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**DATE:** April 15, 2008

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT:** Garin Vista Development (Tract 7354): Addendum to the Initial Study and Mitigated Negative Declaration and Amended Grading Permit

### **RECOMMENDATION**

That Council adopts the attached resolution approving the addendum to the Initial Study and Mitigated Negative Declaration, and approving the amended Grading Permit.

### **BACKGROUND**

On February 21, 2006, the City Council approved the Vesting Tentative Map (Tract 7354) Development Agreement and Zone Change, and adopted a Mitigated Negative Declaration for the Garin Vista project. The Vesting Tentative Map became effective May 31, 2006, which is when the Mission Garin Annexation was finalized. The Development Agreement gives the developer certain rights and effectively extends the Vesting Tentative Map for 10 years, the term of the Development Agreement. The Initial Study and Mitigated Negative Declaration evaluated potential impacts of the development of a 50.4-acre site with 126 single-family residential homes and related streets, along with a new 1.9-acre private park and associated open space. The Garin Vista Mitigated Negative Declaration was tiered off the Mission-Garin Annexation Study Project Program Environmental Impact Report adopted on July 15, 2003.

The Garin Vista project has undergone some minor modifications since the Initial Study and Mitigated Negative Declaration was prepared on February 9, 2006. These modifications were necessitated, primarily, by the need to repair a landslide that occurred during the grading operations in May of last year. Associated with the needed grading revisions, staff prepared an Initial Study to evaluate the potential environmental impacts as required under California Environmental Quality Act Guidelines (CEQA). This analysis concludes that an Addendum to the original Mitigated Negative Declaration satisfies CEQA requirements and that no new significant impacts would occur as a result of the grading revisions. The analysis also concludes that all of the mitigation measures contained in the Garin Vista Development Mitigation Monitoring and Reporting Program should remain in effect.

Garin Vista is a hillside development for which grading plans were approved and work started in March 2006. Grading the site involves cuts up to 60-feet and fills up to 25-feet in thickness. A cut-

slope failure occurred on the Garin Vista property in May 2007. At that time, the grading operation was curtailed to assess and develop a remediation plan. The assessment included installation of slope inclinometers, survey points, borings, and lab tests to characterize the sub-surface conditions.

On August 27, 2007, the developer submitted an initial geotechnical report indicating that although the rate of movement of the cut-slope failure mass had decreased, there were indications that the failure was showing signs of breaking up. The report recommended removing material from the upper portion of the cut-slope failure mass to help reduce the driving force of the mass. To temporarily achieve a desired safety factor, the report further recommended that 350,000 cubic yards be off-hauled from the cut-slope. The developer proposed moving the off-haul to the adjoining LaVista development as needed fill along approved haul routes. Erosion control measures, including a sediment basin, were then installed to winterize the site.

The City's geotechnical consultant performed a peer-review of the developer's initial remediation plan to evaluate the suitability of the proposed measures and recommended approving the plan with minor modifications. Staff authorized the initial remediation as an emergency action, which is statutorily exempt from CEQA. Council was apprised of the change in site conditions in weekly reports in August and in October of 2007.

## **DISCUSSION**

Since last summer, the developer has submitted a new grading plan and has modified the approved Vesting Tentative Map to account for changed conditions resulting from the cut-slope failure and remediation work that will be performed, as well, as in response to staff's comments on the Preliminary Development Plan. The modifications to the grading plan result in an increase in the developed area (lots, streets, and landscaped slopes) by 2.6 acres. The average lot size has increased from 4,425 to 4,976 square feet, and the need for large retaining walls between individual lots has been reduced. Furthermore, in response to Council's concern and as a condition of approval associated with the Preliminary Development Plan for the Planned Development Zoning requiring "approximately 15-foot deep, relatively flat rear yard area," all lots now have at least 15 feet between the house footprint and the toe of the slope or a retaining wall. An overview of the revised grading and development plan can be seen in the attached map showing both the original plan and the revised plan (see Exhibit B).

The additional remedial grading work is designed to address *permanent* slope stabilization adequate to protect adjoining properties and for completion of the development. Approximately 460,000 cubic yards of additional material will need to be hauled off-site to the LaVista development, with about 800,000 cubic yards of material reworked and compacted on-site to achieve a 1.7 slope stability factor. As a result of the remedial grading, the slope in this upper area will be reduced from a typical 2 to 1 ratio to a less steep 2.5 to 1 ratio.

The modified grading plan will lower the grades slightly in the upper loop street and the lower development area to reflect the lower amount of material available. The modified grading plan will not result in any significant impacts on the visual character of the site or its surroundings, not considered with the original project. Additionally, the proposed grading will not result in the loss of any trees or rock outcroppings.

The developer's geotechnical consultant submitted a Supplemental Geotechnical Investigative Report. The report confirmed that the slide remediation would achieve a 1.7 factor of safety, which is above the industry standard factor of 1.5. The City's peer review geotechnical consultant has reviewed all the submitted data and confirms that the analysis was properly performed, and the new grading plan can properly support the future development. Public Works staff concurs with this determination.

What is critical in this case, is that the remediation work be accomplished before the end of the summer construction season, so that the unrepaired slide does not go through another rainy winter season. The developer has committed significant resources to ensure that this can be accomplished, and staff has been working to ensure the work begins as soon as possible after April 15.

The applicant has submitted revised architectural plans, and City staff will continue to work with the applicant to ensure the architecture of the homes is in conformance with the Preliminary Development Plan approved on February 21, 2006.

All other aspects of the project remain the same as in the original development approval. Staff believes the changes to the development are minor and normally would be approved administratively. Because Council approved the original Mitigated Negative Declaration, CEQA Guidelines require the same governing body also approve the proposed Addendum, at the first opportunity for a discretionary action, which is the amended grading permit. CEQA guidelines, however, do not require a hearing or circulation of the Addendum for public review.

## **FISCAL IMPACT**

None.

