

FINAL

# SAN LEANDRO CREEK COMPREHENSIVE VEGETATION MANAGEMENT PLAN (VMP)

## INITIAL STUDY / MITIGATED NEGATIVE DECLARATION

SCH# 2015022094

Alameda County Flood Control and Water Conservation District  
399 Elmhurst Street  
Hayward, CA 94544



April, 2015

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# ACRONYMS

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## Acronyms

AB	Assembly Bill
ABAG	Association of Bay Area Governments
ACFC&WCD	Alameda County Flood Control and Water Conservation District
ACFD	Alameda County Fire Department
AC Transit	Alameda County
AE	Zone-District
BAAQMD	Bay Area Air Quality Management District
BART	Bay Area Rapid Transit
BMP	Best Management Practice
CARB	California Air Resources Board
CalRecycle	California Department of Resource and Recycling
CEQA	California Environmental Quality Act
CDFW	California Department of Fish and Wildlife
CNDDDB	California Natural Diversity Database
CO	carbon monoxide
CMA	Alameda County Congestion Management Agency
CRHR	California Register of Historic Resources
CUPA	Certified Unified Program Agency
dBA	A-weighted decibel (a noise measurement unit)
DPS	Distinct Population Segment
DTSC	California Department of Toxic Substances Control
EBDA	East Bay Discharge Authority
EBMUD	East Bay Municipal Utilities District
ESA	Endangered Species Act
ESU	Evolutionarily Significant Unit
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FT	Federally Threatened
HCP	habitat conservation plan
HMBP	Hazardous Materials Business Plan
IS/MND	Initial Study/Mitigated Negative Declaration
NAHC	Native American Heritage Commission
NO <sub>2</sub>	nitrogen dioxide
NO <sub>x</sub>	oxides of nitrogen

# ACRONYMS

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NPDES	National Pollution Discharge Elimination System
NRHP	National Register of Historic Places
NRCS	National Resources Conservation Service
NWIC	Northwest Information Center
MBTA	Migratory Bird Treaty Act
O <sub>3</sub>	ozone
OHWM	ordinary high water mark
OSHA	Occupational Safety and Health Administration
Pb	lead
PM <sub>10</sub>	particulate matter less than 10 micrometers in diameter
PM <sub>2.5</sub>	particulate matter less than 2.5 micrometers in diameter
ppm	part(s) per million
PPV	peak particle velocity
PRC	Public Resources Code
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SFHA	Special Flood Hazard Area
SO <sub>2</sub>	sulfur dioxide
SSC	Species of Special Concern
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TCE	trichloroethene
UPRR	Union Pacific Railroad
USEPA	U.S. Environmental Protection Agency
USGS	U.S. Geological Survey
USFWS	U.S. Fish and Wildlife Service
VMP	Vegetation Management Plan

**MITIGATED NEGATIVE DECLARATION**

**SCH# 2015022094**

Prepared in Accordance with the  
California Environmental Quality Act (CEQA)  
Pursuant to Division 13, Public Resources Code

**Plan Proponent:** Alameda County Flood Control & Water Conservation District  
**Title:** San Leandro Creek Comprehensive Vegetation Management Plan  
**Location:** San Leandro Creek between Union Pacific Railroad Tracks and I-580  
**Lead Agency:** Alameda County Flood Control & Water Conservation District  
**Description:** The San Leandro Creek Vegetation Management Plan (VMP), prepared by the Alameda County Flood Control District (ACFCD or District), provides guidance to design and implement specific management actions to be employed by the District on a long term basis to ensure a sustainable and healthy riparian corridor consistent with District flood control objectives and operations. The specific management actions will assist the District in meeting multiple vegetation management goals on District-owned properties along San Leandro Creek in District Flood Control Zone 13. These properties are located in the city of San Leandro between the Union Pacific Railroad (UPRR) tracks (downstream end) and the 580 Freeway crossing (upstream end).

**Findings:**

Based on the attached Initial Study, the Lead Agency found that:


- The VMP will not have a significant effect on the environment.
- The significant effects of the VMP noted in the attached Initial Study have been eliminated or mitigated so that the potential adverse effects are reduced to a point where no significant effects would occur.

**Date of Public Notice of Negative Declaration:** February 27, 2015

**End of Review Period:** March 30, 2015

**ISSUANCE OF THIS MITIGATED NEGATIVE DECLARATION DOES NOT IMPLY APPROVAL OF THE PROJECT**

  
\_\_\_\_\_  
Environmental Services Manger

  
\_\_\_\_\_  
Date Signed

## 1.1 INTRODUCTION

The San Leandro Creek Comprehensive Vegetation Management Plan (VMP), prepared by the Alameda County Flood Control District (District), provides a comprehensive plan for managing trees and vegetation on District-owned properties along San Leandro Creek (URS and HortScience Inc., February 2015). These properties are located in the City of San Leandro between the Union Pacific Railroad (UPRR) tracks and Interstate 580 (Figures 1 and 2).

