILDING ELEVATIONS



SOURCE: Reed Associates, Landscape Architecture, 12-16-2015.

**CITY OF DUBLIN
WANMEI DEVELOPMENT PROJECT
INITIAL STUDY**

**Exhibit 6
PRELIMINARY LANDSCAPE PLANTING PLAN**



SOURCE: Greenwood & Moore, Inc., 12-16-2015.

CITY OF DUBLIN
 WANMEI DEVELOPMENT PROJECT
 INITIAL STUDY

Exhibit 7
CREEK SETBACKS

- 1. Project description:** Redevelopment of the existing rural residential home site and storage yard to allow construction of up to 19 individual lots on the site and construction of one single-family dwelling on each lot. Other improvements would include grading of the site, construction of an on-site private street, open parking spaces, utility extensions, water quality improvements, a noise barrier along Tassajara Road, construction of a secondary CRLF barrier on the project site and road improvements along the Tassajara Road frontage.
- 2. Lead agency:** City of Dublin
- 3. Contact person:** Marnie Delgado, Senior Planner
- 4. Project location:** East side of Tassajara Road at 6237 Tassajara Road (Assessors Parcel Number 985-0072-002-00)
- 5. Project sponsor:** Wanmei Properties, LLC
- 6. General Plan designation:** Medium Density Residential
- 7. Zoning:** PD-Planned Development
- 8. Public agency required approvals:**
- Approval of PD-Planned Development Stage 1 & 2 zoning and Development Plan (City of Dublin);
 - Approval of Tentative & Final Vesting Tentative Map (City of Dublin);
 - Approval of a Site Development Review (SDR) Permit;
 - Approval of watercourse setback exception (City of Dublin Public Works Department)
 - Notice of Intent (State Water Resources Control Board);
 - Issuance of demolition, building and grading permits (City of Dublin); and
 - Approval of water and sewer connections (DSRSD)
 - Encroachment into creek setback (City of Dublin & Calif. Department of Fish & Wildlife)

Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "potentially significant impact" as indicated by the checklist on the following pages.

X	Aesthetics	-	Agricultural Resources	-	Air Quality
X	Biological Resources	-	Cultural Resources	-	Geology/Soils
X	Hazards and Hazardous Materials	-	Hydrology/Water Quality	-	Land Use/Planning
-	Mineral Resources	X	Noise	-	Population/Housing
-	Public Services	-	Recreation	-	Transportation/Circulation
-	Utilities/Service Systems	-	Mandatory Findings of Significance		

Determination (to be completed by Lead Agency):

On the basis of this initial evaluation:

_____ I find that the proposed project **could not** have a significant effect on the environment and a **Negative Declaration** will be prepared.

_____ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A **Mitigated Negative Declaration** will be prepared.

_____ I find that although the proposed project **may** have a significant effect on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on earlier analysis as described on the attached sheets, if

the effect is a "potentially significant impact" or "potentially significant unless mitigated." An **Environmental Impact Report** is required, but must only analyze the effects that remain to be addressed.

 X I find that although the proposed project **may** have a significant effect on the environment, there **will not** be a significant effect in this case because at least one or more potentially significant effects 1) have been adequately analyzed in an earlier EIR pursuant to applicable legal standards, and 2) have been avoided or mitigated pursuant to that earlier EIR, including mitigation measures as described in the attached sheets. A supplemental **Mitigated Negative Declaration** is required, but must only analyze the effects that remain to be addressed as identified in this Initial Study.

 I find that although the proposed project could have a significant effect on the environment, there **will not** be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed on the proposed project.

Signature: Jerry Haas
Printed Name: Jerry Haas

Date: 10/19/16
For: City of Dublin

Evaluation of Environmental Impacts

- 1) A brief explanation is required for all answers except "no impact" answers that are adequately supported by the information sources a lead agency cites in the parenthesis following each question. A "no impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "no impact" answer should be explained where it is based on project-specific factors as well as general factors (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) In some instances, an "LS, Less-than-Significant Impact" response may reflect that a specific environmental topic has been analyzed in a previous CEQA document and appropriate mitigation measures have been included in a previous CEQA document to reduce this impact to a less-than-significant level. In a few instances, some previously analyzed topics were determined to be significant and unavoidable and mitigation of such impact to a less-than-significant level is not feasible. In approving the Eastern Dublin project, the City of Dublin adopted a Statement of Overriding Considerations for the significant unavoidable impacts identified in the Eastern Dublin EIR. A Statement of Overriding Considerations would also be required for the project if it could result in the identified significant unavoidable impacts.
- 3) All answers must take account of the whole action, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 4) "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect is significant. If there are one or more "potentially significant impact" entries when the determination is made, an EIR is required.
- 5) "Negative Declaration: Less-Than-Significant With Mitigation Incorporated" implies elsewhere the incorporation of mitigation measures has reduced an effect from "potentially significant effect" to a "less than significant impact." The lead agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level.

Environmental Impacts (Note: Source of determination listed in parenthesis. See listing of sources used to determine each potential impact at the end of the checklist)

Earlier Analyses

Earlier analyses may be used where, pursuant to tiering, a program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or Negative Declaration. Reference: CEQA Guideline Section 15063.

Portions of the environmental analysis for this Initial Study refer to information contained in the following EIR listed below.

- Eastern Dublin General Plan Amendment and Specific Plan EIR (SCH # 91103064, certified by City Council Resolution No. 51-93 on May 10, 1993. This document is also known as the Eastern Dublin EIR in this Initial Study. Multiple subsequent documents to this EIR have been certified by the City.

The related impacts and mitigations for each resource area are briefly summarized in the initial study discussion sections below. The certified EIR should be consulted for full discussion of the referenced impacts and mitigation measures. These documents are incorporated herein by reference and are available for public review at the Dublin Community Development Department, 100 Civic Plaza, during normal business hours.

Environmental Impacts (Note: Source of determination listed in parenthesis. See listing of sources at end of checklist used to determine each potential impact).

Note: A full discussion of each item is found following the checklist.

1. Aesthetics. *Would the project:*

- a) Have a substantial adverse impact on a scenic vista? (Source: 1, 6)
- b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings and historic buildings within a state scenic highway? (Source: 1, 3, 6)
- c) Substantially degrade the existing visual character or quality of the site and its surroundings? (Source: 1, 6)
- d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (Source: 6)

2. Agricultural Resources. *Would the project:*

- a) Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance, as show on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to a non-agricultural use? (Source: 1, 6)
- b) Conflict with existing zoning for agriculture use or a Williamson Act contract? (1, 6)
- c) Conflict with existing zoning for, or cause rezoning of forestland (as defined by PRC Sec. 12220(g), timberland (as defined in PRC Sec. 4526), or timberland zoned Timberland Production (as defined in PRC Sec. 51104 (g)? (Source: 1, 2)
- d) Result in the loss of forest land or conversion of forest land to non-forest use? (1, 2)
- e) Involve other changes in the existing environment that, due to their location or nature, could result in conversion of farmland to a non-agricultural use or conversion of forestland to a non-forest use? (Source: 1, 2)

Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact/ No New Impact
			X
			X
			X
	X		
			X
			X
			X
			X
			X

- 3. Air Quality** (Where available, the significance criteria established by the applicable air quality management district may be relied on to make the following determinations).
Would the project:
- a) Conflict with or obstruct implementation of the applicable air quality plan? (Source: 1, 2)
 - b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Source: 1, 2, 8)
 - c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors? (1,2,9)
 - d) Expose sensitive receptors to substantial pollutant concentrations? (7, 9)
 - e) Create objectionable odors affecting a substantial number of people? (9)
- 4. Biological Resources.** *Would the project*
- a) Have a substantial adverse effect, either directly through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service? (1, 2, 3, 8)
 - b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service? (1, 2, 3)
 - c) Have a substantial adverse impact on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption or other means? (1, 2, 3)

Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact/ No New Impact
			X
			X
			X
			X
			X
	X		
			X
			X

	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact/ No New Impact
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites? (1, 2, 3)				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provision of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional or state habitat conservation plan? (Source: 1, 2, 9)				X
5. Cultural Resources. <i>Would the project</i>				
a) Cause a substantial adverse impact in the significance of a historical resource as defined in Sec. 15064.5? (Source: 1, 2)				X
b) Cause a substantial adverse change in the significance of an archeological resource pursuant to Sec. 15064.5? (Source: 1, 2)				X
c) Directly or indirectly destroy a unique paleontological resource or unique geologic feature? (Source: 1, 2)				X
d) Disturb any human remains, including those interred outside of a formal cemetery? (1,2)				X
6. Geology and Soils. <i>Would the project</i>				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Fault Zoning Map issued by the State Geologist or based on other known evidence of a known fault? (Source: 1)				X
ii) Strong seismic ground shaking? (1)			X	
iii) Seismic-related ground failure, including liquefaction? (Source: 1)			X	
iv) Landslides? (Source: 1)			X	
b) Result in substantial soil erosion or the loss of topsoil? (Source: 1))				X

	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact/ No New Impact
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- and off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (1)				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (Source: 1)				X
e) Have soils capable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for wastewater disposal? (7)				X
7. Greenhouse Gas Emissions. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (9)				X
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X
8. Hazards and Hazardous Materials. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials? (2, 5)				X
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous into the environment? (6)		X		
c) Emit hazardous emissions or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Source: 1, 2, 6)		X		

	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact/ No New Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Sec. 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (8)				X
e) For a project located within an airport land use plan or, where such plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Source: 8)				X
f) For a project within the vicinity of private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Source: 9)				X
g) Impair implementation of or physically interfere with the adopted emergency response plan or emergency evacuation plan? (Source: 1, 2, 6, 9)				X
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (9)				X
9. Hydrology and Water Quality. <i>Would the project:</i>				
a) Violate any water quality standards or waste discharge requirements? (Source: 1, 2, 4)				X
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g. the production rate of existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (Source: 1, 2, 7)				X

	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact/ No New Impact
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (Source: 1, 2, 6)				X
d) Substantially alter the existing drainage pattern of the site or areas, including through the alteration of a course or stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (Source: 1, 2, 6)				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Source: 1, 2, 6)				X
f) Otherwise substantially degrade water quality? (Source: 1, 2, 6)				X
g) Place housing within a 100-year flood hazard area as mapped on a Flood Hazard Boundary or Flood Insurance Rate Map or other flood delineation map? (Source: 1, 7)				X
h) Place within a 100-year flood hazard area structures which impede or redirect flood flows? (Source: 1, 7)				X
i) Expose people or structures to a significant risk of loss, injury, and death involving flooding, including flooding as a result of the failure of a levee or dam? (Source: 1, 7)				X
j) Inundation by seiche, tsunami or mudflow?				X
10. Land Use and Planning. Would the project:				
a) Physically divide an established community? (Source: 1,2, 6)				X

	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact/ No New Impact
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Source: 1, 2, 7)				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Source: 1, 2, 9)				X
11. Mineral Resources. <i>Would the project</i>				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (2)				X
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (Source: 2)				X
12. Noise. <i>Would the proposal result in:</i>				
a) Exposure of persons to or generation of noise levels in excess of standards established in the general plan or noise ordinance, or applicable standards of other agencies? (4)		X		
b) Exposure of persons or to generation of excessive groundborne vibration or groundborne noise levels? (Source: 4)			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above existing levels without the project? (4)				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels without the project? (4)				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (9)				X

	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact/ No New Impact
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (9)				X
13. Population and Housing. <i>Would the project</i>				
a) Induce substantial population growth in an area, either directly or indirectly (for example, through extension of roads or other infrastructure)? (1, 2)				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (1, 2)				X
c) Displace substantial numbers of people, necessitating the replacement of housing elsewhere? (Source: 1, 2)				X
14. Public Services. <i>Would the proposal:</i>				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services? (Source: 1, 2, 7)				
Fire protection?				X
Police protection?				X
Schools?				X
Parks?				X
Other public facilities				X
15. Recreation:				
a) Would the project 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? (Source: 1, 2, 5)				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Source: 1, 2, 5)				X

16. Transportation and Traffic. *Would the project:*

- a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation, including mass transit and all non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit? (Source: 1, 2, 7)
- b) Conflict with an applicable congestion management program, including but not limited to, level of service and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? (Source: 1, 2, 7)
- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (Source: 1, 2)
- d) Substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses, such as farm equipment? (Source: 7)
- e) Result in inadequate emergency access? (4)
- f) Conflict with adopted policies, plans or programs regarding public transit, bicycle or pedestrian facilities or otherwise decrease the performance of safety of such facilities? (7)

17. Utilities and Service Systems. *Would the project*

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Source: 2, 7)

Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact/ No New Impact
			X
			X
			X
		X	
			X
			X
			X

	Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact/ No New Impact
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (7)				X
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (7)				X
d) Have sufficient water supplies available to serve the project from existing water entitlements and resources, or are new or expanded entitlements needed? (7)				X
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the providers existing commitments? (Source: 7)				X
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				X
g) Comply with federal, state and local statutes and regulations related to solid waste? (7)				X
18. Mandatory Findings of Significance.				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number of or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X

- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects and the effects of probable future projects).
- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Potentially Significant Impact	Less Than Significant With Mitigation	Less than Significant Impact	No Impact/ No New Impact
			X
			X

Sources used to determine potential environmental impacts

- 1) Eastern Dublin General Plan Amendment and Specific Plan EIR
- 2) Dublin General Plan, City of Dublin (Amended as of October 6, 2015)
- 3) Biological Resource Report (LSA) dated January 15, 2014 & WRA Peer review letter dated October 6, 2014
- 4) Project Acoustic Report (RGD) dated March 10, 2016
- 5) Parks and Recreation Master Plan, City of Dublin, 2012 update
- 6) Site Visit
- 7) Discussion with City staff or service provider
- 8) Assessment of Golden Eagle Nest, 6237 Tassajara Road by WRA, dated July 28, 2016
- 9) Other Source

Attachment to Initial Study

Discussion of Checklist

Legend

PS:	Potentially Significant
LS/M:	Less Than Significant After Mitigation
LS:	Less Than Significant Impact
N/NNI:	No Impact/No New Impact

1. Aesthetics

Project Impacts

- a-c) *Have a substantial adverse impact on a scenic vista, damage scenic resources (including a scenic highway) or substantially degrade the visual character of a site?*
NNI. The project site is presently used as a storage yard for construction materials and related material. One single-family structure is located near Tassajara Road. No parks, playgrounds, scenic vistas or other public gathering places are located on the site. A number of non-native trees (five walnut trees and one almond tree) have been planted on the site that would be removed to accommodate the proposed project. The applicant proposes to plant six 48-inch Coast Live Oak trees as replacement trees on the site in accordance with the preliminary landscape plan.

Applicable impacts and mitigation measures included in Eastern Dublin EIR and other regulations affecting scenic qualities applicable to the site included in the Eastern Dublin Scenic Corridor Policies and Standards document include:

Eastern Dublin EIR

Impact 3.8/ A, Standardized "Tract" Development identifies the potential impact for development to inadequately respond to natural site conditions. Adherence to Mitigation Measure 3.8/1.0, which requires consistency with EDSP Goal 6.3.4 to establish a visually distinctive community that preserves the character of the landscape, reduced this impact to a level of insignificance.

Impact 3.8/ B, Alteration of Rural and Open Space Visual Character was identified as a significant and unavoidable impact even with adherence to Mitigation Measure 3.8/2.0, which would implement the EDSP land plan with retention of predominant natural features and encouraging a sense of openness in Eastern Dublin. This impact was included in the Statement of Overriding Considerations when adopting the underlying project (City Council Resolution No. 53-93).

Impact 3.8/C, Obscuring Distinctive Natural Features identifies the potential of EDSP buildings and related improvements to obscure or alter existing features and reduce the visual uniqueness of the Eastern Extended Planning Area. Implementation of Mitigation Measure 3.8/3.0, which would implement EDSP Policy 6-28 to preserve streams and other natural features, reduced this impact to a level of insignificance.

Impact 3.8/D, Alteration of Visual Quality of Hillsides notes that grading and excavation of building sites in hillside areas would compromise the visual quality of the EDSP area. Mitigation Measures 3.8/4.0 through 3.8/4.5 are included in the Eastern Dublin EIR to reduce Impact 3.8/D to a level of insignificance. These Mitigation Measures require implementation of EDSP Policies 6-32 through 6-38 requiring grading techniques to minimize disturbance of hillsides.

Impact 3.8/E, Alteration of Visual Quality of Ridges states that structures built in proximity to ridges may obscure or fragment the profile of visually sensitive ridgelines. Implementation of Mitigation Measures 3.8/5.0 through 3.8/5.2 would reduce this impact to a less-than-significant level. These measures require the implementation of EDSP Policies 6-29 and 6-30 and Parks and Open Space Element Guiding Policy 3.4.1.A.3 restrict structures on the hillsides that appear above major ridgelines and Implementing Policy 3.4.1.B.4, use subdivision design and site design review process to preserve or enhance the ridgelines that form the skyline as viewed from freeways (I-580 or I-680) or major arterial streets.

Impact 3.8/F, Alteration of Visual Character of Flatlands states that buildout of the Eastern Dublin Specific Plan will alter the visual character of the Eastern Dublin area by reducing valley grasses and agricultural fields. No mitigation was identified for this impact and it was deemed to be significant and unavoidable. This impact was included in the Statement of Overriding Considerations for the project (City Council Resolution No. 53-93).

Impact 3.8/G, Alteration of Visual Character of Watercourses found a potentially significant impact with regard to planned development adjacent to watercourses that would reduce the visibility and function of watercourses as a distinct landscape. Mitigation Measure 3.8/6.0 reduced this impact to a less-than-significant level by requiring development adjacent to creeks to maintain visual access to such streams. The proposed project would not significantly change existing visual access for future residents and their guests to the adjacent unnamed tributary of Tassajara Creek. The existing 6-foot chain link fence and 4-foot sheet metal barrier would remain. A secondary CRLF barrier consisting of a 4-foot solid block wall with 2-feet of ornamental steel on top would be built inside the existing barrier and would extend up the easterly property boundary.

Impact 3.8/I, Scenic Vistas, includes alteration of the character of existing scenic vistas and important sightlines. With implementation of Mitigation Measures 3.8/7.0 and 3.8/7.1, this impact would be reduced to a level of insignificance. Mitigation Measure 3.8/7.0 requires adherence to EDSP Policy 6-5 to preserve views of open space areas and Measure 3.8/7.1 requires the City to conduct a visual survey of the EDSP area and to identify and map viewsheds of scenic vistas. The City adopted the Eastern Dublin Scenic Corridor Policies and Standards document by Resolution 34-96 on March 26, 1996 to implement this measure.

Impact 3.8/J, Scenic Routes, identifies that urban development within the EDSP area will significantly alter the visual experience of travelers on scenic routes in Eastern Dublin. Implementation of Mitigation Measures 3.8/8.0 and 8.1 will reduce this impact to a level of insignificance. These two measures require implementation of EDSP Action Programs 6Q and 6R that requires the City to adopt scenic corridor policies. The City adopted the Eastern Dublin Scenic Corridor Policies and Standards by Resolution No. 34-96 on March 26, 1996. The City adopted the Eastern Dublin Scenic Corridor Policies and Standards document in 1996 to implement this measure.

Eastern Dublin Scenic Corridor Policies and Standards

Overall implementing policies for scenic corridors (which include the project site) include:

1. Maintain a sense of place for Eastern Dublin with relation to natural landforms and topography.
2. Allow the traveler along a Scenic Corridor to experience the varied features of the landscape
3. Assure that development along the Scenic Corridors is well planned and sensitively sited to respect the natural topography.
4. Achieve high-quality design and visual character for all development visible from designated Scenic Corridors, generally within 700 feet of a Scenic Corridor.
5. Assure that landscaping adjacent to the Scenic Corridors harmonizes with the scenic environment.

The frontage improvements along Tassajara Road would include the widening of Tassajara Road to connect with existing improvements to the north and south of the project site; landscaping, an 8-foot wide bike lane and the construction of a noise attenuating wall. The wall is proposed to be a maximum of 8-feet in height and will be designed at the minimum height necessary to provide sufficient sound attenuation. Near the project entry, the

height of the wall would be reduced to frame the entrance and minimize the overall appearance of the wall. The design of the project frontage is consistent with the Eastern Dublin Specific Plan design guidelines for the Foothill Residential Planning Subarea and Standard 6.2 of the Scenic Corridor Policies and Standards document.

With adherence to the above Eastern Dublin EIR Mitigation Measures and Eastern Dublin Scenic Corridor Policies and Standards, there would be no new or more severe significant impacts related to scenic vistas, damage to scenic resources, including scenic highways, or substantial degradation of the visual character than identified in the Eastern Dublin EIR. No additional analysis is required. For significant and unavoidable impacts, such as Alteration of Rural/Open Space Character and Visual Character of Flatlands, a Statement of Overriding Considerations was adopted when approving the Eastern Dublin Specific Plan (City Council Resolution No. 53-93).

- d) *Create light or glare?* LS/M. Minimal lighting sources are present on the site, primarily lighting associated with the existing house. Construction of the proposed project would add additional light sources in the form of streetlights along the proposed roadway as well as building and security lighting. Residential light and glare was not analyzed in the Eastern Dublin EIR and installation of future lighting could result in a significant impact on the adjacent tributary to the south, passers-by on Tassajara Road and other nearby private properties. Adherence to the following would reduce this impact to a less-than-significant level.

Mitigation Measure AES-1. As part of final building and improvement plans, exterior light fixtures, including street lights, building security lights and exterior house lights shall be equipped with appropriate lenses or shielding to ensure that light is directed downward and does not spill over off of the project site. Minimum light levels on the site as required by Section 7.32.300 of the Dublin Municipal Code shall be maintained. If required by the Community Development Department, the applicant shall furnish detailed illumination plans demonstrating that no spill over of light shall occur.

2. Agricultural & Forestry Resources

Project Impacts

- a-c) *Convert Prime Farmland, conflict with agricultural zoning or a Williamson Act Conservation Agreement or convert prime farmland to a non-agricultural use?* NNI. Impacts with respect to conversion of prime farmland to urban uses, discontinuation of agricultural land uses and indirect impacts of non-renewal of Williamson Act land conservation contracts were analyzed in the Eastern Dublin EIR for the entire Eastern Extended Planning Area. These impacts were deemed insignificant except for the cumulative loss of agricultural lands, which was significant and unavoidable (Impact 3.1/F).