## **PUBLIC CONTACT**

The developer and City staff will meet with the Bodega Street neighboring property owners on April 11, 2008, to explain the proposed changes to the grading plan. Notice of this agenda item was mailed to all Garin Vista Development interested parties. A copy of this report was also sent to the developer.

## **SCHEDULE**

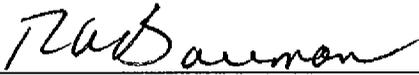
Upon approval by Council, the developer will proceed with implementing the modified grading plan. Completion of rough grading, which will also include work on the LaVista site, is anticipated to be completed prior to October 15, 2008. Overall, the slide and additional grading have delayed the start of project improvements by, at least, a year.

Prepared by:



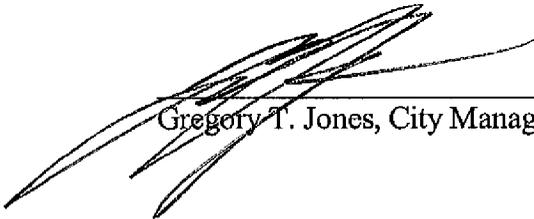
Morad Fakhrai, Deputy Director of Public Works

Recommended by:



Robert A. Bauman, Director of Public Works

Approved by:



Gregory T. Jones, City Manager

Attachments: Exhibit A: Addendum to the Initial Study and Mitigated Negative Declaration  
Exhibit B: Amended Grading Permit and Revised Grading Plan  
Draft Resolution



**ADDENDUM TO INITIAL STUDY  
AND MITIGATED NEGATIVE DECLARATION FOR  
GARIN VISTA RESIDENTIAL DEVELOPMENT**

**INTRODUCTION**

On February 21, 2006, the Hayward City Council adopted a Mitigated Negative Declaration for the Garin Vista project. The Initial Study and Mitigated Negative Declaration evaluated potential impacts of the development of a 50.4-acre site with 126 single-family residential homes and related streets, along with a new 1.9-acre private park and associated open space. The Garin Vista Mitigated Negative Declaration was tiered off the Mission-Garin Annexation Study Project Program Environmental Impact Report, which was adopted on July 15, 2003.<sup>1</sup>

The Garin Vista project has undergone minor modifications since the Initial Study and Mitigated Negative Declaration were prepared on February 9, 2006.<sup>2</sup> This Addendum addresses the modifications to the Grading Permit that are necessary to repair a landslide located primarily upslope of the approved residential development, as well as modifications to the approved Vesting Tentative Tract Map and Preliminary Development Plan.

**STATUTORY BACKGROUND**

Under the California Environmental Quality Act (CEQA), an Addendum to a certified Environmental Impact Report (EIR) or Negative Declaration is needed if minor technical changes or modifications to the proposed project occur (CEQA Guidelines § 15164). An addendum is appropriate only if these minor technical changes or modifications do not result in any new significant impacts or a substantial increase in the severity of previously identified significant impacts. The Addendum need not be circulated for public review (CEQA Guidelines § 15164[c]); however, an addendum is to be considered by the decision making body prior to making a decision on the project (CEQA Guidelines §15164[d]).

**EVALUATION OF MODIFICATION**

The Initial Study and Mitigated Negative Declaration prepared on February 9, 2006 evaluated all the potential environmental impacts as required by the Environmental Checklist in the CEQA Guidelines, Appendix G. The modification has been evaluated based on detailed information provided by the applicant. A complete list of references is included at the end of this Addendum. City staff have evaluated the modification for potential impacts related to every Section in the Checklist, however, only those affected by the modification are discussed below.

***AESTHETICS***

Photo-simulations have been prepared showing what the hill will look like when the slope stabilization grading is complete (see Attachment A). The additional grading necessary for the stabilization of the slope will result in the loss of a knoll located upslope from the proposed homes. However, the peak located just to the east of the knoll will remain essentially intact. The remaining peak will cause views of the project area from the west to change very little. The loss of the knoll

will be more noticeable when viewed from the south. The view from Alquire Parkway (View 1) will be affected in that the slope where much of the slide material to be off-hauled is currently located in front of another hill. From this view, the hill in the background will become more visible. The impacts to the views of the project area and surroundings are considered to be less than significant.

The additional grading will not result in any impacts to the visual character of the site or its surroundings that were not considered with the original project. The proposed grading will not result in the loss of any trees or rock outcroppings. In fact, if the remedial grading is not approved and the hillside was left in its current condition, the area of the slope failure may be considered to detract from the visual character of the area.

### *BIOLOGICAL RESOURCES*

WRA Environmental Consultants prepared a biological resources assessment in February 2008<sup>3</sup> that reviewed the proposed slope stabilization project's potential impacts on wetlands and plant and animal communities including the red-legged frog and the Alameda Whipsnake. The report, based on a field investigation, concluded that the modification will not result in any impacts to wetland resources or plants or animals that were not addressed in the original Mitigated Negative Declaration.

### *GEOLOGY AND SOILS*

In May 2007, while grading per the approved plans was underway, a landslide occurred. The applicant's consultant, Berlogar Geotechnical Consultants (BGC), prepared an interim report<sup>4</sup> recommending the removal of 350,000 cubic yards of material to stabilize the slope for the 2007/08 winter. The City approved an emergency grading permit and remediation work began on September 28, 2007. The emergency grading was completed on November 25, 2007.

BGC has prepared a geotechnical investigation dated January 31, 2008,<sup>5,6</sup> which recommends an additional off-haul of 461,000 cubic yards of material to achieve a more permanent repair of the landslide. The off-hauled material will be deposited on the future site of the La Vista Park, which is located approximately three fourths of a mile north of the Garin Vista project. The applicant has provided revised grading plans and cross sections (see Attachment B) showing that the elevation of the park adjacent and to the west of the La Vista development will be raised approximately 23 feet. This change to the park will not result in any change to the size of the park nor the proposed improvements, though the revisions will result in the park being moved up the slope so that it will be closer to the homes above. However, the pads for the nearest homes will be at an elevation of 260 feet and the parking area for the park will be at 240 feet (up from the 217-foot-elevation previously approved).