The VMP components include assessing and evaluating trees; pruning trees that otherwise have the potential to fail; pruning limbs with the potential to break and fall; coppicing<sup>1</sup> native trees that are in poor condition or at high-risk of failing; removal of tree stems that have the potential to break and fall; removal of hazardous trees that are in danger of falling; monitoring trees for changes in condition; preservation of native vegetation; removal of invasive species; site rehabilitation including site preparation, erosion control and re-vegetation; and maintenance and monitoring. The VMP will be implemented over a period of several years, and will be updated periodically to reflect changing conditions along San Leandro Creek.

## 1.2 PURPOSE, GOALS, AND OBJECTIVES

### ***Purpose***

The purpose of the San Leandro Vegetation Management Plan is to manage vegetation on District properties along San Leandro Creek, and to develop a sustainable, healthy riparian corridor consistent with District flood control objectives and operations.

### ***Goals and Objectives***

The VMP goals include the following:

- Maintain public safety
- Meet flood control and conveyance objectives
- Control non-native, invasive species
- Enhance wildlife resources
- Reduce fuel loading and wildfire risk
- Meet routine maintenance and emergency response needs
- Reduce the potential risk of trees harming people or damaging private and/or public property
- Promote a riparian corridor with a diverse species composition that is resilient to potential future disturbance including insect infestation, disease, drought, and wildfire.

The VMP objectives are:

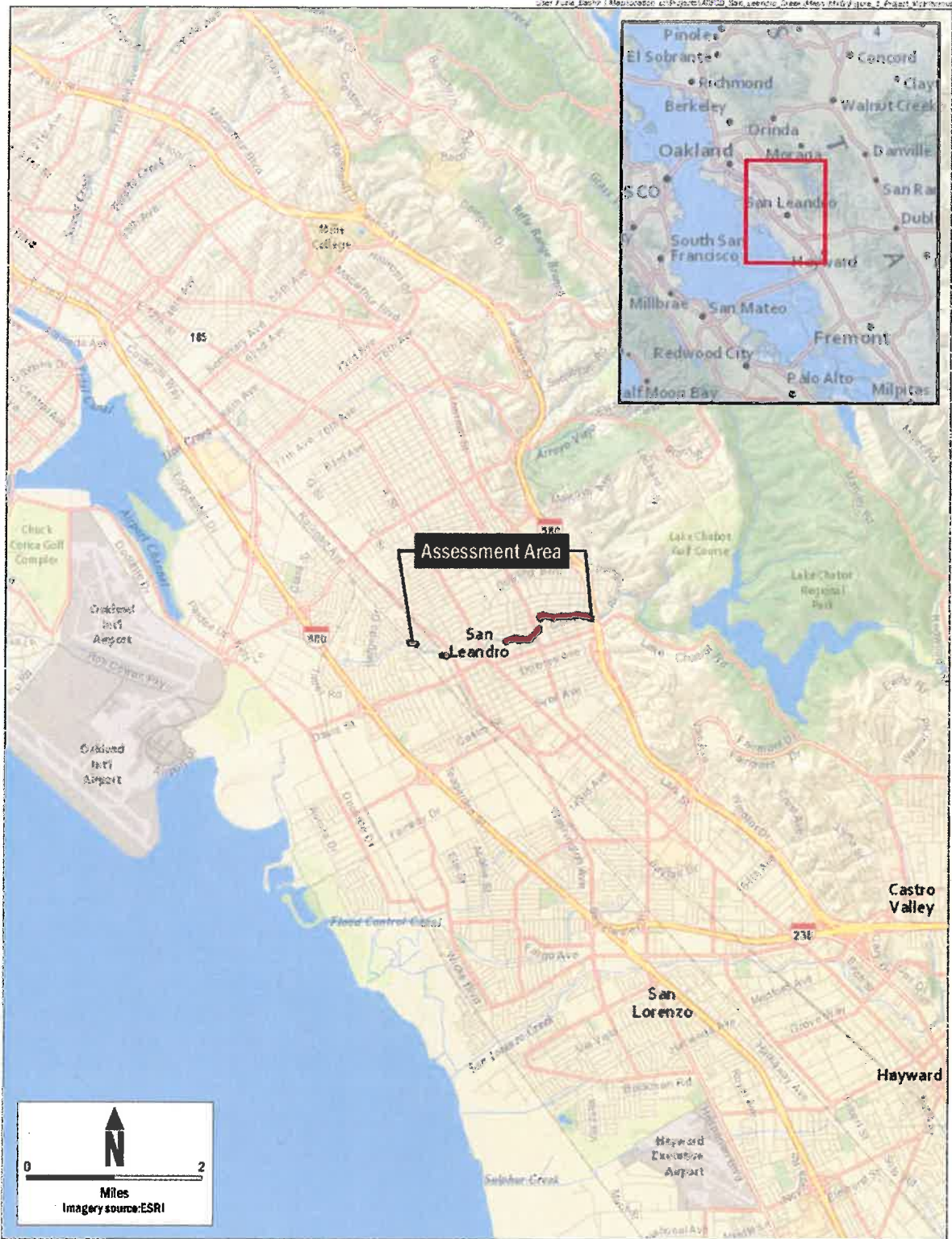
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<sup>1</sup> Coppicing is a technique whereby trees are cut to ground level to stimulate new growth from their stumps.