The project site is currently developed with a single-family dwelling and a storage yard. No existing farming or agricultural operations exist on the site and the site is not zoned for agriculture. The Eastern Dublin EIR denotes that the project site is considered "farmland of local importance" (Figure 3.1-B). Figure 3.1-C contained in the Eastern Dublin EIR notes that no Williamson Act contract existed on the site as of the preparation of the EIR. Approval and construction of the project would result in no new or more severe significant impacts related to agricultural lands than identified in the prior EIR and no additional analysis is required.

- d) *Result in the loss of forest land or conversion of forest land to a non-forest use?* NI. No forest land exists within the Eastern Dublin Specific Plan area; therefore, no impact would result with respect to this topic. No additional analysis is required.
- e) *Involve other changes which, due to their location or nature, could result of forest land to a non-forest use?* NI. See item "d," above.

3. Air Quality

Project Impacts

- a) *Would the project conflict or obstruct implementation of an air quality plan?* NNI. Future residential development of the project site is anticipated in the Dublin General Plan and the Eastern Dublin Specific Plan, and the related EDEIR. The Eastern Dublin Specific Plan has assumed development of up to 20 dwellings on this site (EDSP Appendix 4). This type and amount of development is included in current land use projections prepared by the Association of Bay Area Governments (ABAG), which are used for air quality emissions included in the Bay Area Air Quality Management District's Clean Air Plan. Approval and construction of the project would be consistent with the regional air quality plan and would result in no new or substantially more severe significant impacts related to conflicts with the regional air quality plan than previously analyzed in the Eastern Dublin EIR. No additional analysis is required.
- b,c) *Would the project violate any air quality standards or result in cumulatively considerable air pollutants?* NNI. The Eastern Dublin EIR analyzed impacts related to both project-level air quality impacts as well as cumulative impacts to regional air quality. Identified impacts in this EIR included Impact 3.11/A (dust deposition from construction activity), Impact 3.11/B (construction equipment and vehicle emissions), Impact 3.11/C (mobile sources of Reactive Organic Gasses and Nitrogen Oxide) and Impact 3.11/E (stationary source emissions). All of these air quality impacts were found to be significant and unavoidable and in approving the Eastern Dublin General Plan Amendment and Specific Plan, a Statement of Overriding Considerations was adopted for the project and cumulative air quality emissions (City Council Resolution No. 53-93). The proposed project is consistent with the use and density assumptions in the EDEIR and no new or substantially more severe significant impacts

would result than identified in the Eastern Dublin EIR. No additional analysis is required.

Also, the proposed project includes construction of up to 18 net single-family dwellings (including a deduction for the existing on-site dwelling), which number falls below the Criteria Air Pollutants Screening Criteria as established in Table 3-1 of the May 2011 Bay Area Air Quality Management District (BAAQMD) Air Quality Guidelines. Under the screening criteria, projects containing 325 dwellings or fewer would fall below Nitrous Oxide pollutant generation and developments containing up to 114 single-family dwellings would fall below construction criteria pollutant screening size. Therefore, no impacts would result in terms of exceeding air quality standard or result in cumulatively considerable air pollutants.

- d) *Expose sensitive receptors to significant pollutant concentrations?* NNI. No sensitive receptors, including but not limited to schools, day care centers, hospitals or similar land uses exist on the project site. A private school, Quarry Lane School, is located immediately north of the project site. However, the estimated number of vehicle trips to and from the site (estimated to be 175 daily trips, as documented in section 16, Traffic and Transportation of this Initial Study) would not generate a significant amount of pollutants as noted in subsections "b" and "c," above so no significant impacts would result with respect to this topic. Similarly, the site is not located adjacent to any freeways or major highway corridors that would release significant air emissions. The proposed project is consistent with the use and density assumptions in the EDEIR and no new or substantially more severe significant impacts would result than identified in the Eastern Dublin EIR. No additional analysis is required.
- e) *Create objectionable odors?* NI. The project would not result in new land uses that would emit objectionable odors. No impacts are therefore anticipated.

4. Biological Resources

Project Impacts

- a) *Have a substantial adverse impact on a candidate, sensitive, special-status species riparian habitat or wetlands?* LS/M. This section is based on a biological analysis of the site prepared by LSA Associates ("Biological Resource Report for the 6237 Tassajara Road Property, Dublin, Alameda County, California," dated January 15, 2014.) This report is incorporated by reference into this Initial Study and is included as Attachment 1 to this Initial Study. The LSA report was peer-reviewed by a City consultant, WRA. The WRA peer review report (dated October 6, 2014) is also included in Attachment 1 to this Initial Study and is also incorporated by reference into this document. The LSA report notes that the project site has been disturbed for urban uses (a residential structure, driveways, landscape contractor storage and similar storage uses) and contains no candidate, special-status or sensitive plant or wildlife species or their respective habitats. On-site vegetation includes five walnut tree, one almond

tree and weedy vegetation in the southwest corner of the site that includes wild oat, ripgut brome, bristly ox-tongue and cheeseweed. The proposed project includes removal of the 5 walnut trees and one almond tree and replacing these with 6 48-inch box coast live oak trees as part of proposed landscaping. None of these are classified as protected or sensitive species. The LSA report notes that wildlife species anticipated to be on the site includes Sierran treefrog, western fence lizard, mourning dove, American crow, western scrub-jay, northern mockingbird and house finch. None of these species are classified as protected or sensitive wildlife species. Lack of candidate, special-status and protected species on the site was confirmed in the WRA peer review report.

Although the unnamed creek tributary immediately south of the project site does contain candidate, protected and special-status species, including California red-legged frog (*CRLF*), a 6-foot chain link fence with a 4-foot sheet metal *CRLF barrier* was constructed on the southern property line pursuant to the City's adopted Eastern Dublin Comprehensive Stream Restoration Program in approximately 2007 to preclude migration of *the CRLF from the south onto the project site. No changes to the existing barrier are proposed. However, the applicant proposes to construct a secondary barrier within the project site that would be a 4-foot solid block wall with an additional 2-feet of ornamental steel on top. The secondary barrier would be located within the project site along the southern property line and eastern property line.* The project further proposes to extend the *secondary CRLF barrier* on the eastern side of the project to preclude the migration of candidate, protected and special status species from the Northern Drainage Conservation Area onto the project site.

The Eastern Dublin EIR contains a number of mitigation measures to reduce anticipated impacts to biological resources from the General Plan and EDSP project. These are listed below and the project developer will be required to comply with all applicable measures.

- Mitigation Measures 3.7/1.0-4.0 reduced impacts related to direct habitat loss (IM 3.7/ A) to a less-than-significant level. These mitigations require minimization of direct habitat loss due to development, preparation of vegetation management and enhancement plans and development of a grazing management plan by the City of Dublin.
- Mitigation Measure 3.7/5.0 reduced impacts related to indirect loss of vegetation removal (IM 3.7/B) to a less-than-significant level. Mitigation Measure 3.7/5.0 requires revegetation of graded or disturbed areas as quickly as possible.
- Mitigation Measures 3.7/6.0-17.0 reduced impacts related to loss or degradation of botanically sensitive habitats (IM 3.7/C) but not to a less-than-significant level. These measures require a wide range of steps to be taken by future developers to minimize impacts to sensitive habitat areas, including preserving natural stream corridors, incorporating natural greenbelts and open space into development projects, preparation of

individual wetland delineations, preparation of individual erosion and sedimentation plans and similar actions.

- Mitigation Measures 3.7/18.0-19.0 reduced impacts related to the San Joaquin kit fox (IM 3.7/D) to a less-than-significant level. These measures require consultation with appropriate regulatory agencies regarding the possibility of kit fox on project sites and restrictions on use of pesticides and herbicides.
- Mitigation Measures 3.7/20.0-22.0 reduced impacts related to the tri-colored blackbird (IM 3.7/I) to a less-than-significant level. These measures require preconstruction surveys for this species and protection of impacted habitat areas. These measures also apply to burrowing owl and badger species.
- Mitigation Measures 3.7/23.0-24.0 reduced impacts related to destruction of Golden Eagle nesting sites (IM 3.7/J) to a less-than-significant level. These measures require preconstruction surveys for this species and protection of impacted habitat areas.
- Mitigation Measure 3.7/25.0 reduced impacts related to loss of Golden Eagle foraging habitat (IM 3.7/K) to a less-than-significant level. This measure requires the identification of a Golden Eagle protection zone within the Eastern Dublin planning area.
- Mitigation Measure 3.7/26.0 reduced impacts related to Golden Eagle and other raptor electrocution (IM 3.7/L) to a less-than-significant level. This measure requires undergrounding of electrical transmission facilities.
- Mitigation Measure 3.7/20.0, 27.0 reduced impacts related to American badger (IM 3.7/M, N) to a less-than-significant level. This measure mandates a minimum buffer of 300 feet around burrowing owl nesting sites and American badger breeding sites during the breeding season.
- Mitigation Measure 3.7/28.0 reduced impacts related to special status invertebrates (IM 3.7/S) to a less-than-significant level. This measure requires follow-on special surveys for these species during appropriate times of the year.

The unnamed tributary south of the site is subject to the requirements of the "Eastern Dublin Comprehensive Stream Restoration Program" (City of Dublin, 1996). This document was prepared based on policies and programs contained in the Eastern Dublin Specific Plan and provides guidelines for the protection and restoration of major and minor creeks in the Eastern Dublin planning area. A minimum setback of 100-ft. from top of bank is established in this document for major tributaries and 50-feet for minor tributaries unless an exception is approved by the California Department of Fish and Wildlife.

The setbacks serve a number of purposes, including flood control as well as biological protection. The Program further notes that biological setbacks for Tassajara Creek tributaries can vary depending on several factors, including site conditions, local topography, the presence of environmental resources, the need to accommodate trails, and the nature of adjacent development. The LSA report identifies the adjacent creek is a major tributary in accordance with the Eastern Dublin Comprehensive Stream Restoration Program. As a major tributary, the Program establishes a 100-foot setback from the top of the creek bank. The applicant is requesting an exception to this setback and is proposing an average 50-foot structural setback based on a number of factors. The first factor is current site conditions. The developable footprint of the site is fully disturbed and contains a single family dwelling and accessory buildings many of which are currently located within the 100-foot setback. The proposed project would be contained within the current disturbed footprint of the site. Another factor is the absence of special-status species on the project site as documented in the LSA report. Additionally, an existing CRLF barrier is in place along the southern property line to prevent migration of the CRLF onto the project site. No changes to the existing barrier are proposed. However, the applicant proposes to construct a secondary barrier within the project site that would be a 4-foot solid block wall with an additional 2-feet of ornamental steel on top. The secondary barrier would be located within the project site along the southern property line and eastern property line. Due to the fact that, 1) the project site is currently developed, 2) the proposed project will be constructed within the disturbed footprint of the existing site, 3) there are no special-status species on the project site, and 4) the existing CRLF barrier will be maintained on the southern property line and a secondary barrier will be constructed along the southern and eastern property lines, encroachment within the 100-foot setback will not have an adverse impact on biological resources.

With respect to flood control, the adjacent creek was fully restored on/about 2007 and has been designed to accommodate 100 year flood flows. The proposed project has been designed to contain all stormwater runoff on-site in a bioretention area where it would be filtered and discharged into the City's storm drain system. During construction, the project will be required to implement erosion control measures that will prevent stormwater runoff from the project site.

Although development of the proposed project would not have a significant impact on candidate, protected or special-status wildlife species, the peer review report by WRA (Attachment 2) recommends that the CRLF barrier along the south side of the site be extended along the eastern edge of the project site to prevent migration of the CRLF from the east onto the project site. The following actions shall be taken to ensure that no impact occurs with respect to potential impacts to candidate, protected and special-status species:

Mitigation Measure BIO-1. Prior to issuance of a grading permit, the project developer shall comply with the following:

- a) The existing CRLF barrier along the south side of the site shall be temporarily extended along the eastern edge of the project site so that the site is fully inaccessible to the CRLF during construction.

Extension of the fencing shall be coordinated with a biologist approved by the Dublin Community Development Department.

- b) The temporary extension may be removed once the secondary barrier has been constructed along the eastern property boundary.
- c) Use of plastic mono-filament netting or similar material for erosion control shall be prohibited on the site to ensure that no entanglements with wildlife occur.

Mitigation Measure BIO-2. The project developer shall comply with the following prior to the issuance of grading or demolition permit, whichever occurs first:

- a) Project grading and construction shall avoid disturbance to riparian vegetation, including any area under the dripline of riparian trees overhanging into the project site from the tributary. If disturbance to riparian trees cannot be avoided, a Streambed Alteration Agreement shall be obtained from the California Department of Fish and Wildlife.
- b) If demolition, grading and/or tree removal on the site occur during the nesting bird season (February 1 through August 31), a pre-construction bird survey (including raptors) shall be completed within 30 days prior to initiation of demolition, grading and/or tree removal. If birds or their nests are found on the project site, a 100-foot buffer area around the nest(s) shall be established until the birds have fledged. The width of the buffer may be reduced upon consultation with the California Department of Fish and Wildlife.
- c) If construction, tree removal or the removal or demolition of buildings is initiated during the bat maternity period (April 1 through August 31), a pre-construction bat emergence survey shall be conducted within 30 days prior to initiation of construction, tree removal or the removal or demolition of any building. Internal entrance surveys shall be conducted if any buildings are to be demolished at any time of year to determine if the building(s) currently or previously supported roosting bats. If bats are found, demolition shall be delayed and the California Department of Fish and Wildlife shall be consulted.

Mitigation Measure BIO-3. Construction of the new, secondary CRLF barrier inside the south side of the property and extension of the barrier inside of the easterly property boundary shall adhere to the following requirements:

- a) Construction of the new, secondary barrier along the southern and eastern property lines, within the project site, and the temporary extension of the existing CRLF barrier along the eastern property line, within the project site, shall be accomplished without encroaching onto the adjacent conservation easement areas and shall occur during the non-nesting or breeding season for nearby birds.

Impacts to Golden Eagle Nest

There is an active Golden Eagle nest located off-site approximately 200-feet east of the project location, in a row of mature eucalyptus trees. To assess the impacts of the proposed project on the eagle nest, the City commissioned a report from a biologist/ornithologist experienced in golden eagle behavior from the firm of WRA. The WRA eagle report is included in Attachment 1.

The nest structure is near the eastern edge of the eucalyptus stand, on the north side, and visible to the naked eye from the eastern portion of the project site. At the time of the WRA site visit in early May 2016, one eagle was observed on the nest, and it did not flush or otherwise appear to be disturbed by the presence of the biologist or by other activities in the general vicinity. To the best of WRA's knowledge, this nest site was first known to be occupied in 2016. This is based on a letter to the City of Dublin from Colleen Lenihan dated April 22, 2016. Because golden eagles often re-use individual nests across years, the nest may be used again in subsequent years.

Direct project impacts. Direct impacts to the golden eagle nest tree (e.g., trimming or completely removing the nest tree or adjacent trees) while the nest is active could result in death or injury to eagle eggs or young and potentially adults as well, and would be a potentially significant impact. However, the nest tree is located off of the project site approximately 200-feet east of the site in a preserved open space area, and no homes, parking areas or other improvements are proposed in or adjacent to the nest tree area. No direct impacts to the tree and its immediate surrounds are anticipated as part of the proposed project. Therefore, the potential for such direct impacts as a result of project construction is considered low and would be less-than-significant.

The Bald and Golden Eagle Protection Act also involves protection from the loss or degradation of habitat areas required for continued use of the vicinity by the golden eagle pair. The project site is currently developed with active uses, including large and small trucks delivering and picking up building materials as well as moving such materials around on the project site. It does not contain trees of a suitable size or character to support eagle nesting. Additionally, although California ground squirrels (a common prey item for eagles in the region) inhabit the project site, the small size of the site, the developed nature of the site and habitual human presence on the project site, and the availability of nearby larger nearby preserved lands with grasslands and savannah for foraging all render the site as incidental foraging habitat at best. Therefore, proposed project activities would not result in a significant loss of or degradation to eagle habitat.

Project operational impacts. Project activities following construction (i.e., residential use of the subdivision) are not expected to result in significant impacts to the eagle nest. The eagle nest was built recently within 250 feet of an existing larger residential subdivision to the south and within 300 feet of a private school to the north, each with unobstructed line-of-site views from the nest site. Furthermore, the project site is currently being used as a landscape materials storage yard with daily activity. This indicates that the eagle is habituated to the existing conditions, including human activities, and would not be significantly impacted by the operations of a residential subdivision on the project site.

Project construction impacts. Indirect disturbances resulting from project-related activities (e.g., noise, vibration and/or visual disruption from eagles viewing human activity resulting from grading or construction) within the project Site have the potential to adversely impact eagle nesting activities at the nearby nest site. If the nest is active (holding eggs or young) or otherwise being attended by eagles while such disturbances occur, reduced reproductive effort or success, including abandonment of the active nest, may occur. This would be a significant impact. Implementation of the following measure would reduce this impact to a less than significant level.

Mitigation Measure BIO-4. The following measures shall be included in all project construction plans and specifications.

- a) All project construction shall occur between July 1 and December 31, outside of the greater eagle nesting season. Depending on the specific golden eagle pair, the Dublin Community Development Director may grant exceptions to this requirement supported by technical information prepared by a qualified biologist.
- b) If project construction is scheduled to commence during the nesting season, the following shall be implemented:
 - i) The known nest site near the project site and other suitable nesting substrates in a .25 mile vicinity shall be monitored by a qualified biologist experienced in golden eagle behavior and approved by the City of Dublin and CDFW to determine whether a nest is active. Monitoring visits shall be conducted starting January 1 and occur weekly at a minimum through June 30 to ensure that the status of the nest (i.e., level of attendance by adult eagles, known or presumed presence of eggs or young) has been determined relative to the proposed project/construction schedule. Project construction shall not commence while the nest is active. If the nest is determined to be inactive, project construction may commence as long as the nest remains inactive as determined by the qualified biologist.
 - ii) If a nest becomes active following the commencement of project construction activities, a qualified biologist shall constantly monitor the nest during all construction activities. If the birds exhibit abnormal nesting behavior which may cause reproductive failure (nest abandonment and loss of eggs and/or young) the qualified biologist shall have the authority to halt all project construction activities. Project construction shall not resume until the qualified biologist has consulted with the City of Dublin and CDFW and it is confirmed that the bird's behavior has normalized or the young have left the nest.
 - iii) Once the nest has become inactive as determined by the qualified biologist, (e.g., following the fledging of young), project construction may continue without continual monitoring and shall revert to weekly monitoring visits.

In terms of potential loss of foraging area with the proposed development of the project, golden eagles forage over broad areas and the close proximity of the project site to the eagle nest does not necessarily indicate that it is important for foraging. The project site is relatively small and has been effectively developed for a number of years, with a regular human presence on-site and a school located directly adjacent. There are substantially larger, nearby preserved and undeveloped lands that host ground squirrels, jackrabbits, and other golden eagle prey. For these reasons, the project site provides incidental foraging habitat at best. Therefore, the loss of the ground squirrel population within the project site would not constitute a significant impact in terms of potential loss of foraging habitat.

Rodenticide use. Introduction of toxic or otherwise harmful chemicals into the golden eagle prey base (e.g., mice, rats, and ground squirrels) as a result of the proposed project may pose a potential indirect significant impact. Construction operations and residential subdivisions and individuals occupying residences commonly use rodenticides to control the rodents such as ground squirrels, mice, and rats. Because golden eagles may prey upon contaminated rodents, the eagles themselves may incur adverse biological effects such as reduced fecundity, ability to forage, or death. The East Alameda County Conservation Strategy includes Conservation Action GOEA-4 to encourage land managers and yard maintenance staff to use Integrated Pest Management (IPM) principles and cease using rodenticides in exterior yard areas; if they are necessary, rodenticides should be used consistent with IPM principles.

Mitigation Measure BIO-5. Rodenticides shall not be used outdoors, either during project construction or after construction has finished, unless absolutely necessary. The governing body of the residential subdivision (e.g., Home Owners Association or equivalent) shall implement a restriction on the use of outdoor rodenticides in their governing documents (e.g., Covenants, Conditions and Restrictions), unless absolutely required, and then they shall be used consistent with IPM principles. IPM techniques include generally limiting use of chemicals in favor of mechanical control of pests.

Potential impacts to California red-legged frog species

As noted in the Environmental Setting section, above, the project site was thoroughly reviewed by a qualified biological resources firm (LSA) who did not find any evidence of California red-legged frogs on the project site and that due to the presence of the existing 4-foot metal barrier and the disturbed nature of the project site, the project site does not contain any evidence of red-legged frog occupancy. Similarly, the project site is not expected to provide upland habitat for the CRLF because the existing 4-foot sheet metal CRLF barrier prevents such movement in the project site direction.

However, to ensure that no CRLF species would be impacted by the proposed project, the following mitigation measure shall be implemented.

Mitigation Measure BIO-6. 30 days prior to commencing any grading activities or any other activities that would disturb the ground surface, a preconstruction survey for CRLF shall be completed by a qualified biologist, as approved by the Dublin Community Development Department. If no CRLF are found to be present, grading activities may be undertaken. If CRLF are found, all activity on the project site shall cease and both the California Department of Fish and Wildlife (CDFW) and the

United States Fish and Wildlife Service (USFWS) shall be contacted. Unless USFWS authorizes relocation, any frogs found on-site must be allowed to leave the area on their own.

- b, c) *Have a substantial adverse impact on riparian habitat or federally protected wetlands?* NNI. The project site consists of upland, non-wetland terrain as documented in the LSA report (see Attachment 1). A wetland and riparian wetland area exists just to the south of the site within an unnamed tributary of Tassajara Creek. No new impacts would result from approval and construction of the proposed project to wetlands or riparian habitat because redevelopment of the project site would be limited to the existing disturbed footprint of the property; no residential development is proposed in the wetland or riparian area offsite. No changes to the existing CRLF barrier are proposed. However, the applicant proposes to construct a secondary barrier within the project site that would be a 4-foot solid block wall with an additional 2-feet of ornamental steel on top. The secondary barrier would be located on the project site within the southern property line and eastern property line.

Pursuant to Eastern Dublin EIR Mitigation Measure 3.5/46.0, the City will require the project developer to prepare a Storm Drainage Master Plan to minimize flows of stormwater off of the project site. The project developer will also be required to prepare and implement Best Management Practices during construction and during the operation phase of the project to minimize flow of polluted runoff into the adjacent creek area. Such BMPs will be as contained in the ABAG Erosion Control Sediment Hand book and the State of California Best Management Practices Handbook. These regulations require filtration and treatment of stormwater by flowing runoff through vegetated filters and similar methods as approved by the City of Dublin.