The applicant needs to complete the slope stabilization work recommended by BGC during the dry months of 2008, which occur roughly between April 15 and October 15. It is anticipated that the grading will take the entire six-month window to complete. BGC's January 31, 2008 report outlines the work necessary to stabilize the slope with a static slope safety factor of 1.70, which is safer than the 1.50 considered appropriate for residential construction. The BGC report recommendations were developed using a computer model yielding a seismic deformation of less than 0.5 inches, which is less than the 2-inch tolerance allowed for residential development per the State Division of Mines and Geology. All BGC reports and related exhibits have been peer reviewed by the City's consultant and found to comply with the current standard of practice for evaluation of the landslide and the recommended repair is feasible from a geotechnical engineering standpoint.<sup>7,8</sup>

Achieving the desired slope safety requires grading further up the hill to achieve a slope that will have a grade of primarily 2.5:1. The grading plan associated with approved tentative map indicated steeper finished grades of 2:1. When compared with the originally approved grading plans, the slope stabilization will require an additional 9.8 acres of graded area, including 2.2 acres of land that was recently acquired from the adjacent Garin Regional Park. The transfer of 3.7 acres (2.2 acres plus a buffer), which is located in the County, was approved by the East Bay Regional Park District Board of Directors on March 18, 2008.<sup>9</sup> While a portion of the project is now located in the jurisdiction of Alameda County, County staff have agreed that the City of Hayward should serve as the lead agency for CEQA purposes (see Attachment I).

#### *HYDROLOGY AND WATER QUALITY*

The grading necessary for slope stabilization will result in an additional 1.9 acres of land draining into the water quality/detention basin located on the west side of the Alquire Parkway extension. According to the project engineer, the detention basin, as designed, can accommodate the additional runoff.<sup>10</sup> City staff has determined that the modifications to the drainage plan will not require significant changes to the existing Stormwater Management Plan (SWMP) Detailed hydrological calculations and a revised SWMP will be submitted to the City with revised improvement plans.

#### **SUMMARY AND FINDINGS**

The modifications to the grading plan have resulted in an increase in the developed area (lots, streets, and landscaped slopes) by 2.6 acres. The average lot size has increased from 4,425 to 4,976 square feet and the retaining walls required between individual lots have been lowered. Furthermore, in response to the City Council's concern and a condition of approval requiring "approximately 15-foot deep, relatively flat rear yard area," all lots now have at least 15 feet between the house footprint and the toe of the slope or a retaining wall. The applicant has submitted revised architectural plans<sup>11</sup> and City staff will continue to work with the applicant to ensure that the architecture of the homes is in conformance with the preliminary development plan approved on February 21, 2006. Finally, pending Council approval of the revisions to the grading permit and this addendum, staff may make the determination that the proposed modifications are in substantial conformance with the approved Vesting Tentative Tract Map.

This Mitigated Negative Declaration Addendum demonstrates that the environmental analysis, impacts, and mitigation requirements identified in the original Mitigated Negative Declaration remain substantively unchanged by the situation described herein and supports the finding that the proposed project does not raise any new issues and does not exceed the level of impacts identified in the previous Mitigated Negative Declaration.

In summary, the analysis concludes that none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent EIR or Negative Declaration have occurred, and thus an Addendum to the original Mitigated Negative Declaration is appropriate to satisfy CEQA requirements for the proposed project. Furthermore, all mitigation measures contained in the Garin Vista Development Mitigation Monitoring and Reporting Program will remain in effect.

## APPLICABLE REPORTS IN CIRCULATION

This addendum is written as an addition to the Garin Vista Mitigated Negative Declaration, certified February 9, 2006. A copy of this document and those listed in the following "References" section are available for review at the Hayward City Hall, 777 B Street, Hayward, CA 94541.

*Prepared by:*

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Erik J. Pearson, AICP, Senior Planner  
April 2, 2008

### Attachments:

- A. Revised Photo-simulations of Views 1, 2, 8 and 10 prepared by Digital Imaging Studio (DIS), Dahlin Group, dated March 24, 2008
- B. Revised Park Grading Exhibit – La Vista Tract 7620 prepared by RJA, dated February 21, 2008
- C. Tract 7354 – Garin Vista Cross Section Plan View prepared by RJA, dated February 7, 2008
- D. Revised Grading Exhibit, Garin Vista – Tract 7354, prepared by RJA, dated January 30, 2008
- E. Garin Vista – EBRPD Aerial Exhibit prepared by RJA, dated January 30, 2008
- F. Drainage Area Map (Original VTM vs. Proposed Site Plan) prepared by RJA, dated March 14, 2008
- G. La Vista Park Master Plan (Sheet L6.1) prepared by Gates & Associates and red-lined by the Hayward Area Recreation District on March 10, 2008
- H. Garin Vista – Tract 7354, Rough Grading Exhibit, prepared by RJA, dated March 25, 2008
- I. E-mail from Alameda County Planning Director, Chris Bazar, dated February 8, 2008