- Develop a methodology to compile and assess site and vegetation data to assist in implementing specific management actions
- Identify vegetation management actions to meet District VMP goals. Potential management actions include:
  - hazard mitigation (including pruning, removing);
  - restoration (including Revegetation with native species and erosion control);
  - exotic plant control;
- Establish document vegetation risk rating methodology and risk reduction (implementation) process.
- Reduce the potential risk of fallen trees or limbs obstructing streamflow or flood conveyance
- Revegetate with species that are compatible with management goals and flood conveyance.
- Ensure VMP actions comply with state and federal environmental laws.

It is possible that goals and objectives stated above may evolve over the life of the VMP as new priorities, concerns, or environmental considerations are introduced.



**Figure 1. VMP Vicinity**



**Figure 2. VMP Area**

### **1.3 VMP DESCRIPTION**

#### **1.3.1 Background**

The first San Leandro Creek tree inventory and hazard assessment was initiated by the Alameda County Flood Control and Water Conservation District (District) after the El Niño storm season of 1997 and 1998 following tree failures in Alameda County, which brought down power lines, disrupted traffic, damaged creek banks, and impeded water flows along San Leandro Creek. The District began to develop plans for a comprehensive inventory and assessment of all District trees along Alameda County watercourses to serve as the foundation for a proactive plan for managing public safety while providing an ecologically-enhanced riparian corridor.

San Leandro Creek is located in District Zone's 12 and 13. These zones are among seven Flood Control District Zones in Western Alameda County that the District provides flood protection and maintenance functions. These functions include maintaining the vegetation and removal of downed tree trunks and branches from the creek flow line to reduce damage to creek banks and private property; pruning and removing trees that have been determined to pose potential risks to life and property. The largest segment of San Leandro Creek is in private ownership. District's flood protection and maintenance functions are limited to its parcels along the creek between the Bay and I-580.

#### **1.3.2 VMP Overview**

The San Leandro Creek Comprehensive Vegetation Management Plan (VMP) assessed a total of 337 trees on a contiguous and two discrete District properties between Alvarado Park and MacArthur Boulevard. The trees were evaluated for a number of factors including failure potential (the likelihood that the tree or one of its parts will fail in the next two years); assessing the potential targets that would be struck if a tree failure were to occur. Tree health condition ratings ranged from 0 (dead) to 5 (excellent), with an average of 3 (155 trees or 46 percent). Risk ratings ranged from 3–10 on a 12 point scale.

The VMP would be implemented over several years with a tiered approach that will minimize the risk associated with the levels of hazard as identified in the risk assessment process. Additionally, the District would remove trees that fail in emergency situations. The VMP components include removal of trees that are in danger of falling; pruning trees that otherwise have the potential to fail; pruning limbs with the potential to break and fall; coppicing<sup>2</sup> native trees that are in poor condition or at high-risk of failing, and removal of tree stems; monitoring trees for changes in condition; preservation of native vegetation; removal of invasive species; site rehabilitation including site preparation, erosion control and revegetation; and maintenance and monitoring.

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<sup>2</sup> Coppicing is a technique whereby trees are cut to ground level to stimulate new growth from their stumps.

**1.3.3 VMP Elements*****Treatment of Trees (Felling Pruning, Removal)***

Individual high risk trees would be partially or entirely removed, pruned, and coppiced depending on the potential risk to people, property, channel damage, and/ or the environment. Tree treatment methods would vary throughout the VMP area depending on the hazard assessment performed in the VMP. This section presents typical methods for tree treatments.

Partial tree removal includes removing select tree parts with a high potential to fail, leaving the rest of the otherwise stable tree, and thinning of the crown to reduce wind forces acting on the tree. Partial tree removal would be accomplished by removing limbs with a chainsaw or pruning handsaw. Crews would access the hazardous tree part by climbing the tree or from a bucket truck or man-lift. Limbs would be cut to fall in an uncontrolled fashion as safety conditions allow. If conditions do not allow, limbs would be cut and lowered with control using bull ropes and lowering devices, or a crane hoist.

Whole tree removal includes complete removal of the tree down to the ground, but not removal of the stump or roots. Trees located in areas where property or safety is a concern would be removed in sections, lowering each section or log in an uncontrolled fashion as safety conditions allow. In addition, trees may be winched or jacked to alter and control the felling direction. Trees would be felled in a pattern or direction that minimizes environmental disturbance and facilitates off-hauling.