With adherence to the above items, no new or substantially more severe significant impacts would occur with respect to riparian habitat or federally or state protected wetlands than previously analyzed in the prior EIR. No additional analysis is required.

- d) *Interfere with movement of native fish or wildlife species?* NNI. Development on the project site is, and would continue to be, fenced off from the adjacent potential fish and wildlife corridor present in the adjacent tributary (see Mitigation Measure BIO-1). The fence/ wall would preclude interaction between subdivision residents and visitors and the tributary. There would therefore be no interference with fish or wildlife movement within the tributary and no new or substantially more severe significant impacts related to movement of fish or wildlife species than previously analyzed in the prior EIR and no additional analysis is required.
- e, f) *Conflict with local policies or ordinances protecting biological resources or any adopted Habitat Conservation Plans or Natural Community Conservation Plans?* NI. The project lie within the Eastern Alameda County Conservation Strategy (EACCS) planning area. The City of Dublin utilizes the Conservation Strategy as guidance for environmental permitting for public projects, and private

development projects are encouraged to use the EACCS as a resource as well. The Conservation Strategy embodies a regional approach to permitting and mitigation for wildlife habitat impacts associated with land development, infrastructure, and other activities. The Conservation Strategy is neither a Habitat Conservation Plan nor a Natural Community Conservation Plan, but is a document intended to provide guidance during the project planning and permitting process to ensure that impacts are offset in a biologically effective manner.

The proposed project is subject to compliance with the Eastern Dublin Comprehensive Stream Restoration Program which requires a 100-foot setback from major tributaries and a 50-foot setback from minor tributaries unless an exception is granted by the California Department of Fish and Wildlife. The project proposes an average 50-foot structural setback therefore an exception must be approved by the California Department of Fish and Wildlife.

The applicant is proposing an average 50-foot structural setback from the existing top of creek bank in-lieu of the 100-foot wide setback set forth in the Eastern Dublin Comprehensive Stream Restoration Program. Portions of the project that would encroach into the average 50-foot structural setback include a water detention/retention basin, landscaping, guest parking, private roadway, private porches and portions of residential garages on Lots 8 and 19.

The existing site is fully developed within the 100-foot setback and is actively used by various landscape contracting businesses. The project proposes development within the same footprint as the existing developed site and proposes to locate the single family homes as far as practical from the top of creek bank. The creek corridor to the south is physically separated from the project site by an existing CRLF barrier which would remain in place.

The future construction of the project and the proposed improvements within the 100-foot setback would not result in significant impacts to special-status, protected or endangered plant or wildlife species, since, as document in subsection "a," above, none have been observed on the project site by qualified biologists. Mitigation Measure BIO-6 requires that a pre-construction survey be conducted 30 days prior to any site disturbances to ensure that no California Red Legged Frogs are on-site when construction commences. If CRLF is found BIO-6 prohibits the relocation unless directed by the United States Fish and Wildlife Service. The existing CRLF barrier located on the southern edge of the project site would be extended to fully enclose the eastern portion of the project site Extending the barrier would preclude potential future migration of CRLF onto the project site from the south or east.

Therefore, the continued encroachment of improvements within the 100-foot setback would not result in a significant impact related to compliance with the Eastern Dublin Comprehensive Stream Restoration Program.

5. Cultural Resources

Project Impacts

- a) *Cause substantial adverse change to significant historic resources?* NNI. No historic resources on the project site are identified in the Eastern Dublin EIR. Although one residential structure exists on the site, it is typical of existing dwellings found along Tassajara Road in Eastern Dublin and does not qualify as a historic resource. Development of the proposed project would result in no new or more severe significant impacts related to historical resources than identified in the prior EIR and no additional analysis is required.
- b-d) *Cause a substantial adverse impact or destruction to archeological or paleontological resources, tribal resources, or human remains that may be interred outside of a formal cemetery?* NNI. No cultural resources are identified for the project site in the Eastern Dublin EIR. The Eastern Dublin EIR identifies a remote but potentially significant possibility that construction activities, including site grading, trenching and excavation, may uncover significant archeological and/or paleontological resources on development sites within the Eastern Extended Planning Area. Mitigation Measures 3.9/1.0 through 3.9/4.0 for Impact 3.9/A require subsurface testing for archeological resources, if such are found during site disturbance; recordation and mapping of such resources; and development of a protection program for resources which qualify as "significant" under Section 15064.5 of the CEQA Guidelines (then Appendix K). Mitigation Measures 3.9/5.0 and 3.9/6.0, also were adopted to address Impact 3.9/B, the potential disruption of any previously unidentified pre-historic resources. These measures require cessation of construction activities until uncovered cultural resources can be assessed by a qualified archeologist and a remediation plan approved by the City of Dublin consistent with CEQA Guidelines. These measures would also protect any previously unidentified tribal resources if encountered during construction.

The proposed project will be required to comply with above measures to ensure these impacts will remain less-than-significant.

Development of the proposed subdivision would result in no new or substantially more severe significant impacts related to subsurface archeological, paleontological, or tribal resources, or human remains than previously analyzed in the Eastern Dublin EIR and no additional analysis is required.

6. Geology and Soils

Project Impacts

- a) *Expose people or structures to potential substantial adverse impacts, including loss, injury or death related to ground rupture, seismic ground shaking, ground failure, or landslides?* LS. The proposed project would allow construction of new dwellings

on the site. Potential impacts related to soil and geologic impacts on future residential construction are addressed in Seismic Safety Element of the Dublin General Plan. This Element addresses impacts related to groundshaking, ground rupture, and soil-based hazards, such as differential settlement, liquefaction and landslides. Guiding Policy 8.2.1.A.1 of this Element states that “geological hazards shall be mitigated or development shall be located away from geological hazards in order to preserve life, protect property and reasonably limit the financial risks to the City of Dublin and other public agencies that would result from damage to poorly located public facilities.”

The Eastern Dublin EIR contains a number impacts and related Mitigation Measures to reduce anticipated geology and soils impacts for site-specific development projects. These include:

- Mitigation Measure 3.6/1.0 reduced the primary effects of ground shaking (Impact 3.6/B) by requiring conformity with seismic safety requirements of applicable building codes. Even with adherence to this mitigation, this impact was considered significant and unavoidable.
- Mitigation Measures 3.6/2.0-7.0 reduced impacts related to the secondary effects of seismic ground shaking to a less-than-significant level (Impact 3.6/C). These measures require placement of structures set back from unstable landforms; stabilization of unsuitable land forms; use of engineered retention structures and installation of suitable subdrains and appropriate design of fill material; and, preparation of design level geotechnical studies.
- Mitigation Measures 3.6/9.0 and 10.0 reduced impacts related to substantial alteration of landforms in the Eastern Dublin area to a less-than-significant level by limiting grading on steeply sloping areas and by appropriate siting of roads and structures to minimize grading (Impact 3.6/D).
- Mitigation Measures 3.6/11.0-13.0 reduced impacts related to shallow groundwater to a less-than-significant level (Impacts 3.6/F and G). These measures require submittal of detailed geotechnical investigations to investigate possible risks of groundwater conditions to proposed improvements, control of high groundwater through installation of subdrains and removal of stock ponds then in the Eastern Dublin area.
- Mitigation Measures 3.6/14.0-16.0 reduced impacts related to shrink-swell soil hazards to a less-than-significant level (Impact 3.6/H). These measures require controlling moisture in the soil surrounding individual development projects and appropriately designed foundations.
- Mitigation Measures 3.6/17.0-19.0 reduced impacts related to natural slope stability to a less-than-significant level (Impact 3.6/I). These

measures require appropriate siting of improvements to avoid unstable soils, remedial grading where needed to remove unstable soils and installation of subdrains and other improvements to minimize soil stability impacts.

- Mitigation Measures 3.6/20.0-26.0 reduced impacts related to stability of cut-and-fill slope to a less-than-significant level (Impact 3.6/J). These measures require minimizing the use of grading when siting proposed improvements, conformance to local grading requirements, minimizing the angle of cut-and-fill slopes to 3:1 and use of engineering techniques to stabilize manufactured slopes.
- Mitigation Measures 3.6/27.0 and 28.0 reduced impacts related to erosion and sedimentation to a less-than-significant level (Impacts 3.6/K and L). These measures require general limitations on grading to avoid the rainy season of each year and require installation of erosion control improvements.

The project site and proposed future improvements could be subject to moderate to severe ground shaking due to seismic activity on regional faults as well as potential ground failure as a result of liquefaction and landsliding into the adjacent tributary. These impacts will be less-than-significant by adherence to the above Eastern Dublin EIR mitigation measures and compliance with the City's grading regulations.

The City of Dublin Public Works Department will require, consistent with Eastern Dublin EIR mitigation measures and Dublin Municipal Code chapter 7.16 (Grading Regulations), the project developer to obtain a soils and geotechnical report from a California registered geologist or equivalent to assess soil conditions on the site and the presence of any potential soil hazards. Depending on localized soil and geotechnical conditions, the report will recommend site-specific grading and construction techniques to reduce impacts related to seismic ground shaking, ground failure and landslide to a less-than-significant level. Typically, such recommendations include but are not limited to appropriate grading procedures, soil compaction, special designs of building footings and foundations to withstand ground failure and similar features. Construction and development of the project will result in no new or substantially more severe significant impacts than have been previously analyzed in the Eastern Dublin EIR. No additional analysis is required.

- b) *Is the site subject to substantial erosion and/or the loss of topsoil?* NNI. The subdivider will be required by the City of Dublin to adhere to Best Management Practices (BMPs) as set forth by the Alameda County Clean Water Program to ensure less-than-significant impacts regarding substantial soil erosion or loss of topsoil. BMPs would also avoid erosion into the adjacent unnamed tributary. Adherence to Mitigation Measures 3.6/27.0 and 28.0 from the Eastern Dublin EIR also require individual project developers to minimize erosion off of project sites.

BMPs typically include but are not limited to installation of silt fences, sandbags, desilting basins and similar measures to minimize substantial erosion and loss of topsoil.

The project is subject to the City's Watercourse Protection Ordinance (Ordinance 52-87 and DMC chapter 7.20) which requires a 20-foot creek setback to safeguard watercourses by preventing activities that would contribute significantly to flooding, erosion or sedimentation. The project is also subject to the City of Dublin Eastern Dublin Comprehensive Stream Restoration Program that requires a 100-foot wide setback from the top of bank from the adjacent tributary to Tassajara Creek. These various setbacks are depicted on Exhibit 7.

Encroachments into the 20-foot setback may be approved by the City's Public Works Director. Portions of the proposed project, such as the private road and guest parking spaces, would encroach into the required 20-foot setback area. The City of Dublin Public Works Director may grant a setback encroachment if it is determined that the proposed encroachment would not increase on- or off-site flooding or increase the amount of sediment eroding from the project site into the creek.

The project is required to adhere to construction and post-construction erosion and sediment controls to ensure that no sediment would erode into the adjacent creek. Construction period sediment controls would consist of installation of silt fences and straw bales along the boundary of the project to preclude runoff from the site. Long-term operational erosion and sediment controls to be implemented by the project developer would include construction of a water quality pond in the south west portion of the site to collect all stormwater and cleanse this water prior to discharge into the City's drainage system. Therefore, there would not be a significant impact to increased sedimentation or erosion off of the site should the encroachment be approved by the City's Public Works Director.

With adherence to Eastern Dublin EIR mitigation measures and City requirements to install erosion control BMPs to ensure that no significant erosion or sedimentation would occur off of the project site, no new or more severe significant impacts would occur with respect to this project than have been previously analyzed in the Eastern Dublin EIR.

- c-d) *Is the site located on soil that is unstable or expansive and that could result in potential lateral spreading, liquefaction, landslide or collapse?* NNI. Potential geologic impacts on future development in the Eastern Dublin area were analyzed in the Eastern Dublin EIR. Mitigation Measures contained in the Eastern Dublin EIR, including but not limited to Mitigation Measures 3.6/14.0-26.0 (identified earlier in this Initial Study), will ensure that impacts related to unstable soils, liquefaction, lateral spreading, landslide and other soil hazards will be less-than-significant. Development of the proposed project would result in no new or more severe significant impacts related to soil instability than previously analyzed in the Eastern Dublin EIR and no additional analysis is required.
- e) *Have soils incapable of supporting on-site septic tanks if sewers are not available?* NI. The City of Dublin will require proposed dwellings within the project to connect to the local sewer system, maintained by the Dublin San Ramon

Services District. No impacts would therefore result with regard to septic systems.

7. Greenhouse Gas Emissions

Environmental Setting

Since certification of the Eastern Dublin EIR in 1993, the issue of contribution of greenhouse gasses to climate change has become a more prominent issue of concern as evidenced by passage of AB 32 in 2006. On March 18, 2010, amendments to the State CEQA Guidelines took effect which set forth requirements for the analysis of greenhouse gasses. The topic of the project's contribution to greenhouse gas emissions and climate change was not analyzed in the Eastern Dublin EIR. Since the Eastern Dublin EIR has already been approved, the determination of whether greenhouse gasses and climate change needs to be analyzed for this proposed project is governed by the law on supplemental or subsequent EIRs (Public Resources Code section 21166 and Guidelines, Sections 15162 and 15163). Greenhouse gas and climate change is not required to be analyzed under those standards unless it constitutes "new information of substantial importance, which was not known and could not have been known at the time the previous EIR was certified as complete (CEQA Guidelines Sec. 15162 (a) (3).) Greenhouse gas and climate change impacts is not new information that was not known or could not have been known at the time the Eastern Dublin EIR. The issue of climate change and greenhouse gasses was widely known prior to these CEQA reviews. The United Nations Framework Convention on Climate Change was established in 1992. The regulation of greenhouse gas emissions to reduce climate change impacts was extensively debated and analyzed throughout the early 1990s. The studies and analyses of this issue resulted in the adoption of the Kyoto Protocol in 1997. In the early and mid 2000s, GHGs and climate change were extensively discussed and analyzed in California. In 2000, SB 1771 established the California Climate Action Registry for the recordation of greenhouse gas emissions to provide information about potential environmental impacts. In 2005, the Governor issued Executive Order # S-03-05 establishing greenhouse gas emission reduction targets in California. AB 32 was adopted in 2006. Therefore, the impact of greenhouse gases on climate change was known at the time of the certification of the Eastern Dublin EIR in May 1993. Under CEQA standards, it is not new information that requires analysis in a supplemental EIR or negative declaration. No supplemental environmental analysis of the project's impacts on this issue is required under CEQA.

Project Impacts

a,b *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment or conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? As discussed above, no additional environmental analysis is required under CEQA Section 21166.*

8. Hazards and Hazardous Materials

Project Impacts

- a) *Create significant hazards to the public or the environment through the routine transport, use or disposal hazardous materials?* NI. Implementation of the proposed project would not involve any industrial, manufacturing or similar land uses or activities that would use, generate, transport or store significant quantities of hazardous materials. Instead, the project would involve construction of a housing development. No impact is anticipated with regard to this topic.
- b, c) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accidental conditions involving the release of hazardous materials into the environment or emit hazardous materials or handle hazardous or acutely hazardous materials, substances or wastes within one-quarter mile of an existing or proposed school?* LS/M. The topics of hazards and hazardous materials was not analyzed in the Eastern Dublin EIR. The project site has been used as a contractor's storage yard and for storage for vehicles, materials and similar equipment for a number of years. There is a possibility of oil, gasoline and other chemicals to be deposited in the soil. Grading of the site to create building pads, the private street and trenching for underground utilities could release potentially hazardous contaminants into the environment that would be a significant impact. Adherence to the following measure will reduce this impact to a less-than-significant level.

Mitigation Measure HAZ-1. Prior to issuance of a grading permit, the project applicant shall commission a Phase II Environmental Site Assessment from a qualified specialist to determine the presence or absence of metal contaminants, petroleum deposits or other contaminants above regulatory thresholds. If contaminated materials are detected on the site at actionable levels, a Remediation Plan shall be prepared in coordination with affected regulatory agencies and implemented prior to commencement of grading operations. The Remediation Plan shall include a worker safety plan, protections for employees and visitors on adjacent properties and protection of the adjacent tributary.

Demolition of the existing structure on the site could release asbestos material and/or lead based paints into the environment, which would be a significant impact. Adherence to the following measure will reduce this impact to a less-than-significant level.

Mitigation Measure HAZ-2 Prior to issuance of a demolition permit for the existing structure, a licensed contractor shall determine the presence or absence of lead based paints or asbestos material on the site. If found in quantities at or above actionable levels as determined by the Alameda County Fire Department and Dublin Building Department, these materials shall be safely removed consistent with the Occupational Safety and Health Administration (OSHA) and other applicable standards and disposed of in an appropriate location. Necessary permits and approvals

shall be secured from appropriate regulatory agencies. The adjacent tributary shall also be protected from migration of contaminated material.

- d) *Be listed on a site that is included on a list of hazardous materials sites compiled on the Cortese List and, as a result, would create a significant hazard to the public or environment?* NI. The site is not included on the Cortese List as of January 28, 2016. The Cortese List identifies one potentially contaminated site in Dublin, which is the Parks RFTA (also known as Camp Parks). Parks RFTA is not located near the project site and no impact would result with respect to this topic.
- e,f) *Is the site located within an airport land use plan of a public airport or private airstrip?* NI. The project site lies outside of the Airport Influence Area (AIA) of Livermore Municipal Airport (see Figure 3-1, Livermore Airport Land Use Compatibility Plan, County of Alameda, 2012). No impact would result with respect to this topic.
- g) *Interference with an emergency evacuation plan?* NI. Future housing units constructed on the site will be located on private land, not public roads or rights-of-way. The project has been reviewed by the Alameda County Fire Department, Dublin Police Department and Community Development Department to ensure that no interference with emergency plans would occur. No impacts are anticipated with regard to this topic.
- h) *Expose people and structures to a significant risk of loss, injury or death involving wildland fires or where residences are intermixed with wildlands?* NNI. The area east of the project site consists of undeveloped property within a conservation easement area. Development of the proposed subdivision is subject to Eastern Dublin EIR Mitigation Measures 3.4/9.0 -12.0 and the City of Dublin Urban Wildfire Management Plan that requires the project developer to incorporate fire safety components, including buffer zones, exterior irrigation, fire trails and fire breaks. With adherence to these measures, no new or substantially more severe significant impact would result than has previously been analyzed in the Eastern Dublin EIR and no additional analysis is required.

9. Hydrology and Water Quality

Project Impacts

- a) *Violate any water quality standards or waste discharge requirements?* NNI. Construction of new dwellings anticipated in the proposed project are planned for in the current Dublin General Plan and Eastern Dublin Specific Plan and have been included in the Dublin San Ramon Services District (DSRSD) wastewater master planning by the District. District wastewater facilities do not exceed Regional Water Quality Control Board waste discharge requirements or water quality standards (source: Stan Kolodzie, DSRSD, 9/17/14).

In addition, regarding surface water quality impacts, the City of Dublin enforces the most recent NPDES water quality standards to ensure that potentially polluted runoff from upland sites is prevented from entering into creeks, streams and other bodies of water. This occurs during City review of all development applications, including the project's proposed water quality pond in the southwest corner of the site.

Therefore, no new or more severe significant impact would result than previously analyzed in the Eastern Dublin EIR and no additional analysis is required.

- b) *Substantially deplete groundwater recharge areas or lowering of water table?* NNI. The source of water to all dwellings in the City of Dublin is imported water supplied by DSRSD and Zone 7 Flood Control and Water Conservation District that relies primarily on imported water from other sources. Although Zone 7 does use local groundwater to augment the local water supply, the District notes that groundwater resources are managed to ensure that no impact would occur (source: letter from Elke Rank, Zone 7, 10/15/14).

Mitigation Measures 3.5/49.0 and 50.0 contained in the Eastern Dublin EIR, minimized the impact of reduced groundwater recharge areas to an insignificant level (Impact 3.5/Z). The two Mitigation Measures require that facilities be planned and management practices selected that protect and enhance water quality and that Zone 7 programs for groundwater recharge be supported.

There would be no new or more severe significant impact with lowering of the water table or reducing the amount of groundwater recharge areas than previously analyzed in the Eastern Dublin EIR and no additional analysis is required.

- c) *Substantially alter drainage patterns, including streambed courses such that substantial siltation or erosion would occur?* NNI. Construction of future housing units could result in a greater quantity of stormwater runoff as a result of increasing the amount of impervious surfaces. The City of Dublin enforces Best Management Practices included in the Alameda County Clean Water Plan to minimize siltation and erosion from individual sites, including the project site. These include both construction and post-construction BMPs, including but not limited to requiring installation of silt fences and straw bales on construction sites and frequent sweeping of parking areas, covering of solid waste dumpsters and other post-construction measures, such as the proposed water quality pond. Implementation of BMPs is required for all new development, so there would be no significant erosion impacts from altered drainage patterns.

Eastern Dublin EIR Mitigation Measures 3.5/44.0-48.0 reduced the potentially significant impact of flooding from increased runoff (Impact 3.5/Y). These measures require storm drainage master planning (MM 3.5/46.0); natural channel improvements wherever possible (MM 3.5/45.0); drainage facilities

that minimize any increased potential for erosion or flooding (MM 3.5/44.0); and, provision of facilities to control downstream flooding (MM 3.5/47.0). These measures are applied to new housing developments in Eastern Dublin, including the proposed project, to reduce impacts to drainage patterns and erosion to a level of insignificance.

The project applicant has requested City approval of an encroachment for project improvements within the required 20-foot setback from top of bank of the existing watercourse immediately south of the project site. An encroachment into the 100-foot wide setback from the top of bank of the adjacent creek as established by the Eastern Dublin Comprehensive Stream Restoration Program has also been requested. Such an encroachment must be approved by the California Department of Fish & Wildlife. Exhibit 7 shows the location of the City-required 20 foot setback from top of bank from the creek on the project site, the 100-foot setback required by the Comprehensive Stream Restoration Program and the average 50 foot-wide setback.

The Comprehensive Stream Restoration Program notes that setbacks are not fixed, but "erosion and hydrologic conditions may allow for flexibility in the biological setbacks for tributaries (p.59)." An applicant's revised setbacks should be justified based on flood flows, existing vegetation, quality of habitat, bank conditions and treatments and current and proposed land uses (p. 59).