### References:

- 
- <sup>1</sup> Mission-Garin Annexation Study Project Program Environmental Impact Report (SCH No. 2002072047)
  - 2 Garin Vista Mitigated Negative Declaration dated February 9, 2006
  - 3 Garin Vista Slope Stabilization Project Biological Resource Assessment prepared by WRA, Inc., dated February 2008
  - 4 2007 Offhaul, Garin Vista Cutslope Failure, Hayward, California prepared by Berlogar Geotechnical Consultants, dated September 6, 2007
  - 5 Supplemental Geotechnical Investigation Northeast Side Cutslope Area Garin Vista Residential Development, Hayward California, by Berlogar Geotechnical Consultants, dated January 31, 2008
  - 6 Excavation Plan prepared by Berlogar Geotechnical Consultants dated March 19, 2008
  - 7 Peer Review Letter from Connell Geotechnical, Inc. dated February 7, 2008
  - 8 Peer Review E-mail from Connell Geotechnical, Inc. dated April 2, 2008
  - 9 Resolution No. 2008-3-068 adopted by the East Bay Regional Park District on March 18, 2008, authorizing the transfer of 3.7 acres of Garin Regional Park to the applicant.
  - 10 Letter from John Zellmer dated March 12, 2008, regarding Hydrologic and Hydraulic Impacts of the modification
  - 11 Garin Vista Architectural Plans prepared by Kevin L. Crook Architect, Inc., dated December 12, 2007



CITY OF  
**HAYWARD**  
HEART OF THE BAY

**Addendum to Initial Study Checklist**  
*pursuant to the California Environmental Quality Act*

1. **Project title:** Garin Vista Slope Stabilization Project
2. **Lead agency / project sponsor's name and address:**  
City of Hayward, 777 B Street, Hayward, CA 94541.
3. **Contact person and information:** Erik Pearson, AICP [erik.pearson@hayward-ca.gov](mailto:erik.pearson@hayward-ca.gov)  
Senior Planner (510) 583-4210
4. **Project location:** Northeast of the intersection of Bodega Street and Woodland Avenue, west of Garin Regional Park in - Assessor's Parcel Numbers: 083-0265-003-01, 083-0125-001-13, 083-0265-003-02, and portions of 083-0125-001-05, 083-0125-001-07, which are located in unincorporated Alameda County.
5. **Existing General Plan Land Use designations:** Limited Medium Density Residential (8.7-12.0 dwelling units per net acre) and Parks and Recreation
6. **Existing zoning designations:** Planned Development/Mission-Garin Special Design District (PD/SD-5) and Agricultural for the land located in unincorporated Alameda County.
7. **Project description:** The approximately 54.1 acre site consists of Tract 7354, which was approved in February 2006 for the development of 126 single-family residential lots. The lots and related streets would total 17.7 acres and a new park of 1.9 acres, 10.5 acres of landscaped areas, and 20.3 acres to remain as open space would comprise the remaining portions of the tract. The site also includes 3.7 acres recently acquired by the developer from the East Bay Regional Park District. The current project is to repair a landslide that occurred in May 2007, which requires modifications to the approved Grading Permit as well to the Vesting Tentative Tract Map and the Preliminary Development Plan. The modifications to the grading plan have resulted in an increase in the graded area by 9.8 acres and an increase in the developed area (lots, streets and landscaped slopes) by 2.6 acres. The average lot size has increased from 4,425 to 4,976 square feet and the retaining walls required between individual lots have been lowered. The purpose of this checklist is to study the potential environmental impacts associated with the landslide repair that were not considered in the Initial Study completed in February 2006.
8. **Existing land uses and setting:** Much of the site is currently un-vegetated, vacant land. The site was graded significantly during 2007.
9. **Surrounding land uses and setting:** Developed rural and suburban residential sites exist to the northwest and west, open space exists to the north, Garin Regional Park is located to the east and the 148-unit Oak Hills apartment complex is located to the south.
10. **Other public agencies whose approval may be required:** None.

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:**

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

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

**DETERMINATION:**

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project COULD NOT have new significant environmental effects or a substantial increase in the severity of previously identified significant effects, and an ADDENDUM to the previously adopted Mitigated Negative Declaration will be prepared.

|           |               |
|-----------|---------------|
|           | April 2, 2008 |
| Signature | Date          |

|                                       |                 |
|---------------------------------------|-----------------|
| Erik J. Pearson, AICP, Senior Planner | City of Hayward |
| Printed Name                          | For             |

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

|   | Potentially Significant Impact | Potentially Significant Unless Mitigation Incorporated | Less Than Significant Impact        | No Impact                           |
|---|--------------------------------|--|-------------------------------------|-------------------------------------|
| <b>I. AESTHETICS - Would the project:</b>   |                                |  |                                     |                                     |
| a) Have a substantial adverse effect on a scenic vista?<br><i>Comments: The additional grading necessary for the stabilization of the slope will result in the loss of a knoll located upslope from the proposed home sites. However, the peak located just to the east of the knoll will remain essentially intact. The remaining peak will cause views of the project area from the west to change very little. The loss of the knoll will be more noticeable when viewed from the south. The view from Alquire Parkway will be affected in that the slope where much of the slide material to be off-hauled is currently located. All of the above views have been documented in photo-simulations showing what the hill will look like when the slope stabilization grading is complete. The impacts to the views of the project area are considered to be less than significant.</i> | <input type="checkbox"/>       | <input type="checkbox"/>                               | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?<br><i>Comments: The proposed grading will not result in the loss of any trees or rock outcroppings.</i>  | <input type="checkbox"/>       | <input type="checkbox"/>                               | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings?<br><i>Comments: The additional grading will not result in any impacts to the visual character of the site or its surroundings that were not considered with the original project. In fact, if the remedial grading is not approved and the hillside was left in its current condition, the area of the slope failure may be considered to detract from the visual character of the area. The applicant agrees to comply with the previously adopted mitigation measure.</i>   | <input type="checkbox"/>       | <input type="checkbox"/>                               | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?<br><i>Comments: The slope stabilization project will not result in any additional sources of light or glare. The applicant agrees to comply with the previously adopted mitigation measure.</i>  | <input type="checkbox"/>       | <input type="checkbox"/>                               | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**II. AGRICULTURE RESOURCES - Would the project:**

- a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

**Comment:** *The site does not involve Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the most recent "Important Farmland in California" map of the Farmland Mapping and Monitoring Program of the California Department of Conservation, Division of Land Resource Protection.*

- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

**Comment:** *The site does not involve a Williamson Act contract and, given the active quarry use, does not have potential for an agricultural use.*

- c) Involve other changes in the existing environment that could result in conversion of Farmland, to non-agricultural use?