The freshly cut tree stumps would be dabbed, painted, or covered with an approved herbicide to prevent regrowth. Coppiced native trees would be allowed to re-sprout from the stump.

***Debris Removal***

Trees and branches would be skidded<sup>3</sup> to a landing or staging area (where available) located at the top of the bank on the stream terrace. In all likelihood trees would be skidded intact (to the extent possible) to a surface street access location where the tree trunk and branches would be cut into smaller pieces and immediately loaded into awaiting end-haul dump trucks. The trucks would haul the material to a nearby recycling/composting facility, such as the Davis Street Resource Recovery Complex. Removal via the streambed would occur only when sufficient tree biomass was removed from the area to justify the temporary site disturbance and potential environmental impacts.

Alternatively, where access restricts heavy equipment operation, tree processing can occur on-site, with tree biomass left in place to decay over time. Another option would be to use trees to buttress the embankment. This option has the dual benefit of minimizing the cost and environmental impacts of removal.

Smaller trees and limbs should be chipped or ground up and used as landscape mulch or sent to a recycling facility to be composted. Smaller quantities of large diameter tree trunks could be off-

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<sup>3</sup> Pulled from the cutting site by a cable attached to a winch.

hauled in dump trucks to a processing facility to be ground or cut and split for firewood. In some limited instances, tree debris may be ground up on site and chips off-hauled or used on site.

### ***Site Access***

Access to the VMP area is primarily restricted by private land ownership and physical constraints. Existing access via District property would be prioritized, though use of easements to gain access from private property may also be necessary. Additionally, San Leandro Creek within the VMP area is entrenched, meaning that the banks from which most of the trees grow are very steep and the channel width is confined. These conditions limit access locations for crews and equipment. These locations are shown in Appendix A – Potential Access and Staging Locations. In instances where trees only require pruning, thinning, or involve small tree removal, the work may only require hand crews, saws, and tree climbing equipment. Crews would prioritize foot access via District property.

This section refers to the maps in Appendix A – Potential Access and Staging Locations. Next to the Alvarado Street creek overcrossing there is a concrete access ramp from Alvarado Bridge, which could use to access the creek to a point just past the Bancroft Avenue overcrossing where a deep pool prevents passage further upstream. This access location would allow large machinery such as dozers, excavators, skidders, log forwarders, various trucks, and chippers to reach most of the VMP area between Alvarado Street and the UPRR tracks. From this point, machinery would drive up and downstream to remove logs, branches, and other vegetative debris to staging areas. The San Leandro Boulevard creek overcrossing could be used for crane set-up. Trees trunks and other large vegetation could be hoisted up from the creek if there is significant blockage preventing passage to Alvarado Street. A crane set-up on the Bancroft Avenue overcrossing could lower equipment into the creek area if the access through this stretch of the creek is constrained. At the end of Cary Drive through San Leandro Unified School District property, there is a creek access ramp. This location would serve as Staging Areas 8 and 9, which are large enough to sustain the bulk of the operations in this area. Saint Mary's Avenue is the only existing access from I-580 downstream to the footbridge connection of Cary Drive and Haas Avenue. District land on both sides of the creek at this location is surrounded by private property. This location was used to access trees removed in 2010.

### ***Site Preparation and Erosion Control***

Site preparation is necessary to access trees, and for successful revegetation. Site preparation includes grading or soil conditioning, recontouring access roads, decompacting soils, and removing thick allelopathic duff<sup>4</sup>. Areas where temporary grading occurred such as access roads or skid trails would be re-contoured to pre-disturbance conditions. In most cases, an excavator would be used to replace soil in areas where VMP operations disturbed the soil surface. The upper six inches of topsoil would be conserved and replaced atop backfill.

Native plant seed and erosion control products would be installed in areas where soil disturbance occurred before the rainy season begins in October. Seeding of disturbed soils would

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<sup>4</sup> Plant litter on the forest floor that can inhibit the growth of other species.

immediately precede installation of erosion control measures as necessary. Products used for erosion control include mulch, hydromulch, erosion control blankets, and/or wattles.

### ***Removal of Invasive Species***

Invasive tree, vine, shrub, and forb species threaten the establishment of a native species in the San Leandro Creek by aggressively colonizing disturbed soil areas and aggressively outcompeting native species for water, nutrients, and light. Invasive species would be treated and/or removed where ground disturbance and revegetation efforts occur with the goal of minimizing the rate of spread into areas rehabilitated, ensuring that revegetated native planting, existing suppressed saplings, and seedling can become established. Herbicide would be applied to stump surfaces with a paint brush, sponge, or careful spraying until the surface is fully saturated to prevent stump sprout or regrowth.