For this project, no significant impacts are anticipated with respect to impacts to special-status, candidate or otherwise protected biological species since the site has been developed for a dwelling and enclosed and open storage of construction materials for a long period of time. The City- required erosion control plan would direct all project stormwater runoff to an on-site water quality plan prior to discharge into the City's stormwater system. Therefore, there would be no significant impacts to erosion or flood flows into the adjacent creek should the encroachment into the creek setback be approved by the California Department of Fish & Wildlife.

Development of the proposed project would result in no new or more severe significant impacts related to soil erosion than previously analyzed in the Eastern Dublin EIR and no additional analysis is required.

- d,e) *Substantially alter drainage patterns or result in flooding, either on or off the project site, create stormwater runoff that would exceed the capacity of drainage systems or add substantial amounts of polluted runoff?* NNI. Refer to item "c," above. No new or more severe significant impacts are anticipated with respect to this topic.
- f) *Substantially degrade water quality?* NNI. The City of Dublin requires all individual development projects, including the proposed project, to meet Best Management Practices to ensure that water quality would be protected. Best Management Practices are described above in Section 9c of this Initial Study.

In addition, Mitigation Measures 3.5/52.0 -55.0 contained in the Eastern Dublin EIR reduced the impact of non-point source pollution into local waterways, including urban runoff, non-stormwater discharges, subsurface drainages and

construction runoff (Impact 3.5/ AA). Implementation of the prior Mitigation Measures requires each development to prepare project-specific water quality investigations addressing this issue. For the project, this is reflected in the proposed water quality pond in the southwest corner of the site and implementation of the BMPs described above

Development of the housing units would result in no new or substantially more severe significant impacts related to water quality than previously analyzed in the Eastern Dublin EIR and no additional analysis is required.

- g-i) *Place housing within a 100-year flood hazard area as mapped by a Flood Insurance Rate Map, or impede or redirect flood flow, including dam failure?* NII. The project site is located adjacent to and on the north side an unnamed tributary of Tassajara Creek. Based on discussions with the City of Dublin staff, a 100-year flood zone was established for the tributary adjacent to the site when a restoration plan was prepared and subsequently implemented. All habitable improvements proposed for the project would be located outside of a 100-year flood hazard zone (source: Jayson Imai, Dublin Public Works Department 10/10/14). No impacts would result with respect to this topic.
- j) *Result in inundation by seiche, tsunami or mudflows?* NNI. The project site is located inland from major bodies of water so there is no potential for inundation by seiche or tsunami. As to mudflows, Mitigation Measures 3.6/17.0 through 19.0 contained in the Eastern Dublin EIR provide protection from slope failures of natural slopes (Impact 3.6/I) by limiting new development on unstable soils, removal and replacement of unstable soils and similar actions. No new or more significant severe impacts would occur with respect to this topic than previously analyzed in the Eastern Dublin EIR and no additional analysis is required.

10. Land Use and Planning

Project Impacts

- a) *Physically divide an established community?* NI. Construction of future dwellings would be allowed based on the Dublin General Plan and the Eastern Dublin Specific Plan. The site is substantially surrounded by existing development, a major road and a conservation easement to the east and would not physically divide an established community. No impacts are anticipated.
- b) *Conflict with any applicable land use plan, policy or regulation?* NI. No amendments are required to the Dublin General Plan or the Eastern Dublin Specific Plan to allow construction of anticipated dwellings. The proposed project is subject to compliance with the Eastern Dublin Comprehensive Stream Restoration Program which requires a 100-foot setback from major tributaries and a 50-foot setback from minor tributaries unless an exception is granted by the California Department of Fish and Wildlife. The project proposes an average 50-foot structural setback therefore an exception must be approved by the California Department of Fish and Wildlife. Additionally, the project is subject to the

City's Watercourse Protection Ordinance (Ordinance 52-87 and DMC chapter 7.20) which requires a 20-foot creek setback to safeguard watercourses by preventing activities that would contribute significantly to flooding, erosion or sedimentation. Encroachments into this setback may be approved by the City's Public Works Director. Portions of the proposed project, such as the private road and guest parking spaces, would encroach into the required 20-foot setback therefore approval of a setback encroachment must be granted by the Public Works Director. Even with these exceptions, no impacts are anticipated with respect to this topic since the project site does not contain any special status species and the existing CRLF barrier will be extended along the eastern edge of the project site to preclude migration of any special status species onto the project site.

- c) *Conflict with a habitat conservation plan or natural community conservation plan?* NI. No such plan has been adopted within the City of Dublin. There would therefore be no impact to a habitat conservation plan or natural community conservation plan.

11. Mineral Resources

Project Impacts

- a, b) *Result in the loss of availability of regionally or locally significant mineral resources?* NI. No impacts would occur to any mineral resources, since no such resources are identified in the Dublin General Plan.

12. Noise

(Note: this portion of the Initial Study is based on a site-specific acoustic report prepared for the project by the firm of RGD ("Environmental Noise Impact Study for 6237 Tassjara Road, Dublin CA," dated March 10, 2016. This report is included as Attachment 2 to this Initial Study and incorporated herein by reference.)

Project Impacts

- a) *Would the project expose persons or generation of noise levels in excess of standards established by the General Plan or other applicable standard?* LS/M. Approval and construction of the proposed project would add new dwelling units to a largely vacant site. New auto trips would be added to the local and regional road network and would potentially increase roadway noise along Tassajara Road.

The topic of noise was addressed in the Eastern Dublin EIR. Mitigation Measure 3.10/1.0 reduced impacts to housing located along major roadways to a less-than-significant level by requiring developers of housing projects proposed within a future 60 decibel CNEL noise contour to complete an acoustic analysis to ensure that City and State noise standards can be achieved. This measure has been addressed by preparation of the RGD acoustic analysis. Mitigation Measure 3.10/3.0 for Impact 3.10/D similarly requires acoustic analyses for housing sites near Parks RFTA for compliance with City

noise exposure levels; however, even with this mitigation, Impact 3.10/D was determined to be significant and unavoidable and a Statement of Overriding Considerations was approved (City Council Resolution No. 53-93).

The Eastern Dublin EIR also determined that residences in existence as of certification of the Eastern Dublin EIR would be subject to increased roadway noise and that mitigation of this impact to a less-than-significant level was infeasible (Impact 3.10/B). This significant and unavoidable impact was included in the Statement of Overriding Considerations that was adopted with approval of the Eastern Dublin Specific Plan (City Council Resolution No. 53-93).

Traffic impacts. The Noise Element of the City's General Plan considers a CNEL of 60 dBA or less as normally acceptable for residential development. The existing noise level at homes closest to Tassajara Road (Lots 1 and 17) is a CNEL of 68 dBA. In the future (2035), traffic noise levels are expected to increase by 1 dBA due to increased traffic. This increase in future traffic would result in a future CNEL of 69 dBA at the closest homes. This would be a potentially significant impact.

According to MM 3.10/1.0 of the East Dublin SP EIR, an acoustical study must be prepared to show how interior noise levels must be reduced to CNEL of 45 dBA. For exposure to traffic noise, the Dublin General Plan establishes a CNEL of 60dB or less as normally acceptable and 61-70 dB as conditionally acceptable for residential uses. Conditionally acceptable exposure requires noise insulation features in building design. Historically, the City has applied a CNEL of 65dB or less as a goal for outdoor use areas such as private balconies, backyards and common outdoor use areas. The project proposes the construction of an 8-foot tall solid wall along the Tassajara Road frontage to reduce noise levels in private backyards. To ensure that an exterior noise level of 65dB or less is achieved, adherence to the following mitigation measure will reduce any potential impact to a less-than-significant level:

Mitigation Measure NOISE-1. An acoustic consultant acceptable to the City of Dublin Community Development Director shall review final grading and design plans prior to issuance of a building permit to ensure:

- a) The exact height, length, location and design of the barrier wall shall be sufficient to reduce noise in active outdoor use areas to a CNEL of 65 dBA or less.
- b) Window, door and exterior wall designs are sufficient to reduce interior noise to a CNEL of 45 dBA or less.

Noise from Adjacent Quarry Lane School. Proposed residents would be exposed to noise from school activities such as the sound of children playing outdoors from Quarry Lane School, north of the site. During the site visit sounds of children playing at the fenced in play area toward the east end of the project site was documented. Based on those measurements, the noise from these activities would

not exceed a CNEL of 60 dBA under a “worst case” scenario when children were playing outdoors continuously from 7 am to 7 pm.

Although the sounds of children playing would be clearly audible, they would not exceed the City’s Noise Element standard of CNEL 60 dBA. Therefore, this is considered less than significant. Although no mitigation is required, it is recommended that future prospective homeowners be made aware of the presence of the school play areas and associated noises of children playing.

Parks Reserve Forces Training Area (Parks RFTA) and Alameda County Jail and Sheriffs Office Training Facility. Activities at Parks RFTA that generate noise include weapons training and helicopter overflights. At the Alameda County facility there are small arms firing ranges and “scenario village” for police training involving simulated enforcement and hostage situations.

According to the East Dublin Specific Plan DEIR (Impact IM 3.10/D) noise from these activities have the potential to significantly impact the specific plan area and as a result, the DEIR identified mitigation measure MM 3.10/3.0 which required an acoustical study be prepared prior to future development in areas potentially affected by this noise. The project site is located in one of those areas. The completion of the RGD fulfills this Mitigation Measure with the finding of no significant impact.

- b) *Exposure of people to excessive groundborne vibration or groundborne noise levels?* LS. The project does not include ground vibration sources that would affect the neighboring land uses. Construction equipment can generate potentially noticeable ground vibration. However, the distance between the project site and the nearest buildings (at Quarry Lane School) is 28 feet, and ground vibration from sources such as bulldozers and vibratory rollers would attenuate sufficiently with this distance to a level that could be occasionally noticeable but would not represent a significant risk for damage to existing structures. This impact would be less-than-significant.
- c,d) *Substantial permanent or temporary increases in permanent in ambient noise levels?* NNI. Future residential development on the site could cause a temporary increase in ambient noise levels as a result of construction activities, including but not limited to demolition of the existing structure, site grading and preparation, and construction of dwellings and related site improvements. The Eastern Dublin EIR includes Mitigation Measures 3.10/4.0 and 5.0 to reduce construction noise impacts to a level of insignificance through preparation and submittal of Construction Noise Management Plans to ensure compliance with local noise standards.

Development on the project site must adhere to the Eastern Dublin Mitigation Measures cited above and there will be no new or more severe significant temporary noise impacts from construction activities than previously analyzed in the Eastern Dublin EIR and no additional analysis is required. For potential permanent increases in noise levels, see item “a”, above.

- e,f) *Be located within an airport land use plan area, within two miles of a public or private airport or airstrip?* NNI. The project site lies outside of the Airport Influence Area (AIA) of Livermore Municipal Airport (see Figure 3-1, Livermore Municipal Airport. Land Use Compatibility Plan, County of Alameda, August 2012). As noted in the Eastern Dublin EIR, the 60 CNEL noise contour from the Livermore Municipal Airport does not extend into the Eastern Extended Planning area. No new or more significant severe impacts would occur with respect to this topic than previously analyzed in the Eastern Dublin EIR and no additional analysis is required.

13. Population and Housing

Project Impacts

- a) *Induce substantial population growth in an area, either directly or indirectly?* NNI. The project site has been planned to accommodate the proposed level of residential uses included in this project, as documented in the Dublin General Plan and Eastern Dublin Specific Plan. No substantial population growth would be induced in this portion of Dublin. No new or more severe significant impacts are anticipated with respect to this topic than previously analyzed in the Eastern Dublin EIR and no additional analysis is required.
- b,c) *Would the project displace substantial numbers of existing housing units or people requiring replacement housing?* NI. Although a single-family dwelling exists on the site and would be removed to accommodate project improvements, removal of the residence would not displace a substantial number of dwellings or population and no impact would result.

14. Public Services

Environmental Impacts

- a) *Fire protection?* NNI. The City of Dublin contracts with the Alameda County Fire Department for fire suppression, emergency medical, rescue and fire inspection services. Additional housing constructed as part of the project could result in an increase in the number of calls for emergency services. The potential for increases in such calls have been analyzed in the Eastern Dublin EIR.

Identified impacts to the provision of fire service were reduced to a less-than-significant level in the Eastern Dublin EIR by adherence to Mitigation Measures 3.4/6.0 through 11.0. These measures require the timing of facilities to coincide with new service demand from development; establishment of appropriate funding mechanisms to cover up-front costs of capital fire improvements; acquisition of future fire stations in Eastern Dublin; and incorporation of Fire Department safety recommendations into the design of all future individual development projects in Eastern Dublin.

Future residential development in the Eastern Extended Planning Area, including the proposed project, is subject to the above Mitigation Measures to reduce fire service impacts to a less-than-significant level. Future site-specific developments are also required to pay City of Dublin fire impact fees, which include funds to construct new local fire facilities.

A representative of the Alameda County Fire Department has reviewed this proposed project and has found that no new or expanded fire facilities would be required to serve the additional population included in the proposed project (Bonnie Terra, ACFD, 9/16/14). No new or substantially more severe significant impacts would result from the proposed project than previously analyzed in the Eastern Dublin EIR and no additional analysis is required.

- b) *Police protection?* NNI. Similar to fire service, there would likely be an increase in the number of calls for service to the Dublin Police Department based on an increase in residential development.

The 1993 Eastern Dublin EIR included Mitigation Measure 3.4/1.0 that provides additional personnel and facilities and revisions to police beats as necessary in order to establish and maintain City standards for police protection service in Eastern Dublin. Mitigation Measures 3.4/3.0-5.0 reduced impacts to the Police Department by requiring incorporation of safety measures into the requirements of future development projects, appropriate budgeting of police services by the City and police review of individual development projects in the Eastern Dublin area. These mitigation measures continue to apply to this development project.

A representative from the Dublin Police Department has review the proposed project and found that no new or more significant severe impacts would result from project approval and construction (Capt. Tom McCarthy, 9/12/14). No new or more significant severe impacts would result from the proposed project.

- c) *Schools?* LS. Public educational services in Dublin are provided by the Dublin Unified School District. The District maintains a number of K-12 schools throughout Dublin. There are also a number of private educational facilities in the community. Future dwellings included in the project were anticipated in the Eastern Dublin EIR and would generate additional school-aged children that would need to be accommodated by local schools, however new residential development is subject to statutory school impact fees which will provide for new public educational facilities in the community. Therefore, impacts to schools are anticipated to be less-than-significant.
- d) *Maintenance of public facilities, including roads?* LS. Any new public facilities that would be constructed as part of the project would be constructed to City standard so that a less than-significant impact would occur. The project roadway would be a private facility and would not require City maintenance.
- e) *Solid waste generation?* LS. See item 17 (f-g), below.

15. Recreation

Project Impacts

- a) *Would the project increase the use of existing neighborhood or regional parks?* NNI. New dwellings built as a result of the proposed project would require new or expanded parks in order to maintain the City's park goal. City park goals are to provide a total of 5 usable acres of parkland per 1,000 residents, which includes 3.5 acres of larger community parks per 1,000 residents and 1.5 acres of smaller neighborhood parks and squares per 1,000 residents. The City also encourages development of an integrated trail network and other open spaces which are not included in the park ratio goals (source: *City of Dublin Parks and Recreation Master Plan, 2012*). The City of Dublin requires housing developers to either dedicate parkland to the City to meet City goals or pay an in-lieu public facility fee that includes funding to allow the City to purchase parkland.

Potential impacts with respect to increased demand for park facilities as a result of residential construction were analyzed in the Eastern Dublin EIR. Impact 3.4/K identified a potentially significant impact with demand for increased park facilities as a result of buildout of the Eastern Dublin Specific Plan area. A number of Mitigation Measures were included in the EIR to reduce this impact to a less-than-significant impact. Specifically, Mitigation Measures 3.4/20.0 through 28.0 addressed park mitigations. These measures called for the acquisition and development of additional parks in the Eastern Extended Planning Area, establishment of a continuous open space network that includes natural open spaces, and required preparation of a Parks and Recreation Master Plan.

As allowed by City regulations, the applicant has proposed to pay park in-lieu fees to the City of Dublin to satisfy park dedication requirements. No new or more severe significant impacts would result with respect to this topic that has not been previously analyzed.

- b) *Does the project include recreational facilities or require the construction of recreational facilities?* NNI. The proposed project does not include recreational facilities although additional park and recreation facilities would be required to serve the increased population as a result of residential construction. A bike lane would be installed along the project frontage, although this would be an off-site improvement. The applicant has proposed to pay in-lieu fees to the City of Dublin instead of constructing on-site recreational facilities as allowed by City ordinance. No new or more severe significant impacts would result with respect to this topic that has not been previously analyzed.

16. Transportation/Traffic

Project Impacts

- a, b) *Cause an increase in traffic which is substantial relative to existing traffic load and street; or exceed LOS standards established by the County CMA for designated roads?*

NNI. There would likely be increases in traffic on local roads, regional roads and freeways as a result of approving and constructing the proposed project.

Impacts of local and regional traffic from residential development have been analyzed in the prior Eastern Dublin EIR . Many impacts related to transportation and traffic can be mitigated to a less-than-significant level by construction of roadway and other transportation improvements; however, as noted below, a number of transportation impacts have been determined to be significant and unavoidable in the Eastern Dublin EIR.

Impacts and mitigations from the Eastern Dublin EIR dealing with traffic and transportation include:

- Mitigation Measures 3.3/1.0 and 3.3/4.0 were adopted which reduced impacts on I-580 between Tassajara Road and Fallon Road and on I-680 north of I-580 to a level of insignificance (Impact 3.3/ A and D).
- Mitigation Measures 3.3/2.0, 2.1, 3.0 and 5.0 were adopted to reduce impacts on the remaining I-580 freeway segments and the I-580/680 interchange (Impacts 3.3/B, C and E). Even with mitigations, however, significant cumulative impacts remained on I-580 freeway segments between I-680 and Dougherty Road and, at the build-out scenario of 2010, on other segments of I-580 (Impact 3.3/B and E) and this impact was included in the Statement of Overriding Considerations (City Council Resolution No. 53-93).
- Mitigation Measures 3.3/6.0, 7.0, 8.0, 9.0, 11.0 and 12.0 were adopted to reduce impacts to the Dougherty Road/Dublin Boulevard, Hacienda Drive/I-580 Eastbound Freeway Ramps, Tassajara Road/ I-580 Westbound Freeway Ramps, Santa Rita Road/I-580 Eastbound Freeway Ramps, Airway Boulevard/I-580 Westbound Freeway Ramps and along El Charro Road to a level of insignificance. These mitigations include construction of additional lanes at intersections, coordination with Caltrans and the neighboring cities of Pleasanton and Livermore to restripe, widen or modify on-ramps and off-ramps and interchange intersections, and coordination with Caltrans to modify certain interchanges. Development projects within the Eastern Dublin Specific Plan area are also required to contribute a proportionate share to the multi-jurisdictional improvements through the Eastern Dublin Traffic Impact Fee program and the Tri-Valley Transportation Development Fee program (Impacts 3.3/F, G, H I, K and L).
- Mitigation Measures 3.3/13.0 and 14.0 were adopted to reduce cumulative impacts on identified intersections with Dublin Boulevard and Tassajara Road (Impact 3.3/M and N). The identified improvements reduced Tassajara Road impacts to less than significant but Dublin Boulevard impacts remained significant and unavoidable due to road widening limitations. The impact at the Dublin Boulevard intersection was included in the Statement of Overriding Considerations (City Council Resolution No. 53-93).

- Mitigation Measures 3.3/15.0 to 15.3, 16.0 and 16.1 generally require coordination with transit providers to extend transit services and coincide pedestrian and bicycle paths with signals at major street crossings (Impact 3.3/O and P). These mitigations reduced the impacts to less-than-significant.

Construction of the proposed project would generate an estimated 15 a.m. peak hour trips, 19 p.m. peak hour trips and a total of 175 trips as shown on Table 2. This estimate is likely conservative in that no deductions are taken for existing trips to and from the project site. According to the City's traffic engineer, this amount of project traffic would not generate a significant near-term or cumulative traffic impact on local roads, regional roads or freeways (Obaid Khan, Traffic Engineer, City of Dublin 10/13/14)

Table 2. Project Trip Generation

	No. Dwellings	A.M Peak Trips	P.M Peak Trips	Total Daily Trips
Proposed Development	19	15	19	175

Note: Trip rates based on ITE Trip Generation Manual, 9th edition

- Based on the above, there would be no new or more severe significant impacts with respect to traffic increases on local or regional roads, or Alameda County Congestion Management Agency (CMA) roads than previously analyzed in the Eastern Dublin EIR. No additional analysis is required.
- c) *Result in a change of air traffic patterns?* NNI. The proposed project would have no impact on air traffic patterns, since it involves a residential subdivision in Eastern Dublin.
 - d) *Substantially increase hazards due to a design feature or incompatible use?* LS. Proposed subdivision improvements have been reviewed by the City of Dublin staff to ensure that City public works and engineering standards are met and no traffic or transportation design hazards would be created. This would be a less-than-significant impact.
 - e) *Result in inadequate emergency access?* NNI. *Result in inadequate emergency access?* NNI. No impacts would occur with regard to emergency access. Residential development would be on lands planned for urban development and subject to City design standards for streets, fire and emergency access and other improvements. The proposed project has been reviewed by the Dublin Public Works Department and the Alameda County Fire Department to ensure that adequate emergency access is provided. The road system for the proposed subdivision has been reviewed by the Alameda County Fire Department staff for consistency with Fire Department normal and emergency access. The Fire

Department confirms that the design of the proposed project road is consistent with fire access road requirements (Darrell Jones, Alameda County Fire Department, 6/23/16)

- f) *Conflict with adopted policies, plans or programs supporting alternative transportation modes?* NNI. The proposed project has been reviewed by the City of Dublin Public Works Department to ensure the installation of sidewalks along adjacent roads, a bike lane along the project frontage and transit stops (as appropriate and as approved by the local transit agency). On-site bicycle parking would be allowed within private garages attached to each dwelling. Therefore, no impacts would result in terms of conflicts with policies, plans or programs supporting alternative transportation modes.

17. Utilities and Service Systems

Project Impacts

- a) *Exceed wastewater treatment requirements of the RWQCB?* NNI. Potentially significant impacts related to wastewater treatment capacity and consistency with Regional Water Quality Control Board (RWQCB) requirements were analyzed in the 1993 Eastern Dublin EIR and Impacts IM 3.5/ A through E and G generally addressed the then lack of a wastewater service provider as well as lack of a collection, treatment and disposal system. These impacts were reduced to a less-than-significant level by adherence to Mitigation Measures 3.5/1.0a to 9.0 and 11.0 through 14.0 that required development of adequate wastewater services and adherence to the Dublin San Ramon Services District's Master Plan to upgrade the RWQCB-permitted capacity to accommodate planned growth in the Eastern Extended Planning Area.