**Comment:** *See comments IIa) and IIb) above.*

**III. AIR QUALITY - Would the project:**

- a) Conflict with or obstruct implementation of the applicable air quality plan?

**Comment:** *The project would not conflict with or obstruct implementation of the Bay Area Air Quality Management District's (BAAQMD's) most recent Air Quality Plan (year 2000) in that the project proposes a number of units that were within a range anticipated in Hayward's General Plan Update EIR (SCH No. 2001072069), certified by the City in 2002. The City's General Plan has been determined to be consistent with the BAAQMD's Air Quality plan, according to the General Plan Update EIR.*

- b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

**Comment:** *The landslide repair will not violate any air quality standard or contribute substantially to an existing or projected air quality violation.*

- 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?

**Comment:** *The landslide repair will not 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.*

- d) Expose sensitive receptors to substantial pollutant concentrations?

**Comment:** *The proposed limits of grading are shown to extend to the property lines of parcels containing existing residences located to the west along Larrabee Street, to the north along Bodega Street and an apartment complex to the south off Clearbrook Circle.*

**Impact:** *The proximity of proposed grading, including truck traffic associated with hauling of grading material, to adjacent residences has the potential to expose occupants of those homes to elevated levels of fine particulate matter.*

**Mitigation Measures adopted with the original project will ensure such air quality impacts are less than significant.**

- e) Create objectionable odors affecting a substantial number of people?

**Comment:** *Any odors generated by the grading operation will be temporary.*

**IV. BIOLOGICAL RESOURCES - Would the project:**

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

**Comment:** *WRA Environmental Consultants prepared a biological resources assessment in February 2008 which reviewed the proposed slope stabilization project's potential impacts on wetlands and plant and animal communities including the red-legged frog and the Alameda Whipsnake. The report, based on a field investigation, concluded that the modification will not result in any impacts to wetland resources or plants or animals that were not addressed in the original Mitigated Negative Declaration.*

- 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 US Fish and Wildlife Service?

**Comment:** *No such riparian habitat or other sensitive natural communities were identified within the limits of the proposed project development.*

- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| <p>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act?<br/><i><b>Comment:</b> The landslide repair will not impact any federally protected wetlands as defined by Section 404 of the Clean Water Act.</i></p>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <p>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?<br/><i><b>Comment:</b> The project is proposed at a former quarry site in an area to the west of Garin Regional Park and is not expected to interfere substantially with such movements or corridors. Undeveloped lands would exist to the north of the project, maintaining an east-west corridor to Garin Regional Park.</i></p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <p>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?<br/><i><b>Comment:</b> The project would not conflict with any local policies or ordinances established to protect biological resources. The landslide repair will not involve the removal of any trees.</i></p>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <p>f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?<br/><i><b>Comment:</b> No Habitat Conservation Plan, Natural Community Conservation Plan or any other local, regional or stat habitat conservation plans exist that would involve the project site.</i></p>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**V. CULTURAL RESOURCES - Would the project:**

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <p>a) Cause a substantial adverse change in the significance of a historical resource as defined in section 15064.5 of the CEQA Guidelines?<br/><i><b>Comment:</b> Given the site is a former quarry, such resources are not anticipated to occur.</i></p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5 of the CEQA Guidelines?<br/><i><b>Comment:</b> See comment Va) above.</i></p>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?<br/><i><b>Comment:</b> See comment Va) above.</i></p>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- d) Disturb any human remains, including those interred outside of formal cemeteries?

**Comment:** Given the highly disturbed nature of the project site due to active mining activity, it is unlikely any human remains will be disturbed as a result of the proposed project. However, in accordance with State law and standard grading procedures, if any human remains are discovered, work in the vicinity of such remains shall cease and the County Coroner contacted for a determination as to whether such remains may be those of Native Americans. Any subsequent activity regarding such remains shall follow procedures as outlined in CEQA Guidelines Section 15064.5(e).

**VI. GEOLOGY AND SOILS - Would the project:**

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

- i) Rupture of a known earthquake fault?

**Comment:** The landslide repair would not cause the exposure of people or structures to risks involving the rupture of a known earthquake fault.

- ii) Strong seismic ground shaking?

**Comment:** The landslide repair would not cause the exposure of people or structures to risks involving seismic ground shaking.

- iii) Seismic-related ground failure, including liquefaction?

**Comment:** The project site is shown outside a liquefaction zone, according to the State's Seismic Hazard Zones Map. Also, the project geotechnical engineer indicates the potential for liquefaction is considered low for the site, based on the geomorphology. Therefore, hazards related to ground failure and liquefaction are considered low in probability.

- iv) Landslides?

**Comment:** The proposed landslide repair will stabilize the slope with a static slope safety factor of 1.70, which is safer than the 1.50 considered appropriate for residential construction. The applicant's consultant, Berlogar Geotechnical Consultants (BGC) has developed recommendations using a computer model yielding a seismic deformation of less than 0.5 inches, which is less than the 2-inch tolerance allowed for residential development per the State Division of Mines and Geology. BGC is confident that the proposed landslide repair will result in a project

*that does not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides.*

- b) Result in substantial soil erosion or the loss of topsoil?  
***Comment:*** *The landslide repair would not result in substantial erosion. Topsoil will be replaced as needed for the hydroseeding of graded slopes and a well as for landscaping in the areas of the park and the homes.*
  
- c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?  
***Comment:*** *See discussion under item VI(a)(iv) above.*
  
- d) Be located on expansive soil, creating substantial risks to life or property?  
***Comment:*** *The landslide repair does not include the construction of any structures that could be affected by expansive soil.*
  
- e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems?  
***Comment:*** *The landslide repair does not require any wastewater disposal.*

**VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:**

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?  
***Comment:*** *No such hazards related to the landslide repair are anticipated.*
  
- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?  
***Comment:*** *The landslide repair will not create any hazard that has not already been analyzed in the original Initial Study.*
  
- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?  
***Comment:*** *The project site is not within one-quarter mile of an existing or proposed school.*

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <p>d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?</p> <p><b><i>Comment:</i></b> <i>The site is not included on the California Department of Toxic Substances Control's Cortese list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and therefore, no such impact would occur as a result of the project.</i></p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>e) Result in a safety hazard for people residing or working within an area subject to an airport land use plan or within two miles of a public airport or public use airport?</p> <p><b><i>Comment:</i></b> <i>The site is not located within two miles of a public airport or public use airport and therefore, no such impacts would occur as a result of the project.</i></p>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>f) Result in a safety hazard for people residing or working in the vicinity of a private air strip?</p> <p><b><i>Comment:</i></b> <i>The site is not located within the vicinity of a private air strip and therefore, no such impacts would occur as a result of the project.</i></p>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</p> <p><b><i>Comment:</i></b> <i>The landslide repair will not impair the implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.</i></p>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>h) Expose people or structures to a significant risk involving wildland fires?</p> <p><b><i>Comment:</i></b> <i>The landslide repair will not expose people or structures to a significant risk involving wildland fires.</i></p>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**VIII. HYDROLOGY AND WATER QUALITY - Would the project:**

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <p>a) Violate any water quality standards or waste discharge requirements?</p> <p><b><i>Comment:</i></b> <i>The landslide repair will not violate any water quality standards or waste discharge requirements.</i></p>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>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?</p> <p><b><i>Comment:</i></b> <i>No impacts on groundwater are anticipated to be caused by the landslide repair.</i></p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- |  |                          |                          |                                     |                                     |
|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| <p>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 that would result in substantial erosion or siltation on- or off-site?<br/> <u><b>Comment:</b></u> <i>The landslide repair will cause minor changes to the drainage patterns for the site. The project engineer has determined that the existing and planned storm water drainage facilities can accommodate the drainage modifications.</i></p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <p>d) Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?<br/> <u><b>Comment:</b></u> <i>No such impacts are anticipated to be caused by the landslide repair.</i></p>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <p>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?<br/> <u><b>Comment:</b></u> <i>See response VIII(c) above.</i></p>  | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| <p>f) Otherwise substantially degrade water quality?<br/> <u><b>Comment:</b></u> <i>No such impacts other than those identified in subsections a) and c) are anticipated.</i></p>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <p>g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?<br/> <u><b>Comment:</b></u> <i>According to FEMA Flood Insurance Rate Maps, this site is not within a 100-year flood hazard area.</i></p>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <p>h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?<br/> <u><b>Comment:</b></u> <i>According to FEMA Flood Insurance Rate Maps, this site is not within a 100-year flood hazard area.</i></p>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <p>i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?<br/> <u><b>Comment:</b></u> <i>No such impacts are anticipated.</i></p>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| <p>j) Inundation by seiche, tsunami, or mudflow?<br/> <u><b>Comment:</b></u> <i>No such impacts are anticipated.</i></p>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

**IX. LAND USE AND PLANNING - Would the project:**

- |  |                          |                          |                          |                                     |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <p>a) Physically divide an established community?<br/> <u><b>Comment:</b></u> <i>The landslide repair would not divide an established community.</i></p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <p>b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?<br/><i><b>Comment:</b> The landslide repair would not conflict with any applicable land use plan, policy, or regulation as stated above.</i></p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>c) Conflict with any applicable habitat conservation plan or natural community conservation plan?<br/><i><b>Comment:</b> The project would not conflict with any such plan.</i></p>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
- 

**X. MINERAL RESOURCES - Would the project:**

- |   |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <p>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?<br/><i><b>Comment:</b> The project site is not identified as a known mineral resource of state, regional or local significance, per the State's Mineral Resource Classification maps, though the site is indicated as not having sufficient data to analyze the significance of such resource (zone 3). Given the site was formerly mined, it is anticipated that the site would not contain substantial remains of such resources. Therefore, no impacts related to this land use issue are anticipated.</i></p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>b) Result in the loss of availability of a locally important mineral resource recovery site?<br/><i><b>Comment:</b> See comments under item Xa) above.</i></p>   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
- 

**XI. NOISE - Would the project result in:**

- |  |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <p>a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?<br/><i><b>Comment:</b> As noted in the original Initial Study, the project would involve significant amounts of grading, including large amounts of export, with large grading equipment. Section 4-1.03 of the Hayward Municipal Code governs persistent noise and construction noise. Under this section, repeated or persistent loud noise is considered unlawful. Construction activities generating noise are limited to the hours of 7 a.m. to 7 p.m., Monday through Saturday. Construction hours on Sundays are limited to 10 a.m. to 6 p.m. Also, Section 10-8.20(a)(7) of the City's Grading Ordinance indicates grading operations shall not be conducted on Saturdays, Sundays, or holidays, or outside the hours of 7:30 a.m. to 6:00 p.m., without the specific authorization of the City Engineer. A Construction Noise Management Plan has been</i></p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

**required in the Mitigation Monitoring and Reporting Program.**

- b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?  
     
Comment: As stated in the Mission-Garin Annexation Draft EIR on page 145, no significant vibration impacts are anticipated.
  
- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?  
     
Comment: The landslide repair and associated increase in ambient noise levels is expected to last approximately six months. The eventual project would entail development of single-family homes. A noise analysis by Illingworth & Rodkin, Inc., dated March 30, 2005, indicates permanent noise increases due to the proposed development would be negligible. Therefore, permanent noise impacts are anticipated to be less than significant.
  
- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?  
     
Comment and Impact: As indicated under item XI-a above, there will be expected temporary significant construction noise impacts.
  
- e) Exposure of people residing or working in the project area to excessive noise levels due to location within an airport land use plan or within two miles of a public airport or public use airport?  
     