### ***Preservation of Native Vegetation***

Native trees and shrubs would be preserved during VMP activities, except when these species conflict with VMP activities or prevents access to an otherwise inaccessible area. Trees would be clearly marked for preservation with flagging and fenced with orange construction fencing to prevent accidental damage by equipment. Other sensitive vegetation communities such as wetlands would be avoided to the extent possible and fenced to prevent disturbance.

### ***Revegetation***

Revegetation of creek banks and other disturbed soil areas is critical for stabilizing the VMP area of activity, improving water quality, improving aesthetics, providing wildlife habitat, and reducing opportunity for invasive species establishment. Revegetation of VMP activity sites would begin following site preparation and site appropriate native plants would be installed. In some instances, no plants may occur, rather the site existing native species sapling and seedling will be encouraged to grow. The vegetation planting will conform to the existing plant community stratification along the creek. Planting would occur in the fall or early winter after the rainy season begins, between October 15 and March 1.

### ***Maintenance and Monitoring***

Maintenance and monitoring of plantings and erosion is essential to successful VMP implementation. Plant protections from herbivory, weeding to remove invasive species, and irrigation would be implemented during the maintenance and monitoring period to ensure successful establishment of plantings.

**1.4 REQUIRED REGULATORY COMPLIANCES**

Permits or approvals that may be required for the proposed VMP are shown in Table 1-2. The agencies below may rely on the contents of this Initial Study in making discretionary decisions on the proposed VMP.

**Table 1-1. Required Permits and Approvals**

Agency	Permit, Approval or Consultation
State Water Resources Control Board	National Pollution Discharge Elimination System (NPDES) General Construction Permit Stormwater Pollution Prevention Plan (SWPPP)
California Department of Fish and Wildlife	Fish and Game Code Section 1602, Streambed Alteration Agreement



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**2.1 INITIAL STUDY AND ENVIRONMENTAL CHECKLIST FORM**

<b>Project Title:</b>	San Leandro Creek Comprehensive Vegetation Management Plan
<b>Lead Agency's Name and Address:</b>	Alameda County Flood Control & Water Conservation District
<b>Lead Agency Contact:</b>	Jim Browne
<b>Project Location:</b>	San Leandro Creek between Union Pacific Railroad Tracks and I-580
<b>General Plan Land Use Designation:</b>	Public Open Space – Resource Conservation
<b>Zoning:</b>	Residential – Single and Multifamily District, Downtown Area
<b>Description:</b>	See Project Description, Section 1.3
Agencies Whose Approval Is Required: State Water Resources Control Board, U.S. Fish and Wildlife Service, California Department of Fish and Wildlife	
Surrounding Land Uses: Residential, Commercial, Industrial	

**2.1.1 Environmental Factors Potentially Affected**

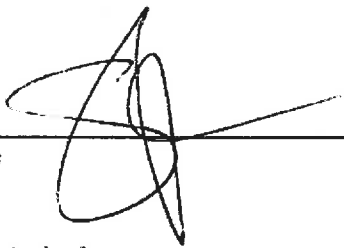
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages.

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Aesthetics                      | <input type="checkbox"/> Agricultural and Forestry Resources | <input checked="" type="checkbox"/> Air Quality             |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources                  | <input type="checkbox"/> Geology/Soils                      |
| <input type="checkbox"/> Greenhouse Gas Emissions        | <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                     | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation/Traffic          | <input type="checkbox"/> Utilities /Service Systems          | <input type="checkbox"/> Mandatory Findings of Significance |

**2.1.2 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 **MAY** have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier Environmental Impact Report (EIR) or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

\_\_\_\_\_  
Signature  
  
Kwablah Attiogbe  
\_\_\_\_\_

\_\_\_\_\_  
Date  
February 26, 2015  
\_\_\_\_\_  
Environmental Services Manager  
\_\_\_\_\_

**3.1 AESTHETICS**

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X

**3.1.1 Environmental Setting**

The visual setting of the VMP area is characterized by suburban and residential development and natural features. In the VMP area, San Leandro Creek is visible from public property in several locations: Alvarado Street Bridge, San Leandro Boulevard Bridge, East 14<sup>th</sup>, Huff Ave, Chumalia Street, Root Park, Bancroft Avenue Bridge, Bancroft Middle School, the pedestrian bridge between Haas Avenue and Cary Drive, St. Mary and MacArthur Boulevard. Otherwise, San Leandro Creek is visible only from private properties and residences. Tall trees and riparian vegetation line the creek. Manmade features around the creek include streets, residences, suburban landscaping, and commercial buildings in the vicinities of San Leandro Boulevard, Root Park, and MacArthur Boulevard.

Existing lighting in the vicinity of the VMP area includes interior and exterior lighting from adjacent residences and street lamps.

The VMP area does not contain scenic resources (City of San Leandro, 2002). The California Department of Transportation (Caltrans) has designated the MacArthur Freeway (I-580) from the San Leandro city limit to State Route 24 in Oakland as a State Scenic Highway (Caltrans 2014). This highway is located at the easterly VMP area limits.