In terms of this proposal, a staff representative from the Dublin San Ramon Services District (DSRSD) notes that the District has assumed residential development on the project site for long-term master planning for wastewater treatment and disposal services (Stan Kolodzie, DSRSD, 9/17/14). Therefore, wastewater discharge requirements of the Regional Water Quality Control Board would not be exceeded and no new or more significant severe impacts would be created than previously analyzed in the Eastern Dublin EIR and no additional analysis is required.

- b) *Require new water or wastewater treatment facilities or expansion of existing facilities?* NNI. The Eastern Dublin Specific Plan requires the extension of both water and wastewater improvements to serve future development proposed within Eastern Dublin. A representative from DSRSD notes that the District has assumed development of 20 units on this site and that the District can provide water and waste water facilities without new or expanded facilities (Stan Kolodzie, DSRSD, 9/17/14). No new or more severe significant impacts would result with respect to this topic that has not been previously analyzed in the Eastern Dublin EIR and no additional analysis is required

- c) *Require new storm drainage facilities or expansion of existing facilities?* NNI See Hydrology section, 9(c, d, and e).
- d) *Are sufficient water supplies available?* NNI. The issue of an adequate long-term water supply for the Eastern Extended Planning Area was analyzed in the Eastern Dublin EIR. Impact 3.5/Q identified a potentially significant impact with an increased demand for water. The Eastern Dublin EIR included Mitigation Measures 3.5/26.0 to 31.0 to reduce this impact to a less-than-significant level. These measures required imposition of water conservation techniques, implementation of water recycling and adding water supply improvements.

The primary “retail” supplier of water in Dublin, Dublin San Ramon Services District (DSRSD), prepared a comprehensive update to their Urban Water Management Plan in 2010 to indicate that future site-specific development projects included in the Dublin General Plan could be supplied with an adequate amount of water. DSRSD has also commenced construction of a recycled (reclaimed) water supply system in the Eastern Dublin area that would supply non-potable irrigation water for future developments in the City of Dublin.

Consistent with DSRSD’s utility master planning through its Urban Water Management Plan that anticipated development of the project site, the District has indicated that a sufficient long-term supply of water can be provided to the site as cited above. Future dwellings constructed as part of the project may be subject to water limitations based on future drought conditions, similar to all other DSRSD water users. No new or more severe significant impacts would result with respect to this topic that has not been previously analyzed in the Eastern Dublin EIR and no additional analysis is required.

- e) *Adequate wastewater capacity to serve the proposed project?* NNI. See item “a,” above.
- f,g) *Solid waste disposal?* NNI. Solid waste generation and disposal was found to be a potentially significant impact in the 1993 Eastern Dublin EIR (see Impact 3.4/O and P). Adherence to Mitigation Measures 3.7/37.0 through 40 reduced this impact to a less-than-significant level. These measures required preparation of a solid waste management plan and updating of the City’s Source Reduction and Recycling Element/Household Hazardous Waste Element.

There would be no new or more severe significant impacts related to solid waste disposal than identified in the prior EIR and no additional analysis is required

18. Mandatory Findings of Significance

- a) *Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number of or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?* No. The preceding analysis indicates that the proposed project would not have a significant adverse impact on biological or cultural resources or have the potential to restrict the range of rare or endangered species, beyond impacts identified in the Eastern Dublin EIR.
- b) *Does the project have impacts that are individually limited, but cumulatively considerable?* ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects and the effects of probable future projects). No, cumulative impacts of the proposed project have been analyzed in a prior EIR as identified in the Earlier Analysis section of this Initial Study.
- c) *Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?* No. Based on the preceding Initial Study, no substantial effects to human beings, either directly or indirectly have been identified beyond those in the prior EIR

Initial Study Preparers

Jerry Haag, Urban Planner, project manager and principal author
Tom Fraser, WRA, biological peer review
Jane Maxwell, report graphics

Agencies and Organizations Consulted

The following agencies and organizations were contacted in the course of this Initial Study:

City of Dublin

Luke Sims, Community Development Director
Jeff Baker, Assistant Community Development Director
Marnie Delgado, Senior Planner
Obaid Khan, City Transportation Engineer
Bonnie Terra, Alameda County Fire Department
Darrell Jones, Alameda County Fire Department
Jayson Imai, Senior Civil Engineer
Kit Faubion, Assistant City Attorney
Chief Tom McCarthy, Dublin Police Services (former)

California Department of Toxic Substances Control (DTSC)
Website

DSRSD
Stan Kolozdie

Zone 7
Elke Rank

References

Eastern Dublin General Plan Amendment and Specific Plan
Environmental Impact Report (SCH # 91103064, May 10, 1993).

Eastern Dublin Scenic Corridor Policies and Standards, June 1996

Eastern Dublin Comprehensive Stream Restoration Program, City of Dublin,
June 1996

Municipal Code, City of Dublin

Dublin General Plan, updated through November 2014

Eastern Dublin Specific Plan, updated through October 2014

Bay Area Air Quality Management District's Clean Air Plan, September 15, 2010

Eastern Alameda County Conservation Strategy (EACCS), October 2010

California Department of Toxic Substances Control, website, July 2014

Parks and Recreation Master Plan, City of Dublin, 2012 update

Dublin San Ramon Services District, Urban Water Management Plan, 2010 Update

Urban Wildfire Management Plan, City of Dublin, November 2010

6237 Tassajara Road Biological Resources Peer Review, WRA, October 2014

Attachment 1-
Biological Report
Peer Review Report
Golden Eagle Report

January 15, 2014

Mr. Dennis Liu
Wanmei Properties, LLC
520 Mill Creek Road
Fremont, CA 94539

Subject: Biological Resources Report for the 6237 Tassajara Road Property
Dublin, Alameda County, California

Dear Mr. Liu:

LSA Associates, Inc. (LSA) has completed a reconnaissance-level biological survey of your 2.64-acre property (site) and adjacent stream corridor at 6237 Tassajara Road in the City of Dublin (City). The purpose of the survey was to document existing biological resources on and adjacent to the site for purposes of determining applicability of local stream protection policies to any future development. This report includes (1) a brief description of existing habitat conditions on and adjacent to the site (i.e., stream corridor), (2) an overview of the conservation purposes of the adjacent Northern Drainage Conservation Area and how they could affect site development, (3) an overview of City policies regarding stream setbacks and how they could be applied to the site, and (4) an overview of the East Alameda County Conservation Strategy (EACCS) and its potential application to site development.

EXISTING CONDITIONS

LSA wildlife biologist Matt Ricketts visited the site and adjacent stream corridor on November 14, 2013. Mr. Ricketts recorded observations of plant and wildlife species on the site and along the adjacent stream corridor into a field notebook and noted the condition of the existing chain-link fence along the southern site boundary. Observations from each area are summarized below.

6237 Tassajara Road Property

The entire site has been developed and currently serves as a storage yard for old vehicles and other equipment, and landscape contractor yard. With the exception of a few walnut (*Juglans* sp.) and almond (*Prunus* sp.) trees (i.e., ornamental and/or remnant orchard trees) and weedy vegetation growing in the southwest corner, the site is devoid of vegetation due to development. The empty lot at the southwestern corner of the site supports scattered annual grasses and ruderal herbaceous species such as wild oat (*Avena fatua*), ripgut brome (*Bromus diandrus*), bristly ox-tongue (*Helminthotheca echioides*), and cheeseweed (*Malva parviflora*). A few native California poppies (*Eschscholzia californica*) are also present. A 6-foot-high chain link fence with a 3.5-foot-high sheet metal barrier along its base extends along the southern site boundary. The sheet metal barrier was specifically installed to prevent animals from moving from the adjacent Northern Drainage Conservation Area (see below) stream corridor onto the site (Cathy Little, pers. comm.).

1/15/14 (P:\WMP\1301\6237 Tassajara Bio Rpt-v2.doc)

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DUBLIN PLANNING

Wildlife species expected to occur on the site include common rural-adapted species such as Sierran treefrog (*Pseudacris sierra*), western fence lizard (*Sceloporus occidentalis*), mourning dove (*Zenaida macroura*), western scrub-jay (*Aphelocoma californica*), American crow (*Corvus brachyrhynchos*), northern mockingbird (*Mimus polyglottos*), and house finch (*Carpodacus mexicanus*). The ornamental trees provide nesting habitat for common bird species. Common mammals such as Botta's pocket gopher (*Thomomys bottae*), striped skunk (*Mephitis mephitis*), northern raccoon (*Procyon lotor*), Virginia opossum (*Didelphis virginiana*), roof rat (*Rattus rattus*), and house mouse (*Mus musculus*) are also likely to occur.

No wetlands or other features potentially subject to regulatory jurisdiction (e.g., U.S. Army Corps of Engineers [Corps] under the federal Clean Water Act) are present on the site.

Stream Corridor

The site is located immediately north of a stream channel that is located within the 267-acre Northern Drainage Conservation Area unit of the Dublin Ranch Preserve, managed by the Center for Natural Lands Management (CNLM). The 717-acre preserve was established in 2010 as mitigation for the nearby Dublin Ranch development project (see below). The stream is an unnamed tributary to Tassajara Creek, which flows to the west of the site. Woody vegetation along the approximately 880-foot channel section that parallels the southern site boundary consists of native species that have been planted as mitigation for the nearby Dublin Ranch development. The upper portions of the channel bank supports remnant orchard tree snags likely retained as habitat for cavity-nesting birds, planted valley oak (*Quercus lobata*) saplings, and coyote brush (*Baccharis pilularis*) shrubs. Native riparian tree and shrub species planted on the lower bank and adjacent to the channel include box elder (*Acer negundo*), Fremont cottonwood (*Populus fremontii*), arroyo willow (*Salix lasiolepis*), poison oak (*Toxicodendron diversilobum*), and California rose (*Rosa californica*).

Wildlife observed along the stream channel include Nuttall's woodpecker (*Picoides nuttalli*), red-breasted sapsucker (*Sphyrapicus ruber*) (holes), black phoebe (*Sayornis nigricans*), bushtit (*Psaltriparus minimus*), mourning dove, western scrub-jay, northern mockingbird, and house finch. The increased structural diversity of the riparian trees and shrubs provides foraging and nesting habitat for additional bird species such as western bluebird (*Sialia mexicana*), spotted towhee (*Pipilo maculatus*), song sparrow (*Melospiza melodia*), and American goldfinch (*Spinus tristis*). The increased ground cover provides cover and foraging habitat for amphibians and reptiles such as California slender salamander (*Batrachoseps attenuatus*), arboreal salamander (*Aneides lugubris*), western toad (*Anaxyrus boreas*), racer (*Coluber constrictor*), gopher snake (*Pituophis catenifer*), and common garter snake (*Thamnophis catenifer*). In addition to the mammal species identified above, the stream corridor provides habitat for species such as deer mouse (*Peromyscus maniculatus*), California vole (*Microtus californicus*), desert cottontail (*Sylvilagus audubonii*), black-tailed jackrabbit (*Lepus californicus*), mule deer (*Odocoileus hemionus*), and coyote (*Canis latrans*).

LOCAL POLICIES AFFECTING SITE DEVELOPMENT

Northern Drainage Conservation Area – Dublin Ranch Preserve

As mentioned above, the site abuts the Northern Drainage Conservation Area (NDCA) unit of the Dublin Ranch Preserve (preserve) to the south. The preserve was established in 2010 and is currently managed by the CNLM as habitat for the following special-status species:

- California red-legged frog (*Rana draytonii*) – listed as threatened under federal Endangered Species Act (ESA)
- California tiger salamander (*Ambystoma californiense*) – listed as threatened under federal ESA and California Endangered Species Act (CESA)
- Golden eagle (*Aquila chrysaetos*) – California Fully Protected Species
- Burrowing owl (*Athene cunicularia*) – California Species of Special Concern
- San Joaquin kit fox (*Vulpes macrotis mutica*) – listed as endangered under federal ESA and threatened under CESA

Based on LSA's experience in the Dublin-San Ramon region, these species are the primary ones of concern to the U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW), and local municipalities when evaluating potential development impacts on biological resources. None of these species are expected to occur on the site due to past and ongoing disturbance and consequent lack of habitat. California red-legged frogs (CRLF) are known to occur in the NDCA (H.T. Harvey & Associates 2001, LSA 2013) and could potentially move and forage along the adjacent stream corridor, but would be prevented from moving onto the site by the sheet metal barrier at the base of the fence that parallels the southern site boundary. The stream corridor and annual grasslands to the east are known to support CTS which potentially move through the area. The only location where they could enter the site is along its east boundary, which does not have a complete barrier fence. The NDCA has supported nesting golden eagles in most years since at least the late 1980s and possibly even longer (H.T. Harvey Associates 2000). The current nest site is located approximately 0.75 mile northeast of the site but is far enough away that site development would not result in significant disturbance of the nesting pair. Burrowing owls sometimes occur on developed sites but LSA did not observe any ground squirrel burrows or burrow surrogates on the site during its November 14 site visit.

Implications for Site Development. The presence of the NDCA immediately adjacent to the 6237 Tassajara Road site has several implications for any future development. Based on a phone conversation with LSA, preserve manager Cathy Little from the CNLM has the following concerns regarding development of the site:

- Potential sedimentation and hydrological impacts to the unnamed Tassajara Creek tributary.
- Potential impacts to amphibians and reptiles using the adjacent stream corridor.
- Maintaining the existing chain link fence and sheet metal wildlife movement barrier in its current location.
- Currently, the sheet metal barrier ends at the southeastern corner of the site. The CNLM would like to see the barrier extended to the northeastern corner of the site to provide additional assurance that terrestrial wildlife cannot enter the site.

LSA believes that potential sedimentation and hydrology impacts can be addressed through the implementation of erosion control Best Management Practices (BMPs). All California construction projects disturbing one or more acres of soil are required to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit), which requires the development and implementation of a Stormwater Pollution Prevention Plan

(SWPPP) that lists BMPs the discharger will use to protect storm water runoff and the placement of those BMPs. The statewide Construction Storm Water program is administered by the Regional Water Quality Control Board (RWQCB).

Potential impacts to amphibians and reptiles using the adjacent stream corridor can be avoided by not damaging the existing sheet metal barrier during and after construction.

City of Dublin Policies

Eastern Dublin Specific Plan. The Eastern Dublin Comprehensive Stream Restoration Program (Program) was adopted by the City in June 2006 as required by the Eastern Dublin Specific Plan (Specific Plan). Restoration goals contained in the Program are based on policies in the Specific Plan document. The City is responsible for enforcing the Program policies and guidelines for all Eastern Dublin rezoning and tentative map applications. Development setbacks for tributaries to Tassajara Creek are discussed in Program guideline 6.1 (*Creek Set Backs and Buffer Configuration*), which states, "In general, setbacks should be 100 feet from the existing top of bank for major tributaries according to California Department of Fish and [Wildlife] standards, unless an exception is negotiated with the Department. Setbacks for the minor tributaries...should be a minimum of 50 feet..." The Program defines minor tributaries as "grassy swales not supporting shrub and tree vegetation," and major tributaries as those that are "deeply incised, and support a dense canopy of shrubs and trees." The tributary stream south of the site is not a grassy swale (although the southern bank consists primarily of open grassland) but is not deeply incised and the vegetation along the northern bank ranges from somewhat open to moderate canopy. Nevertheless, the presence of native riparian vegetation likely qualifies the stream as a major tributary. The Program also states that "biological setback requirements for the major tributaries in the northeastern portion of the study area [in which the site is located] should be a minimum of 100 feet from top of bank." However, "recommended minimum setbacks may be altered where prevailing conditions warrant a different approach." The City also acknowledged that "the Program's recommended setbacks may be flexible and negotiable depending on the results of detailed biological and hydrological studies submitted with PD rezone, tentative map and final map applications" when responding to a July 15, 1996 letter from MacKay & Soms expressing concerns about the recently adopted Program. City planner Marnie Delgado indicated the same (i.e., flexibility allowed in stream setbacks) in a phone conversation with LSA on October 29, 2013.

Program guideline 6.9 (*Lighting in Habitat Areas*) is primarily intended for trail planning but given the site's proximity to a stream corridor supporting high-quality wildlife habitat (riparian trees and shrubs), the City may require similar lighting requirements for any new development. Specifically, the Program indicates that "lighting in habitat areas should be avoided wherever possible because lighting has a detrimental effect on certain wildlife species." For trail segments with lighting situated within 50 feet of wildlife habitat, "low elevation light poles, low intensity street lights and shielding the internal silvering of the globe or use of external opaque reflectors to direct light at the ground should be employed to prevent adverse impacts to wildlife."

Dublin Municipal Code. Stream setbacks are addressed in Chapter 7.20, Article III of the City's Municipal Code (Code), which was adopted as a result of Ordinance 52-87. Section 7.20.220 states, "the purpose of setbacks is to safeguard watercourses by preventing activities that would contribute significantly to flooding, erosion, or sedimentation, would inhibit access for watercourse maintenance, or would destroy riparian areas or inhibit their restoration. Accordingly, no

development shall be permitted within setbacks except as otherwise provided herein.” Although the Code does not provide specific setback distances, it defines the Director of Public Works as the primary City staff member responsible for permitting limited development within setbacks and determining setback limits. Section 70.20.230 states that the Director of Public Works “may grant a permit for [limited development within a setback] provided that the above specified purpose would be satisfied. In such cases, the permit applicant shall submit sufficiently detailed plans and specifications, and any additional material required by the Director of Public Works, to demonstrate that a proposed development adjacent to an open channel watercourse would meet the requirements.”

Implications for Site Development. Restoration goals and policies of the above-described Program indicate that 100 feet is the standard setback limit for development adjacent to open watercourses. Development of the 6237 Tassajara Road site occurred before implementation of the East Dublin Specific Plan and resulting Program, since the distance between the existing southern site boundary and top of bank of the adjacent tributary channel varies from 0 to 30 feet (LSA obs.). However, given that the site is highly disturbed and was developed prior to establishment of stream setbacks by the City, it is LSA’s professional opinion that further development of the site within 100 feet of top of bank would not result in significant impacts to existing biological resources of the stream corridor provided that construction is confined to the existing disturbed area and the existing chain link fence with sheet metal barrier is retained and protected during and after construction. LSA recommends that the fence be identified in future project plans as an “Environmentally Sensitive Area” (ESA) feature that should be avoided during construction.

Lighting associated with any new development could adversely affect wildlife habitat quality of the adjacent stream corridor. In addition to City guidelines in the Program, LSA recommends that any lighting structures within 50 feet of the stream corridor be directed away from the corridor. Construction of walls and other structures and/or planting of vegetation to shield the stream corridor against light (Gaston et al. 2012) could also be effective in reducing light trespass onto adjacent wildlife habitat.

East Alameda County Conservation Strategy

The East Alameda County Conservation Strategy (EACCS) is a collaborative document developed by multiple federal, State, and local entities (e.g., Alameda County, East Bay Regional Park District, RWQCB, CDFW, USFWS) that is intended to “provide an effective framework to protect, enhance, and restore natural resources in eastern Alameda County, while improving and streamlining the environmental permitting process for impacts resulting from infrastructure and development projects” (ICF International 2010). The EACCS enables project proponents to comply with federal and State regulatory requirements within a framework of comprehensive conservation goals and objectives by implementing standardized mitigation requirements. Although the EACCS does not directly result in permits from any regulatory agencies, the standardized avoidance, minimization, and mitigation measures for species and natural communities provides more certainty for project proponents and local agencies of regulatory expectations and costs. This approach is expected to streamline the environmental permitting process, reducing the overall cost of environmental permitting and consolidating mitigation. The EACCS addresses 19 “focal species” comprised of 13 wildlife and 6 plant species that meet one of the following criteria: (1) listed under the federal ESA as threatened or endangered, or proposed for listing; (2) listed under CESA as threatened or endangered, or proposed for listing; (3) listed under the Native Plant Protection Act as rare; or (4) expected be listed under the

federal or State ESA in the foreseeable future. The five special-status species discussed above (CRLF, CTS, burrowing owl, San Joaquin kit fox, and golden eagle) are focal species of the EACCS.

Implications for Site Development. Since the entire site has been developed and provides no habitat for any EACCS focal species, the only policy potentially applicable to site development is Conservation Objective 10.2: "Avoid or minimize direct impacts on streams during project construction and indirect impacts that result from postproject activities by implementing avoidance measures outlined in Table 3-2 and 3-3." As long as development activities are limited to the existing disturbed area and the existing fence along the southern boundary is maintained, the only EACCS avoidance and minimization measure pertinent to the 6237 Tassajara Road site is GEN-12 from Table 3-2 (see attached; Table 3-3 is not applicable to the site since it focuses on impacts to focal species). Specifically, LSA concurs that plastic mono-filament netting or similar netting material should not be used for erosion control purposes on or adjacent to the site.

The site is located within Conservation Zone 3 (CZ-3) in the northern portion of the EACCS study area. Conservation priorities for CZ-3 include the following:

- Protection of CTS critical habitat.
- Protection of known occurrences of San Joaquin spearscale (*Atriplex joaquiniana*) and surveys of other potential habitat.
- Protection of known occurrences of Congdon's tarplant (*Centromadia parryi* ssp. *congdonii*) and surveys of other potential habitat.
- Protection of known CTS and CRLF breeding habitat, sufficient upland habitat surrounding those sites, and connections between breeding and upland habitat (typically annual grassland).
- Protection of CRLF critical habitat.
- Protection and restoration of mixed riparian forest and scrub and mixed willow riparian scrub along Tassajara, Cottonwood, and Cayetano Creeks.

Site development would not conflict with any of these conservation priorities since no habitat for San Joaquin spearscale (California Rare Plant Rank [CRPR] 1B species¹), Congdon's tarplant (also CRPR 1B), CTS, or CRLF is present on the site due to its history of disturbance. The adjacent stream corridor supports mixed willow riparian scrub but would not be directly affected by site development. In summary, it is LSA's professional opinion that the EACCS has limited applicability to the site since its primary intent is to mitigate for projects that impact undeveloped habitat.