Comment: No such airports are within two miles of the project site and the site is outside the Hayward Executive Airport's influence area.
  
- f) Exposure of people residing or working in the project area to excessive noise levels due to location within the vicinity of a private airstrip?  
     
Comment: No such airstrips are within two miles of the project site.

**XII. POPULATION AND HOUSING - Would the project:**

- a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?  
     
Comment: The landslide repair will not cause any increase in population. The original project considered this impact.
  
- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?  
     
Comment: No existing housing would be displaced

*as a result of the project.*

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <b><i>Comment:</i></b> <i>No existing housing would be displaced as a result of the landslide repair.</i>   |                          |                          |                          |                                     |

**XIII. PUBLIC SERVICES & UTILITIES - Would the project result in:**

- |   |                          |                          |                          |                                     |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for the following public services: |                          |                          |                          |                                     |
| Fire protection?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <b><i>Comment:</i></b> <i>The landslide repair will not cause a need for increased utilities or public services.</i>  |                          |                          |                          |                                     |
| Police protection?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <b><i>Comment:</i></b> <i>The landslide repair will not cause a need for increased utilities or public services.</i>  |                          |                          |                          |                                     |
| Schools?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <b><i>Comment:</i></b> <i>The landslide repair will not cause a need for increased utilities or public services.</i>  |                          |                          |                          |                                     |
| Parks/Recreation?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <b><i>Comment:</i></b> <i>The landslide repair will not cause a need for increased utilities or public services.</i>  |                          |                          |                          |                                     |
| b) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <b><i>Comment:</i></b> <i>The landslide repair will not cause a need for increased utilities or public services.</i>  |                          |                          |                          |                                     |
| c) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <b><i>Comment:</i></b> <i>The landslide repair will not cause a need for increased utilities or public services.</i>  |                          |                          |                          |                                     |
| d) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <b><i>Comment:</i></b> <i>The landslide repair will not cause a need for increased utilities or public services.</i>  |                          |                          |                          |                                     |
| e) Require new or expanded water supplies from existing entitlements and resources?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <b><i>Comment:</i></b> <i>The landslide repair will not cause a need</i>  |                          |                          |                          |                                     |

*for increased utilities or public services.*

- f) A determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

**Comment:** *The landslide repair will not cause a need for increased utilities or public services.*

- g) Require additional landfill capacity?

**Comment:** *The landslide repair will not cause a need for increased utilities or public services.*

- h) Comply with federal, state, and local statutes and regulations related to solid waste?

**Comment:** *The landslide repair will not cause a need for increased utilities or public services.*

**XIV. TRANSPORTATION - Would the project:**

- a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

**Comment:** *With the exception of transporting the earth moving equipment to and from the site at the beginning and end of the project, the landslide repair would not have an impact on public streets.*

- b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

**Comment:** *See response XIV(a) above.*

- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?

**Comment:** *The project will not impact air traffic patterns.*

- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

**Comment:** *No such undesirable design features are proposed.*

- e) Result in inadequate emergency access?

**Comment:** *The landslide repair will not have an effect on emergency access.*

- f) Result in inadequate parking capacity?

**Comment:** *The landslide repair will not change the parking provided in the ultimate project.*

- g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

**Comment:** *The project would not conflict with such plans.*

**XV. 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 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?

**Comment:** *The landslide repair will not result in biological impacts that were not addressed in the original Initial Study.*

- b) Does the project have the potential to achieve short-term environmental goals to the disadvantage of long-term environmental goals?

**Comment:** *No such impacts have been identified.*

- c) 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)?

**Comment:** *No such impacts have been identified.*

- d) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

**Comment:** *The landslide repair will not result in environmental effects that were not addressed in the original Initial Study.*



**CITY OF HAYWARD  
APPLICATION AND PERMIT  
PROPER APPROVAL HEREON CONSTITUTES PERMIT**

Taken by JBL Date 04-04-08  
 Issued by \_\_\_\_\_ Date \_\_\_\_\_

Application No. **GR PW 2006-0010 Amended.**

|  |  |                         |
|--|--|-------------------------|
| APPLICANT NAME<br>Garin Vista LLC (Jack Smith) | ADDRESS<br>22320 Foothill Blvd., Suite 620, Hayward CA 94541 | PHONE<br>(510) 538-6400 |
| OWNER NAME<br>Garin Vista LLC (Jack Smith)     | ADDRESS<br>22320 Foothill Blvd., Suite 620, Hayward CA 94541 | PHONE<br>(510) 538-6400 |
| CONTRACTOR NAME<br>De Silva Gates              | ADDRESS<br>P.O. Box 2922 Dublin CA 94568                     | PHONE<br>(925) 829-9220 |

**JOB LOCATION:** TRACT 7354 - GARIN VISTA

THE APPLICANT HEREBY APPLIES FOR PERMISSION TO PERFORM GRADING AND/OR CLEARING AT THE ABOVE JOB LOCATION SUBJECT TO THE FOLLOWING REQUIREMENTS AND CONDITIONS TO BE ATTACHED TO AND TO BECOME A PART OF THIS PERMIT:

| ATTACHMENT NUMBER | REQUIRED                            | NOT REQUIRED                        | Description of proposed activities | ACCOUNT NO:<br>9903      |
|-------------------|-------------------------------------|-------------------------------------|------------------------------------|--------------------------|
| -                 | <input checked="" type="checkbox"/> |                                     | Work schedule                      | PERMIT EXPIRES:<br>_____ |
| -                 | <input checked="" type="checkbox"/> |                                     | Site and grading plan              |                          |
| -                 | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Interim plan                       |                          |
| -                 | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | Final plan                         |                          |
| -                 | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Geological report                  |                          |
| -                 | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Terrain soils report               |                          |
| -                 | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Final engineer's report            |                          |
| -                 | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Final geological report            |                          |
| -                 | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Final soils report                 |                          |
| -                 | <input type="checkbox"/>            | <input type="checkbox"/>            | Additional deposit \$ _____        |                          |
| -                 | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Other SWPPP                        |                          |
| -                 | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Other NOI                          |                          |

REMARKS:

This Permit is for **Mass Remedial Grading, Erosion Control, and Wildlife Mitigation Work only per the amended Grading Plan**

See continuation of remarks.