**3.1.2 Checklist Discussion**

The VMP would not result in significant adverse impacts to aesthetic resources as discussed below.

***Checklist Item a: No Impact***

San Leandro Creek is not designated as a scenic vista in the San Leandro General Plan (City of San Leandro, 2002). Therefore, the VMP would not have an adverse effect on a scenic vista. No mitigation is required.

***Checklist Item b: Less-Than-Significant Impact***

I-580, which represents the easterly VMP area limit, is a designated State Scenic Highway. The VMP activities may be visible from the MacArthur Freeway. However there are no views of the creek from the elevated I-580 crossing over the creek. There are not pedestrian pathways on the I-580 freeway. Therefore, impacts from VMP implementations would be less than significant. No mitigation is required.

***Checklist Item c: Less-Than-Significant Impact***

The VMP site is a natural creek that is flanked by suburban and residential development on both sides. New native trees and other vegetation would be planted following VMP activities. In the short-term, immediately following a tree failure and/or removal and before planted trees are fully matured, there would be a change in the viewshed of the VMP area. This degree of change in the viewshed would be minimal and incremental. The riparian visual character of the area would remain the same. Over the long-term, replacement plantings would gradually restore the viewshed. These changes would minimally alter visual quality of the VMP area, but overall would not be inconsistent with the current visual character of the project area. Therefore, the VMP would not substantially degrade the existing visual character or quality of the VMP area. No mitigation is required.

***Checklist Item d: No Impact***

The plan implementation would not introduce new sources of light or glare that would adversely affect day or nighttime views in the area. Therefore, no impact would occur as a result of the VMP. No mitigation is required.

***Mitigation***

No mitigation is required.

**3.2 AGRICULTURE AND FORESTRY RESOURCES**

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
e) 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?				X
f) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
g) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland production (as defined by Government Code section 51104(g))?				X
h) Result in the loss of forest land or conversion of forest land to non-forest use?				X
i) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X

**3.2.1 Environmental Setting**

There are no farmlands or timberland in the VMP area. The Department of Conservation Farmland Inventory map for Alameda County shows San Leandro as Urban Built-Up Land (Department of Conservation 2010). The San Leandro General Plan Land Use map does not show any designated forest lands in the City of San Leandro (City of San Leandro 2002).

**3.2.2 Checklist Discussion**

***Checklist Items a, b, c, d, and e: No Impact***

The City of San Leandro does not have formally designated Prime Farmland, Unique Farmland, Farmland of Statewide Importance, lands with Williamson Act contracts, or other forest lands,

timberland, or agricultural zoning within the city limits (City of San Leandro 2011). Therefore, the proposed VMP would not impact these agriculture or forestry resources. No mitigation is required.

***Mitigation***

No mitigation is required.

**3.3 AIR QUALITY**

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
j) Conflict with or obstruct implementation of the applicable air quality plan?			X	
k) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		X		
l) 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)?			X	
m) Expose sensitive receptors to substantial pollutant concentrations?			X	
n) Create objectionable odors affecting a substantial number of people?			X	

**3.3.1 Environmental Setting**

**Criteria Pollutants**

Air quality is determined by measuring ambient concentrations of six criteria pollutants, which are air pollutants for which acceptable levels of exposure can be determined and for which standards have been set. The ambient concentrations are then compared to the current National and California Ambient Air Quality Standards (NAAQS and CAAQS). The NAAQS and CAAQS have been established by the U.S. Environmental Protection Agency (U.S. EPA) and California Air Resources Board (CARB), respectively. In general, the CAAQS are more stringent than the corresponding NAAQS. The air quality standards currently in effect in California are shown in Table 3.3-1.



**Table 3-1. Ambient Air Quality Standards**

Pollutant	Averaging Time	California Standards	National Standards	
			Primary	Secondary
Ozone	8-hour	0.07 ppm	0.075 ppm	Same as primary
	1-hour	0.09 ppm	--	--
Carbon Monoxide	8-hour	9 ppm	9 ppm	--
	1-hour	20 ppm	35 ppm	--
Nitrogen Dioxide	Annual	0.03 ppm	0.053 ppm	Same as primary
	1-hour	0.18 ppm	100 ppb	--
Sulfur Dioxide	Annual	--	0.030 ppm	--
	24-hour	0.04 ppm	0.14 ppm	--
	3-hour	--	--	0.5 ppm
	1-hour	0.25 ppm	75 ppb	--
PM <sub>10</sub>	Annual	20 µg/m <sup>3</sup>	--	--
	24-hour	50 µg/m <sup>3</sup>	150 µg/m <sup>3</sup>	Same as primary
PM <sub>2.5</sub>	Annual	12 µg/m <sup>3</sup>	12 µg/m <sup>3</sup>	15 µg/m <sup>3</sup>
	24-hour	--	35 µg/m <sup>3</sup>	Same as primary
Lead	3-month rolling	--	0.15 µg/m <sup>3</sup>	Same as primary
	30 day average	1.5 µg/m <sup>3</sup>	--	--

***Attainment Status and Air Quality Plans***

The U.S. EPA, CARB, and the local air district classify an area as attainment, unclassified, or nonattainment, depending on whether or not the monitored ambient air quality data show compliance, insufficient data available, or non-compliance with the ambient air quality standards, respectively.