CONCLUSIONS

Based on LSA's research on local and regional policies regarding biological resources in the site vicinity and on adjacent preserve lands, future site planning should incorporate the following:

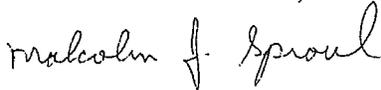
¹ Special-status plants in California are assigned to one of five "Rare Plant Ranks" by a collaborative group jointly managed by the CDFW and California Native Plant Society (CNPS). Rare Plant Rank 1B species are considered rare, threatened, or endangered in California and elsewhere. Impacts to plants ranked 1A, 1B, 2A, and 2B are typically considered significant under the California Environmental Quality Act (CEQA), depending on the policy of the lead agency.

- The existing chain-link fence and sheet metal barrier that parallels the southern site boundary is an important component of the adjacent NDCA since it prevents animals from moving onto the site. The fence should remain intact during and after any future construction. In addition, the NDCA preserve manager would like to see the fence and barrier extended from its current end at the southeastern corner of the property to the northeastern corner.
- Erosion control BMPs should be implemented along the southern site boundary during construction to prevent excess sedimentation and construction-related runoff from entering the stream corridor.
- The site is located within 50 feet of the top of bank of a major tributary to Tassajara Creek and is thus within the typical 100-foot setback prescribed by the Eastern Dublin Comprehensive Stream Restoration Program. However, as long as future development, including private or public roadways, remains within the existing disturbance footprint on the site and the barrier fence remains intact and is extended as recommended above, LSA believes that impacts to the adjacent stream corridor can be minimized or avoided.
- Any proposed lighting within 50 feet of the stream corridor should be designed to minimize light trespass onto the stream corridor (e.g., fully shielded, directed away from stream, vegetation or structural barrier along southern boundary).

Based on LSA's understanding, the development proposal is to establish a 50-foot building setback from top of bank. Implementation of this measure as well as other recommendations in this report would minimize and/or avoid impacts to biological resources in the adjacent stream corridor. We hope the above information is useful to you for future site planning. Please call me if you have any questions.

Sincerely,

LSA ASSOCIATES, INC.



Malcolm J. Sproul
Principal

Attachments: Table 3-2 from Eastern Alameda County Conservation Strategy

cc: Sophia Liu
Hayes Shair

REFERENCES

Gaston, K.J., T.W. Davies, J. Bennie, and J. Hopkins. 2012. Reducing the ecological consequences of night-time light pollution: options and developments. *Journal of Applied Ecology* 49:1256–1266.

H.T. Harvey & Associates. 2000. Dublin Ranch Area A Golden Eagle Report. Project 555-29. April 17.

H.T. Harvey & Associates. 2001. Dublin Ranch: 2000 Special-Status Amphibian and Reptile Surveys. Prepared for Martin W. Inderbitzen, Pleasanton, CA. Project No. 555-31. March 5.

ICF International. 2010. East Alameda County Conservation Strategy. Final Draft. October. (ICF 00906.08.) San Jose, CA. Prepared for East Alameda County Conservation Strategy Steering Committee, Livermore, CA.

LSA Associates, Inc. (LSA). 2013. Results of 2013 California Red-legged Frog Surveys: Dublin Ranch Preserve. Submitted to Center for Natural Lands Management, Temecula, CA. Project No. CNM1301. September.



October 6, 2014

Mr. Jerry Haag
Urban Planner
2029 University Avenue
Berkeley, California 94704

Re: 6237 Tassajara Road Biological Resources Peer Review

Dear Jerry,

This letter provides a peer review of the environmental documents related to the 6237 Tassajara Road (Project Area) development project (Project) in Dublin, California. The intent of this letter is to summarize a previous environmental assessment, provide current site conditions, and address regulatory and species occurrence information in order to provide updated recommendations regarding biological resources within and adjacent to the Project Area. The updated Project layout and grading footprint are also considered in this review.

The Project Area is approximately 2.64 acres located in the city of Dublin, California, at 6237 Tassajara Road, south of the Quarry Lane School and north of a stream corridor that is a tributary of Tassajara Creek. Tassajara Road borders the site to the west and open grasslands border the site to the east. These grasslands as well as the stream corridor are a part of the Northern Drainage Conservation Area (NDCA), which is a unit of the Dublin Ranch Preserve. The Dublin Ranch Preserve was created in 2010 as mitigation for the Dublin Ranch development project and is managed by the Center for Natural Lands Management. Currently, the Project Area is used to store landscape materials and other equipment and vehicles. The Project aims to build several single family homes on the site.

Previous Environmental Review

A Biological Resources Report of the Project Area was completed by LSA Associates, Inc. (LSA) in January 2014. The report documented biological resources on and adjacent to the Project Area for the purposes of determining the applicability of local stream protection policies to any future development. It then discussed the biological findings in context of local policy and provided recommendations for preventing the degradation and loss of sensitive biological resources.

The 2014 LSA report concluded that the Project will not impact biological resources within the Project Area. The entire Project Area was developed and devoid of vegetation except for a few walnut (*Juglans sp*) trees and other ornamental species and ruderal herbaceous vegetation in the southwest corner. No wetlands or other jurisdictional water features were determined to be present. The only wildlife species expected to occur within the Project Area were urban adapted species.

The LSA report stated that the Project is not anticipated to conflict with local policy priorities, including the East Alameda County Conservation Strategy (EACCS, ICF 2010), Eastern Dublin Specific Plan (Wallace Roberts & Todd. 2010), and City of Dublin municipal codes (City of Dublin 2014), and that the current setback from the creek top of bank, delineated by the existing chain link fence (estimated at 0 to 30 feet from the top of bank), would not impact the NDCA provided all future construction and development was confined to the existing disturbed area. The report recommended the following measures to minimize any Project impacts to the NDCA:

- The use of construction Best Management Practices (BMPs) to control erosion and runoff and prevent sedimentation and hydrological impacts into the creek and riparian vegetation.
- Maintaining the chain link fence and sheet metal wildlife barrier in its current functional state to prevent small terrestrial wildlife species from entering the Project Area during and after construction.
- Extending the chain link fence and sheet metal barrier along the Project Area's east edge such that the entire Project Area becomes inaccessible to small terrestrial wildlife
- Lighting structures associated with the Project within 50 feet of the NDCA be directed away from the stream corridor to prevent a reduction in habitat quality, and that walls and/or planted vegetation along the boundary between the Project Area and the NDCA may be effective in reducing light trespass into the NDCA.
- Prohibit the use of plastic mono-filament netting or similar netting material for erosion control on or adjacent to the site to prevent wildlife entanglement.

WRA Assessment

Methods

A review of local regulations was conducted to determine which policies apply to the Project area and its development. Also, a literature search was completed of the California Natural Diversity Database (CNDDDB; CDFW 2014), U.S. Fish and Wildlife Service (USFWS) quadrangle species lists, and other relevant literature pertaining to documented occurrences of special-status plant and wildlife species within 5 miles of the Project Area. A biological resources assessment site visit was conducted by WRA botanist Scott Batiuk and WRA wildlife biologist Claire Woolf on September 3, 2014. The Project Area and surrounding areas, including the NDCA, (Study Area) were traversed on foot to determine (1) plant communities present within the Study Area, (2) if existing conditions provide suitable habitat for any special-status plant or wildlife species, and (3) if sensitive habitats are present in order to assess the potential for direct and indirect impacts to sensitive biological resources. Biological communities within the Project Area were documented and the extent of the riparian vegetation in the Project Area was observed. Plant and wildlife species observed during the September 3 assessment are listed in Attachment 1.

Current Site Conditions

The September 3, 2014 assessment conducted by WRA found conditions consistent with the description provided in LSA's report. The Project Area is primarily composed of ruderal herbaceous and developed biological communities, characterized by non-native weedy plants such as black mustard (*Brassica nigra*), ripgut brome (*Bromus diandrus*), and milk thistle

(*Silybum marianum*). Occasional ornamental and remnant orchard trees, including cedar (*Cedrus* sp.) and walnut (*Juglans regia* grafted onto *Juglans hindsii*), are also present. The site is paved with compacted gravel and contains landscape materials, debris piles, and several trailers and other temporary buildings. A chain-link fence encompasses the Project Area, and along the southern boundary adjacent to the NDCA the fence contains 3-foot, partially-buried metal sheeting that serves to prevent California tiger salamander (*Ambystoma californense*, CTS), California red-legged frog (*Rana draytonii*, CRLF), and other terrestrial wildlife from entering the Project Area from the NDCA. Portions of the Project Area boundary that do not contain the sheet metal barrier include the western edge of the Project Area along Tassajara Road, the northern boundary of the Project Area and about 100 feet along the northeast boundary abutting the grasslands within the NDCA. California ground squirrels (*Otospermophilus beecheyi*) have colonized the site, living in burrows and the debris piles within the Project Area. While the Project Area does not contain rooted riparian vegetation, the dripline of several trees along the stream corridor, including red willow (*Salix laevigata*) and box elder (*Acer negundo*), extends over the fence into the Project Area.

Local Regulations

East Dublin Specific Plan (EDSP) and Dublin Municipal Code (DMC)

The EDSP was developed to provide a planning framework for future development and growth in a 3,300-acre area in eastern Dublin. It was initially released in 1994 and was updated in 2010. The Project Area is located in the EDSP Area, and therefore, is subject to the following relevant goals, policies, and programs described in the EDSP:

Goal: To protect and enhance existing biological resources in eastern Dublin

Policy 6-10: Riparian and wetland areas shall be incorporated into greenbelt and open space areas as a means of preserving their hydrologic and habitat value. Unavoidable loss of riparian habitat due to development should be replaced with similar habitat on a 3:1 in kind basis. Loss of wetlands must be mitigated consistent with the Corps' current policy.

Program 6H: The City should enact and enforce an erosion and sedimentation control ordinance establishing performance standards to ensure maintenance of water quality and protection of stream channels. The ordinance should regulate grading and development activities adjacent to streams and wetland areas, and require revegetation of all ground disturbances immediately after construction to reduce erosion potential. Until such an ordinance is in place, the City shall require project applicants to provide a detailed erosion and sedimentation control plan as part of the project submittal.

Policy 6-15: Avoid development and potentially destructive activities in areas with high-value habitat including:

- northern riparian forest
- arroyo willow riparian woodland
- freshwater marsh

Exceptions may only be granted where an owner's reasonable beneficial use of the land cannot be otherwise provided.

Policy 6-20: Maintain a natural open space zone (i.e., no development) around the golden eagle nest located in the northeast corner of the planning area (see Figure 6.3 for the designated setback). Exceptions to this setback have to be approved by the USFWS based on field examinations of the site to determine what constitutes "harassment" of the eagles at this particular location. Construction within this protection zone will not be allowed unless it is determined that the eagles have ceased to use the nest site for two consecutive years as verified by the USFWS.

Policy 6-21: Direct disturbance or removal of trees or native vegetation cover should be minimized and should be restricted to those areas actually designated for the construction of improvements.

Policy 6-22: All areas of disturbance should be revegetated as quickly as possible to prevent erosion. Native trees (preferably those species already on the site), shrubs, herbs, and grasses should be used for revegetation of areas to remain as natural open space. The introduction of non-native plant species should be avoided.

Program 6L: The City shall require development applicants to conduct a pre-construction survey within 60 days prior to habitat modification (clearing construction and road site, etc.) to verify the presence or absence of sensitive species, especially San Joaquin kit fox, nesting raptors, red-legged frog, western pond turtle, California tiger salamander, and other species of special concern.

WRA was unable to locate the Program Guideline 6.9 (Lighting in Habitat Areas) in the EDSP that was referenced in the LSA report. No additional sections of the DMC other than the stream setback guidelines listed in the LSA report were found to be relevant to biological resources for this Project.

WRA agrees with the LSA report that in order to follow the program policies and guidelines in the EDSP and DMC, it is recommended that the Project avoid all impacts to vegetation and water quality along the NDCA stream corridor, avoid the use of plastic monofilament for erosion control, and maintain and extend the chain link fence and sheet metal wildlife barrier throughout the duration of the Project and in perpetuity. WRA also agrees with LSA that the Project Area is not within the golden eagle buffer zone described in the EDSP. WRA believes LSA's arguments are valid in that the stream setback distance can be delineated by the existing fence line without additional biological impacts. However, WRA will defer to the City of Dublin planning staff to determine the appropriate creek setbacks for this Project.

In addition to the LSA report, and in order to follow the guidelines in the EDCP, WRA recommends pre-construction surveys of the Project Area to verify the presence or absence of several special-status wildlife species, including burrowing owl, American badger, roosting special-status bats, and nesting birds. Burrowing owl and other special-status wildlife species are discussed further in the special-status wildlife section of this document.

East Alameda County Conservation Strategy (EACCS)

In December 2010, the final draft of the EACCS was made available to local agencies looking for guidance in conservation and mitigation practices. This document was made in consultation

with several prominent regulatory agencies including the USFWS, the California Department of Fish and Wildlife [CDFW; formerly the California Department of Fish and Game (CDFG)], and the San Francisco Regional Water Quality Control Board. Currently, the EACCS has not been formally accepted by the City of Dublin and is a non-binding document. However, it does provide up-to-date information and mitigation suggestions for focal special-status plant and wildlife species in the area, many of which must be considered for the Project, including Congdon's tarplant (*Centromadia parryi* ssp. *congdonii*), California tiger salamander (*Ambystoma californiense*), California red-legged frog (*Rana draytonii*), golden eagle (*Aquila chrysaetos*), burrowing owl (*Athene cunicularia*), San Joaquin kit fox (*Vulpes macrotis mutica*), and American badger (*Taxidea taxus*).

The EACCS also provides a list of specific conservation objectives for each focal species, as well as avoidance and minimization measures to reduce negative impacts. These measures include biological monitoring, worker environmental training, construction BMPs and erosion control measures around wetlands and streams, exclusion fencing around the work area, pre-construction surveys, work windows, and avoidance of active nests or dens. The EACCS also includes objectives relating to the preservation and reduction of impacts on streams and riparian communities.

LSA states the Project Area provides no habitat for any EACCS focal species due to the developed nature of the site. WRA believes it is unlikely that all but one of the EACCS focal species will occur within the Project Area. Burrowing owl has a moderate potential of occurring within the Project Area. Burrowing owl and the other EACCS focal species are discussed along with non EACCS focal species in the special-status wildlife section below.

Biological Communities and Special-Status Species

Biological Communities

As stated above, the Project Area is primarily ruderal herbaceous and developed biological communities, which are not considered sensitive communities. However, the dripline of riparian vegetation rooted outside of the Project Area in the NDCA extends over the fence into the Project Area in several places. Riparian vegetation is considered sensitive habitat by the CDFW.

Special Status Plants

No special-status plant species have the potential to be found within the Project Area due to the heavily and actively disturbed nature of the Project Area. Congdon's tarplant (*Centromadia parryi* ssp. *congdonii*), a disturbance-tolerant species, has been documented in the vicinity of the Project Area. However, this species was not observed during the September 3, 2014 site visit, which occurred during peak blooming time for this species.

Special-Status Wildlife

Twenty-three special-status wildlife species have been documented within 5 miles of the Project Area. Seventeen of these species have moderate or high potential of occurring within the

Project Area or in the adjacent NDCA, and are listed in Table 1 below. Of these 23 species, 17 have potential to occur in or adjacent to the Project Area in the NDCA, and seven of these 23 species have potential to occur in the Project Area. The 17 species with potential to occur in or adjacent to the Project Area as well as the species with potential to occur in the Project Area are listed below in Table 1. The remaining seven species documented in the vicinity of the Project area are unlikely to be found within the Project Area or NDCA due to a lack of suitable habitat, including ephemeral pools, dense wetland vegetation, and scrub. The species with potential to occur within and adjacent to the Project Area are discussed further, along with nesting migratory birds which are afforded regulatory protections under the 1918 federal Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (FGC).

Table 1: Special-status wildlife species with potential to occur in or adjacent to the Project Area

Scientific Name	Common Name	Regulatory Status
<i>Vulpes macrotis mutica</i>	San Joaquin kit fox	Federal Endangered, State Threatened
<i>Taxidea taxus</i>	American badger	CDFW Species of Special Concern
<i>Corynorhinus townsendii</i>	Townsend's big-eared bat*	State Candidate (Threatened), CDFW Species of Special Concern, Western Bat Working Group High Priority Species
<i>Antrozous pallidus</i>	pallid bat*	CDFW Species of Special Concern, Western Bat Working Group High Priority Species
<i>Elanus leucurus</i>	white-tailed kite*	California Fully Protected Species
<i>Circus cyaneus</i>	northern harrier	CDFW Species of Special Concern
<i>Athene cunicularia</i>	burrowing owl*	CDFW Species of Special Concern, USFWS Bird of Conservation Concern
<i>Aquila chrysaetos</i>	golden eagle	California Fully Protected Species, USFWS Bird of Conservation Concern
<i>Picoides nuttallii</i>	Nuttall's woodpecker*	USFWS Bird of Conservation Concern
<i>Baeolophus inornatus</i>	oak titmouse*	USFWS Bird of Conservation Concern
<i>Lanius ludovicianus</i>	loggerhead shrike*	CDFW Species of Special Concern, USFWS Bird of Conservation Concern
<i>Ammodramus savannarum</i>	grasshopper sparrow	CDFW Species of Special Concern
<i>Setophaga (Dendroica) petechia brewsteri</i>	yellow warbler	CDFW Species of Special Concern, USFWS Bird of Conservation Concern
<i>Spinus (= Carduelis) lawrencei</i>	Lawrence's goldfinch	USFWS Bird of Conservation Concern
<i>Ambystoma californiense</i>	California tiger salamander	Federal Threatened, State Threatened, CDFW Species of Special Concern
<i>Rana draytonii</i>	California red-legged frog	Federal Threatened, CDFW Species of Special Concern
<i>Actinemys marmorata</i>	Pacific (formerly western) pond turtle	CDFW Species of Special Concern

(*) Denotes species with potential to occur in the Project Area

There is suitable habitat within the stream corridor and upland habitats within the NDCA for California tiger salamander (CTS), Pacific pond turtle (PPT), and California red-legged frog (CRLF). The stream corridor contains areas where water could pool, supporting breeding CRLF, and the stream corridor is a moist aquatic dispersal corridor for all three of these species. The upland grassland habitats contain burrows to support estivating CTS and CRLF as well as

breeding PPT. All three of these species have been documented within 0.3 mile of the Project Area in Tassajara Creek (CDFW 2014). Critical habitat for CRLF has been designated just across Tassajara Road in Tassajara Creek, and critical habitat for CTS has been designated 3 miles east of the Project Area.

It is unlikely that PPT would be found within the Project Area. The sheet metal barrier is a significant barrier to movement for this species. There is no grassland upland breeding habitat for this species within the Project Area, as the Project Area is disturbed and contains little grassy vegetation to support nesting. Therefore, although PPT could feasibly access the Project Area from the northeast corner abutting the NDCA through the gap in the barrier, it is unlikely to be found in the Project Area due to a lack of suitable habitat and higher quality grassland upland habitat within the NDCA.

No aquatic or seasonal depression habitat to support breeding CTS or CRLF exists within the Project Area. Additionally, with the presence of the sheet metal barrier and ample suitable habitat nearby, it is unlikely for CTS or CRLF to estivate within the site. While several burrows suitable for estivation in these species exist within the eastern half of the Project Area, these two species would have to pass through more suitable grassland habitat in the NDCA before entering the disturbed Project Area. The Project Area contains minimal vegetation, and these two species would be more likely to suffer predation and desiccation within the Project Area due to lack of cover. Therefore, it is unlikely CRLF and CTS would estivate within the Project Area.

Golden eagle was observed during the September 3, 2014 site visit soaring high above the Project Area and NDCA. Due to its developed nature, relatively small size, and enclosure by fencing reducing visibility, the Project Area provides poor foraging habitat and no nesting habitat for this species. While the NDCA provides grassland foraging habitat, nesting is unlikely due to the small size of the trees in the NDCA near the Project Area. Eagles have nested some distance away in the higher quality nesting habitat found elsewhere in the NDCA.

White-tailed kite, northern harrier, oak titmouse, yellow warbler, grasshopper sparrow, loggerhead shrike, and Lawrence's goldfinch all have moderate to high potential to occur and breed within the grassland and riparian habitats within the NDCA. These seven species may forage or occasionally venture into the Project Area, including the riparian trees that overhang the site. The Project Area only provides marginal breeding habitat for white-tailed kite, loggerhead shrike, oak titmouse, and Nuttall's woodpecker. Due to the lack of grassland vegetation necessary to support breeding northern harrier, grasshopper sparrow, and Lawrence's goldfinch as well as the lack of dense riparian vegetation to support breeding yellow warblers, the Project Area is unlikely to support breeding in these four bird species.

The grassland within the NDCA and overhanging riparian trees in the Project Area support nesting in these species, and non-riparian trees within the Project Area provide marginal breeding habitat for loggerhead shrike, oak titmouse, Nuttall's woodpecker and white-tailed kite. Additionally, nesting bird and raptor species are protected by the MBTA and FGC regardless of status. Other common nesting birds and raptors may also occur within the Project Area.

Two special-status bat species, pallid bat and Townsend's big-eared bat, may use the accessible buildings, sheds, and trailers throughout the Project Area for day and night roosting throughout the year or as maternity roosts during the summer maternity season. Townsend's big-eared bat is highly sensitive to human disturbance, as it roosts in the open, hanging from walls rather than using crevices like many other bat species. However, a 1998 report prepared for CDFG states that "The expanding human population along the California coast, in the

greater San Francisco Bay Area, and San Diego County has made it increasingly difficult for *C. townsendii* to find roosts that are free from human disturbance. There was evidence of some human traffic at or near all the currently occupied roosts," (Pierson and Rainey 1998.) The buildings and sheds within the Project Area appear relatively undisturbed, and given this species in the San Francisco Bay Area has been known to use roosts with some element of human disturbance, Townsend's big-eared bat has a moderate potential to occur in the Project Area.

Burrowing owl (BUOW) has moderate potential to be found within the Project Area. This species has been extensively documented in the greater Dublin area; 2009 studies found many breeding pairs within 2 miles of the Project Area (CDFW 2014), the closest of which occurred within 1 mile of the Project Area. One suitably –sized burrow was found during the September 3, 2014 site visit. No sign of owl occupancy (feathers, pellets, whitewash) was found. However, California ground squirrels, the primary excavators of burrows used by BUOW, have colonized the Project Area and many individuals were observed during the September 3, 2014 site visit in burrows and in the many debris piles throughout the site. It is highly likely that additional burrows of suitable dimensions for burrowing owl will be excavated, thus making the site more attractive to the owl. BUOW is highly tolerant of disturbance, and the disturbed nature of the site alone is not enough to exclude the possibility of it inhabiting the site before Project activities begin. However, while this species has a moderate potential to occur within the Project Area, it is unlikely to nest there. The Project Area is mostly enclosed by fencing, creating a visual barrier and providing perches for potential predators. These conditions likely act as a deterrent to nesting. Furthermore, given that no sign of BUOW was observed during the September 3, 2014 site visit, and that there is ample, higher quality open habitat in the NDCA and north Dublin hills, the Project Area is suitable for wintering owls, but nesting is unlikely.