PERMIT TYPE:  ADMINISTRATIVE     COUNCIL     EMERGENCY ADMINISTRATIVE  
 ENVIRONMENTAL DOCUMENT: Type: Mitigated Neg. Declaration    Provided by: Planning g  
 SECURITY: Amount \$ 946,000.00 Type: Bond    Provided by: Developer  
 DEPOSITS: Initial \$ N/A    Additional \$ N/A

|  |   |
|--|---|
| <b>APPROVED BY:</b> City Engineer _____ Date _____   | Council/Mgr. _____ Date _____               |
| APPLICANT AGREES TO COMPLY WITH ALL OF THE APPLICABLE SECTIONS OF THE CITY OF HAYWARD MUNICIPAL CODE AND STANDARD SPECIFICATIONS | THIS IS YOUR RECEIPT WHEN MACHINE VALIDATED |
| OWNER _____ APPLICANT _____  |   |

In consideration of the granting of this permit and other good and valuable consideration therefor, the undersigned intending to be legally bound, does hereby for the undersigned and the heirs, executors, administrators and assigns of the undersigned agree to indemnify and hold harmless the City of Hayward, the members of the City Council and their agents, servants and employees and each of them, from and against liability for injury to or death of persons, and/or liability for damage to property arising from any and all work herein permitted or, incidental thereto or which may arise from failure of permittee to perform the obligations of permittee under this permit, with respect to maintenance.

APPLICANT COPY      REVENUE      OFFICE COPY      ENGINEER      INSPECTOR



CONTINUATION OF REMARKS

1. This permit is for ***Mass Remedial Grading, Erosion Control, and Wildlife Mitigation Work*** only.
2. All work shall be in accordance with the approved amended grading plan and all applicable conditions of approval contained within the Zone Change and Vesting Tentative Map and in conformance with the Design-Level Geotechnical Report prepared by Berlogar Geotechnical Consultants, dated May 14, 2003, and supplemental Geotechnical Investigation Report dated January 31, 2008. All conditions of the approved Zone Change and Vesting Tentative Map are incorporated in these requirements even if not specifically listed below.
3. The erosion & sediment control shall be in place by October 1<sup>st</sup> and/or sooner as directed by the City Engineer (prior to the onset of the first major storm of the season).
4. The person responsible to perform Biological Monitoring must be on site whenever work is being accomplished until the construction is completed.
5. Grading operations shall be restricted to the dry season between April 15 and October 15 to minimize erosion unless otherwise approved by the City Engineer. Soil surfaces exposed as a result of grading shall be stabilized and re-vegetated before October 15.
6. A Geotechnical Engineer or a representative of the Geotechnical Engineer shall be on site during grading operation and shall perform such testing as deemed necessary by the City Engineer.
7. Site grading shall be restricted to the hours between 7:30a.m. and 6:00 p.m., Monday to Friday, with no work on weekends or holidays unless revised hours and days are authorized by the City Engineer.
8. Prior to the issuance of a grading permit and/or the beginning of any construction activity on-site, the Developer's Engineer shall complete a Development Building Application Form Information: 1) Impervious Material Form, and 2) Operation and Maintenance Information Form
9. Positive dust-control methods approved by the City Engineer shall be utilized at all times during the grading operation, and all hauling equipment shall be muffled.
10. Prior to grading operation, an additional pre-construction survey (performed no less than 30-days prior to grading activities), utilizing the Burrowing Owl Survey Protocol and Mitigation Guidelines, for the occurrence of Burrowing Owls and owl habitat shall be conducted during the peak nesting. This survey shall be reviewed and approved by CDFG and the Planning Director prior to issuance of grading permit.

11. The owner or applicant shall file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) and obtain a National Pollutant Discharge Elimination System (NPDES) permit. Copy of the NOI and NPDES permits shall be provided to the City prior to start of grading.
12. The Contractor shall strictly follow all the requirements of the Storm Water Pollution Prevention Plan.
13. No grading shall occur within the drip line of trees that are scheduled to be preserved in place without the concurrence of a certified arborist and the City Landscape Architect. Retaining walls, dry rock walls, or other methods shall be used to protect the retained trees in place.
14. No equipment shall be driven under the canopy of any trees on the site that is scheduled to remain in place. No equipment, materials, or any item which might compact or disturb the soil within the drip line shall be allowed to be moved or stored within the drip line of the trees. The fencing around all trees which are to remain at the perimeter of the site is to be in place prior to any trucks or heavy equipment being moved within the area of preserved trees.
15. Prior to site grading, an asbestos dust mitigation plan shall be approved by the Bay Area Air Quality Management District (BAAQMD).
16. The asbestos dust mitigation plan shall be implemented throughout the duration of grading activity.
17. Broom swift the public street pavement adjoining the project site on a daily basis or as required by the City Engineer. Caked on mud or dirt shall be scraped from these areas before sweeping.
18. Grading beyond the property boundary requires written permission from the adjacent property owner.
19. The property owners along the haul route shall be notified in writing prior to the start of grading.
20. The permittee, for himself, his contractors and employees, agrees to save, indemnify, defend, and hold harmless the City of Hayward and its officers, employees, and agents from all liabilities and claims for damages by reason of injury or death to any person or persons or damage to property from any cause whatsoever while in upon, or in any way connected with the work covered by this grading/clearing permit.

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Permittee/Applicant

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Date

**THE REFERENCED EXHIBIT(S) IS/ARE  
ATTACHED AS A SEPARATE LINK**



ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_  
City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney of the City of Hayward