The VMP area located within the City of San Leandro, Alameda County, is in the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). The VMP area is currently in nonattainment of the California standards for ozone, PM<sub>10</sub>, and PM<sub>2.5</sub>. The area is in attainment of the California standards for carbon monoxide (CO), nitrogen dioxide (NO<sub>2</sub>), and sulfur dioxide (SO<sub>2</sub>) (BAAQMD 2014).

The responsibility for developing regional air quality plans lies with BAAQMD, which exercises permit authority through its rules and regulations by requiring that new stationary sources secure a permit to construct and a permit to operate through the New Source Review (NSR) program (Regulation 2, Rule 2). These permits are intended to ensure that sources would not interfere

with progress in attaining State and national ambient air quality standards. Mobile and portable sources and temporary activities that cause emissions of air contaminants are managed through a range of State and Federal programs briefly described below.

- *CARB Off-Road Mobile Sources Emission Reduction Program.* The California Clean Air Act mandates CARB achieve the maximum degree of emission reductions from all off-road mobile sources in order to attain the state ambient air quality standards. Off-road mobile sources include construction equipment. Tier 1, Tier 2, and Tier 3 standards for large compression-ignition engines used in off-road mobile sources went into effect in California in 1996 and were updated for year 2000 or later engines. Tier 4 standards went into effect in 2008, and were updated for year 2011 or later engines.
- *CARB Portable Equipment Registration Program.* This program allows owners or operators of portable engines and associated equipment commonly used for construction or farming to register their units under a statewide portable program to operate their equipment throughout California without having to obtain individual permits from local air districts.
- *BAAQMD Regulation 2, Rule 1 – General Requirements.* This regulation prohibits any source from causing a public nuisance and defines what equipment is subject to permitting/new source review requirements and exempts portable stationary equipment (e.g., generators or soil screeners) from permitting if they comply with all applicable requirements of the Statewide Portable Equipment Registration Program.

Other general rules such as Regulation 6 – Particulate Matter and Visible Emissions (for dust control) would also apply to all VMP activities.

### **CEQA Guidelines**

BAAQMD publishes CEQA guidance documents that provide recommendations for evaluating air quality impacts under CEQA. BAAQMD developed quantitative thresholds of significance for their CEQA guidelines in 2010, which were also included in their updated 2011 guidelines (BAAQMD 2011). BAAQMD's adoption of the 2010 thresholds of significance (2010 Thresholds) was challenged, resulting in a court ordered ruling issued March 5, 2012 in California Building Industry Association v. BAAQMD, Alameda County Superior Court Case No. RGI0548693. The order requires BAAQMD thresholds to be subject to further environmental review under CEQA. As a result, BAAQMD released updated CEQA Guidelines in 2012 which outlined emission estimation methodologies, but removed references to CEQA thresholds. BAAQMD appealed the ruling, and the judgment was reversed on August 13, 2013 by the Court of Appeal of the State of California, First Appellate District. The Court of Appeal's decision was appealed to the California Supreme Court, which granted limited review, and the matter is currently pending further ruling.

This analysis uses the thresholds included in the BAAQMD 2011 CEQA guidelines because BAAQMD states that these thresholds were established based on the substantial evidence. The basis for these thresholds is presented in the BAAQMD "Proposed Thresholds of Significance" report released in 2009, which listed the proposed thresholds for criteria pollutants, greenhouse gases, community risk and hazards, and odors. BAAQMD researched existing and projected sources of air quality contaminants and designed the thresholds to comply with state and federal

standards. The report “provides the *substantial evidence* in support of the thresholds of significance...” (emphasis added) (BAAQMD 2009).

### **3.3.2 Checklist Discussion**

#### ***Checklist Item a: Less-Than-Significant Impact***

The latest Clean Air Plan, which was adopted in September 2010 (BAAQMD 2010), is an update to the Bay Area 2005 Ozone Strategy. The 2010 Clean Air Plan includes comprehensive strategy to reduce ozone, particulate matter, air toxics and GHGs from stationary, mobile and transportation sources. The plan builds on the main objective of the 2005 Ozone Strategy which was to comply with state air quality planning requirements as mandated by the California Clean Air Act. The Bay Area Ozone Attainment Plan (Plan) was adopted by BAAQMD in 2001 in response to U.S. EPA’s finding of failure of the Bay Area to attain the national ambient air quality standard for ozone. The plan includes a control strategy for ozone and its precursors to ensure reduction in emissions from stationary sources, mobile sources, and the transportation sector.