American badger has been documented extensively in the grassland hills to the north, east, and west of the Project Area (CDFW 2014). This species has high potential to be in the high quality grasslands of the NDCA. However, this species is unlikely to be found within the Project Area, as the Project Area does not contain any suitably-sized burrows for this species that could be potential dens during the September 3, 2014 site visit, and the developed nature of the Project Area likely precludes colonization. Furthermore, there are ample, large expanses of higher quality habitat nearby in the NDCA and open grasslands of the north Dublin hills.

San Joaquin kit fox historically was found in the arid grassland and scrubland habitats in the Dublin/Livermore area, but is believed to be extirpated west of the Altamont Hills (Sproul and Flett 1993). The most recent CNDDDB record of kit fox within 5 miles of the Project Area was from 1989. However, SJKF is included as a focal species in the EACCS and is therefore included in this assessment. Due to the unconfirmed presence of this species from the greater Dublin area in the past 25 years and that the Project Area is highly disturbed, does not contain suitably-sized burrows for this species, and there is much higher quality habitat nearby, this species is unlikely to be found within the Project Area.

Identification of Impacts and Recommended Minimization Measures

The NDCA stream corridor and its associated riparian vegetation adjacent to the Project Area are sensitive biological communities regulated by CDFW. Seventeen special-status species have potential to occur in the NDCA adjacent to the Project Area; of eleven species may be indirectly impacted by the project including: white-tailed kite, northern harrier, BUOW, golden

eagle, Nuttall's woodpecker, oak titmouse, loggerhead shrike, grasshopper sparrow, yellow warbler, and Lawrence's goldfinch. Indirect impacts to these species from project activities include noise, vibrations, and light from construction that may disrupt nesting birds. Indirect impacts to other species including CTS, CRLF, PPT, American badger, San Joaquin kit fox, roosting bats, and foraging raptors are unlikely to occur as a result of the project except in cases where there is a reduction in size or quality of habitat present in the NDCA.

Burrowing owl, white-tailed kite, loggerhead shrike, oak titmouse, Nuttall's woodpecker, pallid bat, and Townsend's big-eared bat, as well as birds protected under the MBTA and FGC have potential to occur within the Project Area. These protected biological resources may be directly impacted by Project activities such as tree and vegetation removal, building demolition, and ground disturbance causing mortality due to contact with construction equipment or personnel, predation, desiccation, entrapment in artificial structures, burial from burrow excavation, etc. Because the Project Area is highly disturbed and will likely be completely altered, temporary impacts are not anticipated.

In addition to the maintenance and extension of the exclusion barrier, avoidance of plastic monofilament, and the use of construction BMPs recommendations in the LSA report, WRA recommends the following measures be taken to avoid impacts to biological resources within the Project Area.

- Avoid impacts to all riparian vegetation, including the dripline of riparian trees overhanging into the Project Area from the NDCA. If impacts cannot be avoided, a CDFW Section 1602 permit will be needed.
- If construction, demolition, or tree removal activities are initiated during the nesting bird season (February 1 through August 31), a pre-construction bird survey (including raptors) shall be conducted prior to commencement of activities. If birds are found to be nesting within the Project Area a buffer zone around the nest (distance dependent on species) shall be established by the biologist until the young have fledged. Consultation with CDFW may be required dependent on species.
- If construction, tree removal, or the removal or demolition of buildings is initiated, especially during the bat maternity season from April 1 to August 31, a pre-construction bat emergence survey shall be conducted. Internal entrances surveys should be conducted if any buildings are to be demolished at any time of year to determine if the building(s) currently or previously supported roosting bats. If bats are found to be roosting within the Project Area, consultation with CDFW may be required dependent upon bat species found and roost type.
- A Pre-construction survey for burrowing owl is recommended within 30 days of any construction activities in accordance with the 2012 CDFW Staff Report on Burrowing Owl Mitigation (CDFG 2012), which also contains guidance pertaining to avoidance and minimization measures for this species if active burrows are found on the site. If active burrows are found, an appropriate setback relative to the guidance is required; consultation with CDFW may be required if burrowing owl is observed during the nesting season.

Conclusion

The Project Area is highly disturbed. No sensitive biological communities are located within the Project Area, and no special-status plants are likely to occur on the site. Burrowing owl, white-tailed kite, loggerhead shrike, oak titmouse, Nuttall's woodpecker, pallid bat, and Townsend's big-eared bat, have potential to occur within the Project Area. All other special-status wildlife species in the area are only likely to be found within the NDCA and any riparian trees overhanging the Project Area. Nesting birds and raptors protected by the MBTA and FGC may nest within the Project Area.

WRA generally agrees with the 2014 LSA report's analysis, with the addition of several other potential biological impacts, including:

- Potential impacts to overhanging riparian trees within the Project Area
- Potential impacts to burrowing owl
- Potential impacts to special-status birds and other nesting birds and raptors protected by the MBTA and FGC
- Potential impacts to roosting bats

Avoidance and minimization measures recommended by WRA consist of maintaining and extending the sheet metal barrier to prevent wildlife incursion into the Project Area, construction BMPs to prevent erosion and runoff into the NDCA, the avoidance of plastic monofilament, and pre-construction surveys for burrowing owl, nesting birds and raptors, and an emergence survey for roosting bats.

I will be happy to discuss any of the above topics more thoroughly if you wish. Please contact me or Claire Woolf with any questions or to discuss any issues further.

Sincerely,

Tom Fraser
President

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References

City of Dublin. 1999. Heritage Tree Ordinance.

[CDFG] California Department of Fish and Game. 2012. Staff report on burrowing owl mitigation. Online at <http://www.dfg.ca.gov/wildlife/nongame/docs/BUOWStaffReport.pdf>. Accessed September 2014.

Pierson, E. and W. Rainey. 1998. Distribution, status, and management of Townsend's big-eared bat (*Corynorhinus townsendii*) in California. Prepared for the California Department of Fish and Game, and submitted to the Bird and Mammal Conservation Program (BMCP). Technical report number 96-7.

[CDFW] California Department of Fish and Wildlife. 2014. California Natural Diversity Database (CNDDDB). California Department of Fish and Wildlife. Biogeographic Data Branch, Vegetation Classification and Mapping Program, Sacramento, CA. Accessed September 2014.

City of Dublin. 2014. City Municipal Code. Current as of September 2, 2014. Online at: <http://www.codepublishing.com/ca/dublin.html>. Accessed September 2014.

[CNPS] California Native Plant Society. 2014. Inventory of Rare and Endangered Plants of California. California Native Plant Society, Sacramento, California. Online at: <http://www.rareplants.cnps.org>; most recently accessed: September 2014.

ICF International. 2010. East Alameda County Conservation Strategy (EACCS). Final draft, December 2010. Online at: <http://www.eastalco-conservation.org/documents.html>. Accessed September 2014.

Richmond, B. H. Green, and Rice, D.C. 2012. Alameda County Breeding Bird Atlas. Published by the Golden Gate Audubon Society and the Ohlone Audubon Society.

Sproul, MJ and M A Flett. 1993. Status of the San Joaquin kit fox in the northwest margin of its range. Transactions of the Western Section of the Wildlife Society 29:61–69.

[USFWS] U.S. Fish and Wildlife Service. 2011. Standard Recommendations for Protection of the Endangered San Joaquin Kit Fox prior to or during Ground Disturbance. Sacramento Fish and Wildlife Office.

[USFWS] 2014 Quadrangle Species Lists, Sacramento Fish and Wildlife Service. Online at: http://www.fws.gov/sacramento/ES_Species/Lists/es_species_lists-form.cfm. Accessed September 2014.

[USFWS] 2003. Guidance on Site Assessment and Field Surveys for Determining Presence or a Negative Finding of the California Tiger Salamander. Online at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83915> Accessed September 2014.

Wallace Roberts & Todd. 2010. Final Eastern Dublin Specific Plan. Prepared for the City of

Dublin. Updated in 2010. Online at: <http://dublinca.gov/index.aspx?NID=175>. Accessed September 2014.

Western Bat Working Group (WBWG). 2014. Species accounts. Online at: http://www.wbwg.org/speciesinfo/species_accounts/species_accounts.html. Accessed September 2014.

Attachment 1:

Plant and wildlife species observed in the Project Area during the September 3, 2014 site visit

Scientific Name	Common Name
Plants	
<i>Acer negundo</i>	boxelder
<i>Avena</i> sp.	oat
<i>Baccharis pilularis</i> ssp. <i>consanguinea</i>	coyote brush
<i>Brassica nigra</i>	black mustard
<i>Bromus catharticus</i>	rescuegrass
<i>Bromus diandrus</i>	ripgut brome
<i>Carduus pycnocephalus</i>	Italian thistle
<i>Cirsium vulgare</i>	bull thistle
<i>Conium maculatum</i>	poison hemlock
<i>Convolvulus arvensis</i>	field bindweed
<i>Dittrichia graveolens</i>	stinkwort
<i>Epilobium brachycarpum</i>	annual willowherb
<i>Erigeron bonariensis</i>	Flax-leaved horseweed
<i>Erigeron canadensis</i>	Canadian horseweed
<i>Festuca perennis</i>	Italian rye grass
<i>Foeniculum vulgare</i>	fennel
<i>Helminthotheca echioides</i>	bristly ox-tongue
<i>Hordeum murinum</i>	mouse barley
<i>Juglans hindsii</i>	northern California black walnut
<i>Juglans regia</i>	English walnut
<i>Lactuca serriola</i>	prickly lettuce
<i>Lepidium latifolium</i>	perennial pepperweed
<i>Malva nicaeensis</i>	bull mallow
<i>Malvella leprosa</i>	alkali mallow
<i>Marrubium vulgare</i>	horehound

<i>Polygonum aviculare</i>	dooryard knotweed
<i>Prunus dulcis</i>	domestic almond
<i>Quercus douglasii</i>	blue oak
<i>Rumex crispus</i>	curly dock
<i>Salix laevigata</i>	red willow
<i>Salsola</i> sp.	russian thistle
<i>Silybum marianum</i>	milk thistle
<i>Stipa miliacea</i> var. <i>miliacea</i>	smilo grass
<i>Toxicodendron diversilobum</i>	poison oak

Wildlife	
<i>Calypte anna</i>	Anna's hummingbird
<i>Picoides nuttallii</i>	Nuttall's woodpecker
<i>Corvus brachyrhynchos</i>	American crow
<i>Poecile atricapillus</i>	black-capped chickadee
<i>Aphelocoma californica</i>	western scrub-jay
<i>Zenaida macroura</i>	mourning dove
<i>Thryomanes bewickii</i>	Bewick's wren
<i>Carpodacus mexicanus</i>	house finch
<i>Oreothlypis celata</i>	orange-crowned warbler
<i>Buteo jamaicensis</i>	red-tailed hawk
<i>Falco sparverius</i>	American kestrel
<i>Aquila chrysaetos</i>	golden eagle
<i>Meleagris gallopavo</i>	wild turkey
<i>Sceloporus occidentalis</i>	western fence lizard
<i>Otospermophilus</i>	California ground

beecheyi

squirrel



July 28, 2016

Jerry Haag
2029 University Ave
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jphaag@pacbell.net

Re: Assessment of Golden Eagle Nest Adjacent to 6237 Tassajara Road, Dublin, California

Dear Mr. Haag:

This letter provides an assessment of potential impacts to golden eagles (*Aquila chrysaetos*; hereafter eagle may be used) that have been documented to nest in the immediate vicinity of the proposed Wanmei residential project located at 6237 Tassajara Road (Project Site) in Dublin, Alameda County, California. The purpose of the assessment is to 1) address potential adverse impacts to golden eagles that may nest near the Project Site during anticipated development activities there, and 2) provide an adequate mitigation measure to avoid these impacts.

Existing Conditions and Eagle Nest Status

On May 3, 2016 from 8:50 AM to 10:00 AM, the Project Site and adjacent Project Area were examined directly by WRA wildlife biologist Claire Woolf to note existing conditions and baseline disturbance levels. The Project Areas examined included the location of the nearby active eagle nest located within regional preserve lands to the east of the Project Site. Additionally, ambient noise levels (decibels) from within the Project Site were measured throughout much of the site visit using the Sound Meter app on an Android smartphone. To avoid any potential disturbance to the eagle nest, minimal time was spent within the eastern portion of the property. The biologist did not directly approach the nest, and did not enter the preserve during the site visit.

The Project Site is situated adjacent to mixed suburban developments and preserved open space. Regional preserve lands are present to the south and east, Quarry Lane School is located to the north, and Tassajara Road lies to the west. The Project Site is currently used as a laydown yard/staging facility for a landscape company. The entire Project Site is developed or otherwise highly disturbed, and consists of compacted earth, gravel areas, and patches of ruderal vegetation. Various trailers and storage structures are found throughout, including several metal shipping containers located at the eastern boundary of the property. Materials such as bark, trees and plants, stakes, and paving stones are neatly staged on the Project Site, and a small number of debris piles are also present.

No work activities were occurring within the yard at the time of the site visit, but the presence of several parked personal vehicles and the tidy condition of the yard suggests that it is frequently occupied and used. Ambient noise levels within the Project Site ranged from 35 to 70 decibels (the latter during an airplane flyover), and averaged approximately 50 decibels. Sources of

baseline noise included auto traffic on Tassajara Road, and children playing at the adjacent school.

The active eagle nest is located approximately 200 feet from the eastern end of the Project Site within a row of mature eucalyptus (*Eucalyptus* sp.) trees. The nest structure is near the eastern edge of the eucalyptus stand, on the north side, and visible to the naked eye from the eastern portion of the Project Site. At the time of the site visit, one eagle was observed on the nest, and it did not flush or otherwise appear to be disturbed by the presence of the biologist or by other activities in the general vicinity. To the best of WRA's knowledge, this nest site was first known to be occupied in 2016. Because golden eagles often re-use individual nests across years, the nest may be used again in subsequent years.

Golden Eagle Regulatory Background

State and Federal Protections

Golden eagle has various protections at both the state and federal level, and is considered a special-status species. Within the context of environmental review, the term "special-status" is typically used to refer to wildlife (and plant) species with heightened legal protections beyond baseline levels, if any such exist. While golden eagle is not currently listed under the federal or California Endangered Species Acts, this species has a somewhat analogous level of protection under the federal Bald and Golden Eagle Protection Act (hereafter Act; 16 U.S.C. 668-668c, enacted in 1940 and subsequently amended several times). The Act prohibits the taking, possession and/or commerce of eagles and establishes civil penalties for violations. In 2009, the definition of "take" in the context of the Act was refined as follows (72 FR 31132; 50 CFR 22.3):

"...disturb means to agitate or bother [an eagle] to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior".

In addition to its protection under the Act, golden eagle is also named as a Fully Protected Species under the California Fish and Game Code (i.e., section 3511) and as such legal "take" (in this context, essentially injury or death of an eagle, including young and eggs) cannot be authorized by the state. Along with most other native birds, golden eagle also has baseline protections under the federal Migratory Bird Treaty Act (MBTA) of 1918 (and subsequent amendments) and the California Fish and Game Code (i.e., sections 3503, 3503.5 and 3513). Both the federal statute and state codes prohibit the unauthorized and deliberate "take" of covered species, including their active nests (those with eggs and/or young). Finally, golden eagle is also named as a U.S. Fish and Wildlife Service (USFWS) Bird of Conservation Concern (BCC). Although BCC species generally have no heightened legal status, they are typically given special consideration under the California Environmental Quality Act (CEQA).

Local and Regional Protections

Golden eagle receives conservation attention and protection at the local level. The Project Site lies within the bounds of the East Dublin Specific Plan (Specific Plan; City of Dublin 1994), which provides a planning framework for the future growth and development of the portions of Dublin east of the Camp Parks Reserve Forces Training Area. The Specific Plan retains a large area in the northeast portion of the planning area as a rural/residential zone to preserve

adequate foraging area for eagles. Additionally, the Specific Plan contains Policy 6-20 that addresses a previously-identified eagle nest within the Specific Plan boundaries:

Maintain a natural open space zone (i.e., no development) around the golden eagle nest located in the northeast corner of the planning area (see Figure 6.3 for the designated setback). Exceptions to this setback will have to be approved by the U.S. Fish and Wildlife Service (USFWS), based on field examinations of the site to determine what constitutes "harassment" of the eagles at this particular location. Construction within this protection zone will not be allowed unless it is determined that the eagles have ceased to use the nest site for two consecutive years as verified by the USFWS.

Presumably, the Specific Plan would treat other golden eagle nests found within the planning area in a similar fashion. The Project Site is also within the study area for the East Alameda County Conservation Strategy (EACCS; ICF International 2010), within which golden eagle is treated as a focal species. The EACCS is intended to provide an effective framework to protect, enhance, and restore natural resources in eastern Alameda County, while improving and streamlining the environmental permitting process for impacts resulting from infrastructure and development projects. The City of Dublin is a partner in the EACCS and uses the document to provide a baseline inventory of biological resources and conservation priorities during project-level planning and environmental permitting. However, the EACCS is only a framework for guidance by regulatory agencies, and does not include incidental take permits for threatened or endangered species similar to that provided by a Habitat Conservation Plan. The EACCS provides goals and objectives for maintaining the local nesting golden eagle population at a level that allows for its long-term viability. These goals include:

- Avoiding impacts to eagles, as well as their nests and habitat.
- Monitoring all eagle nest sites and surrounding habitat.
- Enhancing existing, suitable eagle habitat.

The EACCS also provides guidance and recommendations for obtaining these goals in the form of recommended general and species-specific avoidance and minimization measures. Relevant measures from the EACCS are discussed in the Recommendations section below.

Potential Impacts

Direct impacts to the focal golden eagle nest tree (e.g., trimming or completely removing the nest tree or adjacent trees) while the nest is active would presumably result in death or injury to eagle eggs or young, and potentially adults as well. Any such action would constitute a violation of the Bald and Golden Protection Act, as well the MBTA and multiple sections of the California Fish and Game Code. However, given that the nest tree is in a preserved area outside the Project Site and no direct impacts to the tree and its immediate surrounds are anticipated, the potential for such direct impacts is not relevant to proposed activities within the Project Site.

Another potential violation of the Bald and Golden Eagle Protection Act would involve the loss or degradation of habitat areas required for continued use of the vicinity by the focal golden eagle pair, as a result of project activities. However, the Project Site is already developed and does not contain trees of a suitable size or character to support eagle nesting. Additionally, although California ground squirrels (*Otospermophilus beecheyi*; a common prey item for eagles in the region) inhabit the Project Site, the small size of the site, the availability of nearby larger nearby preserved lands with grasslands and savannah for foraging, and habitual human presence within the Project Site all render the site as incidental foraging habitat at best. Therefore, WRA

does not believe that the proposed project activities will result in a loss of or degradation to eagle habitat.

Project activities following construction (i.e., residential use of the constructed subdivision) are not expected to result in significant impacts to the eagle nest. The eagle nest was built recently within 250 feet of an existing larger residential subdivision to the south and within 300 feet of a school to the north. There are unobstructed views of the nest site from both of these areas, indicating that the nest is routinely subject to visual as well as acoustic disturbances. Furthermore, the Project Site is currently being used as a stockyard with daily activity. This indicates that the eagle is habituated to the existing conditions, including human activities and would not be significantly impacted by the operations of a residential subdivision in the Project Site.

Indirect disturbances resulting from project-related activities (e.g., noise, vibration and/or visual disruption resulting from grading or construction) within the Project Site have the potential to adversely impact eagle nesting activities at the nearby nest site. If the nest is active (holding eggs or young) or otherwise being attended by eagles while such disturbances occur, reduced reproductive effort or success, including abandonment of the active nest, may occur. Such an outcome would presumably constitute a violation of the Bald and Golden Eagle Protection Act; furthermore, regulatory agencies and local government entities may also interpret such an outcome as constituting violations of the federal and state baseline protection mechanisms outlined above.

Introduction of toxic or otherwise harmful chemicals into the golden eagle prey base (e.g., mice, rats, and ground squirrels) may pose a potential indirect significant impact. Construction operations and residential subdivisions and individuals occupying residences commonly use rodenticides to control the rodents such as ground squirrels, mice, and rats. Because golden eagles may prey upon contaminated rodents, the eagles themselves may incur adverse biological effects such as reduced fecundity, ability to forage, or death. The East Alameda County Conservation Strategy includes Conservation Action GOEA-4 to encourage land managers to use Integrated Pest Management (IPM) principles and cease using rodenticides in protected areas; if they are necessary, use rodenticides consistent with IPM principles.

Recommendations

As discussed above, significant impacts to a golden eagle nest and/or nesting activities may result from proposed construction activities within the Project Site. To avoid such impacts, recommended mitigation measures are detailed below. The measures are based on avoidance and minimization measures in the EACCS and the Specific Plan, in combination with WRA's best professional judgment.

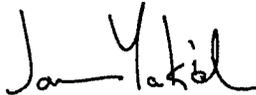
- To the fullest extent feasible, all work within the Project Site shall occur between July 1 and December 31, outside of the greater eagle nesting season.
- If work within the Project Site cannot be conducted outside of the nesting season, the following shall be implemented:
 - The known nest site near the Project Site and other suitable nesting substrates in the vicinity shall be monitored by a qualified biologist familiar with golden eagles and their behavior to determine whether the nest is active. Monitoring visits shall be conducted starting January 1 and occur weekly at a

minimum through June 30 to ensure that the status of the nest (i.e., level of attendance by adult eagles, known or presumed presence of eggs or young) has been determined relative to the proposed project/construction schedule. Work within the Project Site shall not commence while the nest is active. If the nest is determined to be inactive, work may commence as long as the nest remains inactive as determined by the qualified biologist.

- If the nest becomes active following the commencement of construction activities, a qualified biologist shall constantly monitor the nest during all construction activities. Construction can be halted at any time if deemed necessary by the biologist to avoid nest abandonment or otherwise significantly impact the nesting eagles.
- Once the nest has become inactive as determined by the biologist, (e.g., following the fledging of young), construction may continue without continual monitoring and revert to weekly monitoring visits.
- To avoid significant impacts to the eagle via their prey base in the vicinity of the Project Site, rodenticides shall not be used outdoors, either during construction within the Project Site or after construction has finished, unless absolutely necessary. The governing body of the residential subdivision (e.g., Home Owners Association) shall implement a restriction on the use of outdoor rodenticides in their governing documents (e.g., Covenants, Conditions and Restrictions), unless absolutely required, and then they shall be used with IPM principles.

Please do not hesitate to contact me with any questions you may have.

Sincerely,



Jason Yakich
Associate Wildlife Biologist

References

City of Dublin. 1994 East Dublin Specific Plan. Prepared by Wallace Roberts & Todd. Updated October 7, 2014. Available online at: <http://www.ci.dublin.ca.us/DocumentCenter/View/7776> Accessed: May 2016.

[ICF] ICF International. 2010. Final Draft: East Alameda County Conservation Strategy. Prepared for: East Alameda County Conservation Strategy Steering Committee. October. Available online at: <http://www.eastalco-conservation.org/> Accessed: May 2016.

[USFWS] U.S. Fish and Wildlife Service. 2010. Interim Golden Eagle Inventory and Monitoring Protocols; and Other Recommendations. Available online at:

Attachment 2- Acoustic Report



Acoustical & Audiovisual Consultants

ENVIRONMENTAL NOISE IMPACT STUDY FOR:

6237 Tassajara Road
Dublin, CA
RGD Project #: 14-058

PREPARED FOR:

Jerry Haag
Urban Planner
2029 University Avenue
Berkeley, CA 94704

PREPARED BY:

Alan Rosen,
Principal Consultant

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Principal Consultant

DATE:

10 March 2016

1. Introduction

The project consists of 19 single family dwelling units to be constructed on 2.64 acres along Tassajara Road in Dublin, CA. The site is currently developed with a single family residence along Tassajara Road and appears to support a commercial landscaping business with mostly outdoor storage areas at various locations around the site.

The nearest noise sensitive receptor is the Quarry Lane School which is north and adjacent to the site. There is a significant elevation difference between the project site and school. Near Tassajara Road, the project site and school are at about the same elevation. Toward the east side of the project site, the school is about 30 feet above the project site. Other nearby uses include residential areas to the south and east, and Tassajara Creek Regional Park and Parks Reserve Forces Training Area to the west.

The study assesses the potential for the project to generate significant noise impacts as well as the compatibility of the project with the existing and future noise environment based on Dublin's noise and land use compatibility standards.

2. Environmental Noise Fundamentals

Noise can be defined as unwanted sound. It is commonly measured with an instrument called a sound level meter. The sound level meter captures the sound with a microphone and converts it into a number called a sound level. Sound levels are expressed in units of decibels. To correlate the microphone signal to a level that corresponds to the way humans perceive noise, the A-weighting filter is used. A-weighting de-emphasizes low-frequency and very high-frequency sound in a manner similar to human hearing. The use of A-weighting is required by most local General Plans as well as federal and state noise regulations (e.g. Caltrans, EPA, OSHA and HUD). The abbreviation dBA is sometimes used when the A-weighted sound level is reported.

Because of the time-varying nature of environmental sound, there are many descriptors that are used to quantify the sound level. Although one individual descriptor alone does not fully describe a particular noise environment, taken together, they can more accurately represent the noise environment. The maximum instantaneous noise level (L_{max}) is often used to identify the loudness of a single event such as a car passby or airplane flyover.

To express the average noise level the L_{eq} (equivalent noise level) is used. The L_{eq} can be measured over any length of time but is typically reported for periods of 15 minutes to 1 hour. The background noise level (or residual noise level) is the sound level during the quietest moments. It is usually generated by steady sources such as distant freeway traffic. It can be quantified with a descriptor called the L_{90} which is the sound level exceeded 90 percent of the time.

To quantify the noise level over a 24-hour period, the Day/Night Average Sound

Level (DNL or L_{dn}) or Community Noise Equivalent Level (CNEL) is used. These descriptors are averages like the L_{eq} except they include a 10 dB penalty during nighttime hours (and a 5 dB penalty during evening hours in the CNEL) to account for peoples increased sensitivity during these hours.

In environmental noise, a change in noise level of 3 dB is considered a just noticeable difference. A 5 dB change is clearly noticeable, but not dramatic. A 10 dB change is perceived as a halving or doubling in loudness.

3. Acoustical Criteria

3.1. City of Dublin General Plan

The Noise Element of the City’s General Plan has policies regarding noise and land use compatibility. Table 1 provides guidelines for the compatibility of land uses with various noise exposures. The City uses the Community Noise Equivalent Level (CNEL) descriptor. A CNEL of 60 dBA or less is considered normally acceptable for residential land use.

Table 1: Land Use Compatibility for Community Noise Environments

<u>Land Use Category</u>	COMMUNITY NOISE EXPOSURE (dB)			
	<u>Normally Acceptable</u>	<u>Conditionally Acceptable (Noise Insulation) Features Required</u>	<u>Normally Unacceptable</u>	<u>Clearly Unacceptable</u>
Residential	60 or less	60 - 70	70 - 75	Over 75
Motels, hotels	60 or less	60 - 70	70 - 80	Over 80
Schools, churches, nursing homes	60 or less	60 - 70	70 - 80	Over 80
Neighborhood parks	60 or less	60 - 65	65 - 70	Over 70
Offices: retail commercial	70 or less	70 - 75	75 - 80	Over 80
Industrial	70 or less	70 - 75	Over 75	

Conditionally acceptable exposure requires noise insulation features in building design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.

3.2. East Dublin Specific Plan and EIR

The project site is located in the East Dublin Specific Plan Area. The EIR for the specific plan area adopted several mitigation measures to address potential noise impacts on project sites with the specific plan area. Impacts and associated mitigation measures applicable to this project are:



MM 3.10/1.0 Exposure of Proposed Housing to Future Roadway Noise:

Require that an acoustical study be submitted with all residential projects located within the future CNEL 60 contour. The goal of the acoustical study is to show how the interior noise level will be controlled to a CNEL of 45 dB as required by Title 24, Part II. The title 24 goal of CNEL 45 should be applied to single – family homes.

MM 3.10/4.0 Exposure of Existing and Proposed Residences to Construction Noise:

Developers shall submit to the City a Construction Noise Management Program that identifies measures to be taken to minimize impacts on existing planning area residents. The program will include a schedule for grading and other major noise generating activities that will limit these activities to the shortest possible number of days. Hours of construction shall be limited in keeping with Dublin ordinances. The program for construction vehicle access to the site shall minimize construction truck traffic through residential areas. If construction traffic must travel through residential areas then a mitigation plan should be developed. The program may include barriers, berms or restrictions on hours.

MM 3.10/5.0 Exposure of Existing and Proposed Residences to Construction Noise:

In order to minimize the impact of construction noise, all operations should comply with local noise standards relating to construction activities. When construction occurs near residential areas, then it should be limited to normal daytime hours to minimize the impact. Stationary equipment should be adequately muffled and located as far away from sensitive receptors as possible.

3.3. City of Dublin Noise Ordinance

Chapter 5.28 of the City of Dublin's Municipal Code prohibits "...loud, or disturbing, or unnecessary, or unusual or habitual noise or any noise which annoys or disturbs or injures or endangers the health, repose, peace or safety of any reasonable person of normal sensitivity present in the area".

The noise ordinance states that it is appropriate to consider the level and character of the noise as well as the level and character of the background noise. Since the City's Noise Ordinance does not contain quantifiable noise level limits, it is not possible to apply the noise ordinance as a threshold for assessing project generated noise in the context of this noise study.

3.4. Increase in Noise

The California Environmental Quality Act Guidelines require the determination of whether a project will generate a substantial increase in noise levels in the project vicinity above levels existing without the project. CEQA does not specify a method for determining when a project would cause a significant increase in noise. Likewise, the City of Dublin does not have criteria for determining when a noise increase is significant. An FAA Draft Policy discusses screening and



impact thresholds for increases in aircraft noise. These thresholds are used to assess the significance of noise increases due to the project as follows – an increase in CNEL is significant if it is:

- 5 dBA or greater and the future CNEL is less than 60 dBA or
- 3 dBA or greater and the future CNEL is 60 dBA or greater and less than 65 dBA or
- 1.5 dBA or greater and the future CNEL is 65 dBA or greater.

4. Existing Noise Environment

To quantify the existing ambient noise levels noise measurements were made at the project site. The major source of noise during the ambient measurements was traffic on Tassajara Road. Noise from children playing was also clearly audible at the site. Noises from small single engine aircraft flyovers (most likely private aircraft originating from Livermore Municipal Airport) were also audible. Figure 1 shows the project site and the noise measurement locations. Table 2 shows the results of the short-term noise measurements. Figure 2 shows the results of the long-term noise measurements.

The noise at LT-1 is dominated by vehicular traffic on Tassajara Road. Location ST-2 represents the noise environment at project homes that would be located closest to the roadway. The CNEL at location ST-2 is 68 dBA based on a comparison of the noise level measured at ST-1 with the 24 hour measurement at LT-1.

Locations ST-1 and ST-3 represent the noise exposure of future homes that would be located toward the center and eastern end of the site. The noise environment at these locations was a combination of the sounds of children playing at the adjacent school, distant roadway traffic and occasional aircraft flyovers.

Noise from distant gun shots, presumably from the Parks RFTA or Alameda County Sheriff Training Facility, was heard briefly at 1:04 pm on October 17th. This was just after we completed the short term noise measurements so the level of the noise (dBA) was not quantified. Nevertheless, noise from the gunshots was relatively low as compared to other noises (e.g. children playing, traffic and aircraft flyovers). Although it was noticeable, it tended to blend in with the background sound.

Figure 1: Site Plan and Ambient Noise Measurement Locations

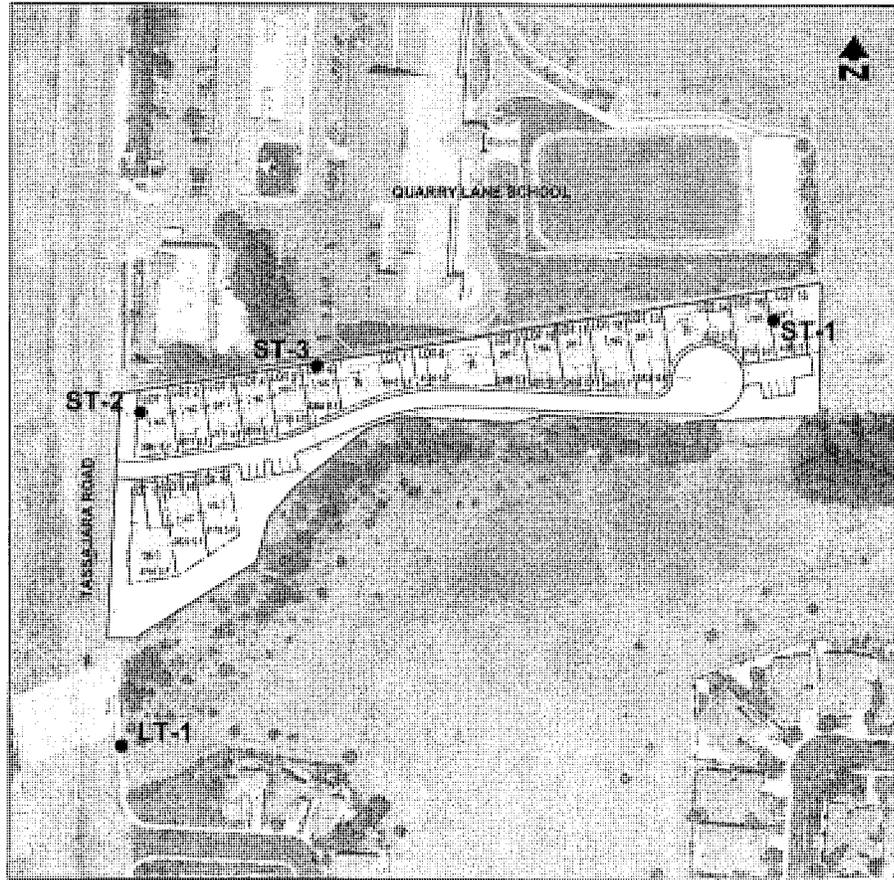


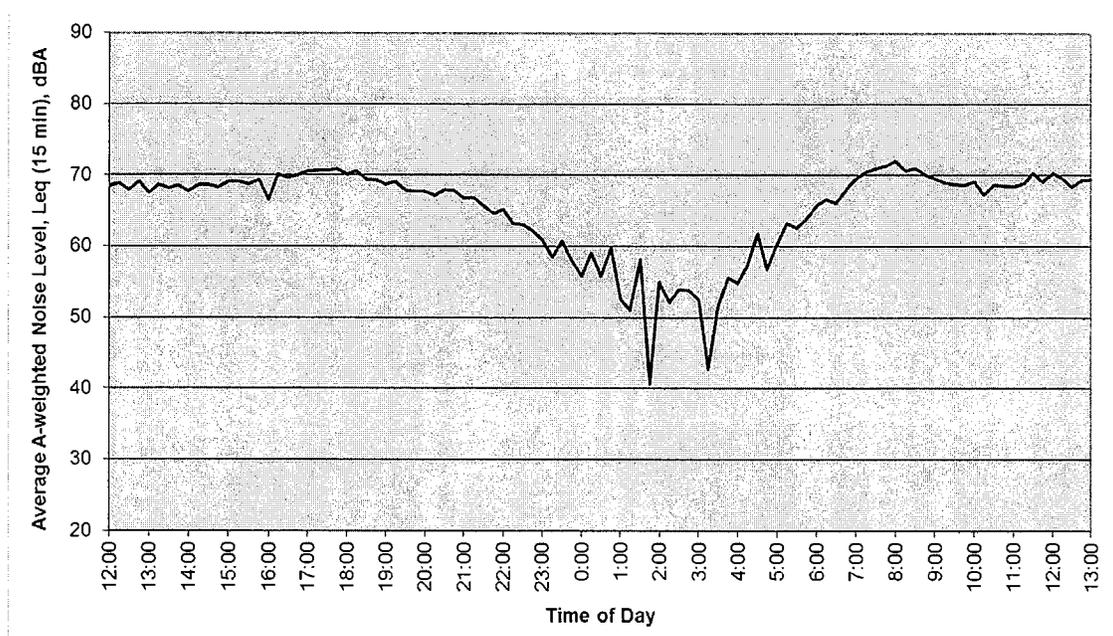
Table 2: Short-Term Ambient Noise Measurement Results

Location	Height above ground	Date/Time	A-Weighted Noise Level, dBA					
			L _{eq}	L _{max}	L ₁₀	L ₅₀	L ₉₀	CNEL
ST-1	5 ft	16 October 2014 11:45 – 12:00 PM	49	64	59	47	36	46**
ST-1	24 ft	18 October 2014 11:30 – 1:00 PM	55	72	65	49	37	52**
ST-2	5 ft	16 October 2014 12:15 – 12:30 PM	69	87	80	63	50	68*
ST-3	5 ft	16 October 2014 12:35 – 1:50 PM	57	65	62	56	52	54**

*CNEL based on correlation with simultaneous measurement at long-term measurement location.

**CNEL due to children playing is calculated assuming the activity continues from 7 AM to 7 PM

**Figure 2: Long-Term Noise Measurement Results
Location LT-1: Tassajara Road**



At location ST-1, the outdoor athletic field and playground area are immediately adjacent to the project site though barely visible due to their elevation above the project site. In order to quantify the sound of children playing, measurements were made at ground level and 24 feet above ground (elevated receptor would have a greater exposure to the sound).

During our measurements, children were in the play area from 11:30 to 1:00 pm. The maximum sound levels of children playing (voices, screaming) ranged from 51 to 57 dBA (Lmax) at 5-1/2 feet above ground. At 24 feet, the noise levels were higher due to loss of shielding by terrain and maximum levels ranged from 57 to 68 dBA. For the purposes of determining the CNEL we assumed a "worst case" scenario whereby the children are playing outdoors continuously throughout the day. In that case, the CNEL is 46 dBA at the first floor elevation and 52 dBA at second floor elevations.

At location ST-3, noise from children playing in the front play yard (adjacent to the parking lot) was clearly audible and similar in to the noise level of cars on Tassajara with maximum noise levels ranging from 52 to 58 dBA. The CNEL at location ST-3 is 53 dBA presuming continuous use of the play area by children. The CNEL at this location is higher than at ST-1 due to the proximity of Tassajara Road.

5. Impact Assessment

5.1. *Will the project expose people to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

Traffic

The City's General Plan considers a CNEL of 60 dBA or less as normally acceptable for residential development. The existing noise level at homes closest to Tassajara Road (Lots 1 and 17) is a CNEL of 68 dBA. In the future (2035), traffic noise levels are expected to increase by 1 dBA due to increased traffic.¹ This increase in future traffic will result in a future CNEL of 69 dBA at the closest homes. This is a potentially significant impact.

According to MM 3.10/1.0 of the East Dublin SP EIR, an acoustical study must be prepared to show how interior noise levels will be reduced to CNEL of 45 dBA. For exterior noise (e.g. patios), the general plan does not provide specific noise level limits. In the past, the City has adopted a CNEL of 65 dBA or less (which is considered conditionally acceptable) as a goal for outdoor use areas. A noise barrier will be required to reduce noise levels in the backyards of homes along Tassajara Road. The barrier would need to range in height from 6 to 8 feet. This is a significant impact.

Mitigation Measure 5.1-1: Require an acoustical consultant review the project during the design phase and verify the following prior to issuance of building permit:

- a. Exact height, length and location of noise barrier to reduce noise in outdoor use areas to a CNEL that is no greater than 65 dBA.
- b. Exact window and exterior wall constructions that will reduce interior noise to a CNEL of 45 dBA or less.

Noise from Adjacent Quarry Lane School

Proposed residences would be exposed to noise from school activities such as the sound of children playing outdoors. During our site visit we documented the sounds of children playing at the fenced in play area toward the east end of the project site (see discussion in existing noise section for additional information on noise levels). Based on those measurements, the noise from these activities would not exceed a CNEL of 60 dBA under a "worst case" scenario when children were playing outdoors continuously from 7 am to 7 pm.

Although the sounds of children playing would be clearly audible, they would not exceed the City's Noise Element standard of CNEL 60 dBA. Therefore, this is considered less than significant. However, it is recommended that future

¹ Email from Obaid Khan, City of Dublin to Jerry Haag, 31 October 2014.

prospective homeowners be made aware of the presence of the school play areas and associated noises of children playing.

5.2. Will the project expose people to or generate excessive groundborne vibration or groundborne noise levels?

The project does not include ground vibration sources that would affect the neighboring Quarry Lane residential land uses. Construction equipment generates can generate potentially feelable ground vibration. However, the distance between the project site and the nearest buildings (at Quarry Lane School) is 28 feet, and ground vibration from sources such as bulldozers and vibratory rollers would attenuate sufficiently with this distance to a level that could be occasionally noticeable but would not represent a significant risk for damage to existing structures.

5.3. Will the project create a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.

The main operational noise source associated with the project is traffic from future residents. Traffic volumes provided by the City of Dublin² indicates that traffic will increase by 175 trips as a result of the project. The resulting increase in CNEL at existing uses along Tassajara Road would be less than 0.5 dBA. Therefore, this is a less than significant impact.

5.4. Will the project create a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project

Many different types of equipment will be needed to construct the project. This equipment includes excavators, backhoes, cranes, graders, trenchers, dump trucks, loaders, compactors, bulldozers, pavers, concrete trucks, air compressors, pneumatic equipment, roller compaction equipment, hand compaction equipment and other heavy machinery. Construction is not expected to require pile driving.

Table 3 presents typical construction equipment noise levels at a reference distance of 50 feet. The noisier activities tend to occur during the grading and foundation phases of construction. After the building shells are constructed, the noise levels are significantly lessened as the activities begin to occur indoors.

Most machinery used in the construction of the proposed project produce maximum noise levels of up to 85 dBA at a distance of 50 feet. This includes concrete mixer trucks, cranes, bulldozers, dump trucks, graders, pavers, pneumatic tools, rollers and scrapers. Several of these machines may operate within a small area during the same time frame, and the additive effect of these noise sources must be considered. If three of these machines operate

² Email from Jerry Haag, 10 November 2014

simultaneously for a length of time, the maximum noise level produced may reach 90 dBA at a distance of 50 feet.

Table 3: Typical Construction Equipment Noise Levels

Equipment Description	L _{max} (dBA) at 50 feet
Backhoe	78
Compactor	83
Compressor	78
Concrete Mixer Truck	79
Concrete Pump Truck	81
Crane	81
Bulldozer	82
Dump Truck	76
Excavator	81
Front End Loader	79
Generator	81
Grader	85
Hoe Ram	90
Jackhammer	89
Paver	77
Pneumatic Tools	85
Roller	80
Scraper	84
Tractor	84
Warning Horn	83
Welder/Torch	74

Source: FHWA Roadway Construction Noise Model, 2006

The East Dublin Specific Plan DEIR includes two mitigation measures to address construction noise:

EDSP MM 3.10/4.0: Developers shall submit to the City a Construction Noise Management Program that identifies measures to be taken to minimize impacts on existing planning area residents. The program will include a schedule for grading and other major noise-generating activities to the shortest possible number of days. Hours of construction activities shall be limited in keeping with Dublin ordinances. The Program for construction vehicle access to the site shall minimize construction truck traffic through residential areas. If construction traffic must travel through residential areas then a mitigation plan should be developed. The program may include barriers, berms or restrictions on hours.

EDSP MM 3.10/5.0: In order to minimize the impact of construction noise, all operations should comply with local noise standards relating to construction activities. When construction occurs near residential areas, then it should be

limited to normal daytime hours to minimize the impact. Stationary equipment should be adequately muffled and located as far away from sensitive receptors as possible.

Since the project will be required to comply with the aforementioned mitigation measures, construction noise is considered a less than significant impact.

5.5. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, will the project expose people residing or working in the project area to excessive noise levels.

The project is located outside the Livermore Airport CNEL 55 dBA noise contour. It is also outside the Airport Influence Area and Airport Protection Area (Livermore Airport Land Use Compatibility Plan, 2012). Therefore, the project is considered compatible with the airport land use plan.

5.6. For a project within the vicinity of a private airstrip, will the project expose people residing or working in the project area to excessive noise levels.

Not applicable.

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