VMP implementation and the associated emissions from these activities would be temporary and occur sporadically. Furthermore, BAAQMD’s 2010 Thresholds for construction emissions were established to be consistent with the air quality attainment plans. As shown in the discussion for Checklist Item b, emissions from the VMP activities would not exceed these thresholds, therefore, the VMP implementation activities would be consistent with the applicable plans. The proposed VMP would not conflict with or obstruct the implementation of the applicable air quality plans, and the impact would be less than significant.

#### ***Checklist Item b: Less-Than-Significant with Mitigation Incorporated***

The VMP implementation would result in emissions of criteria air pollutants from the use of off-road construction equipment. On-road activity from worker vehicle trips and hauling truck trips would also generate criteria pollutant emissions. The impacts would principally consist of exhaust emissions from these equipment and vehicles (e.g., ozone precursors such as nitrogen oxides [NO<sub>x</sub>] and reactive organic gases [ROG], other criteria pollutants such as CO and particulate matter -PM<sub>10</sub> and PM<sub>2.5</sub>) and fugitive particulate matter (dust) generated by earthmoving activities and travel on unpaved surfaces. The amount of construction equipment and duration required for each tree or site may vary widely, and is dependent on several factors, including the extent of removal activities, the size of the tree, and the site conditions. In addition, activities would be infrequent and occur sporadically over the 20-year VMP.

Emissions were estimated using CalEEMod2013.2.2 emissions modeling software (CAPCOA 2013). Due to the variable VMP schedule and the assumed 20-year implementation horizon, emissions were calculated using year 2014 emission factors. This is conservative because implementation activities would take place throughout the 20-year span, and emission factors generally decrease in future years due to newer and cleaner equipment use. This analysis used conservative assumptions of equipment activity and frequency based on activity-specific information. This analysis assumed that VMP would involve the use of a dozer, excavator, backhoe, skidder, chipper, crane, tractor, and chainsaws. Worker vehicle trips and truck trips for off-site hauling were also included in the analysis. For the purposes of the analysis the very

worst case scenario of one week of activity involving approximately 10 trees per year was assumed.

The estimated emissions for the VMP implementation are shown in Table 3.3-2. As shown in the table, project emissions would be below the applicable thresholds of significance for ROG, NO<sub>x</sub>, and PM<sub>10</sub> and PM<sub>2.5</sub> exhaust.

**Table 3-2. Project Construction Emissions**

Source	Pollutant Emissions (lbs/day)					
	ROG	NO <sub>x</sub>	PM <sub>10</sub>		PM <sub>2.5</sub>	
			PM <sub>10</sub> (exhaust)	PM <sub>10</sub> (fugitive) <sup>1</sup>	PM <sub>2.5</sub> (exhaust)	PM <sub>2.5</sub> (fugitive) <sup>1</sup>
Average Daily Project Emissions (lbs/day)	0.6	5.6	0.4	0.04	0.3	0.01
BAAQMD Average Daily Thresholds (lbs/day)	54	54	82	--	54	--

<sup>1</sup> BAAQMD does not have quantitative mass emissions thresholds of significance for PM<sub>10</sub> and PM<sub>2.5</sub> emissions from fugitive dust.

BAAQMD does not have mass emissions thresholds for fugitive PM<sub>10</sub> and PM<sub>2.5</sub> dust, but recommends the implementation of best management practices (BMPs), as listed in BAAQMD Air Quality Guidelines (BAAQMD 2011). Incorporation of **Mitigation Measure AIR-1** would require the implementation of these BMPs. Impacts from fugitive PM<sub>10</sub> and PM<sub>2.5</sub> dust emissions would be less than significant after mitigation.

**Checklist Item c: Less-Than-Significant Impact**

Emissions that do not exceed the VMP mass emissions thresholds would not be considered to have a cumulatively considerable impact. Emissions from the vegetation management activities would not exceed BAAQMD mass emissions thresholds. Because emissions would be below the thresholds, the emissions would not result in a cumulatively considerable net increase in criteria air pollutants that could impede attainment or maintenance of the ambient air quality standards. Therefore, the contribution of the VMP to cumulative air quality impacts would be less than significant. No mitigation is required.

**Checklist Item d: Less-Than-Significant Impact**

Off-road construction equipment used during VMP activities would generate emissions of diesel particulate matter (DPM), which is listed as a toxic air contaminant (TAC) by CARB. The VMP sites are located on various parcels along the San Leandro Creek. The area surrounding the creek is primarily residential, and some areas may be located within 1,000 feet of sensitive receptors.

Because VMP activities would typically last less than one week and would occur sporadically and at different locations, it is unlikely that emissions from the VMP implementation activities would have a significant impact on sensitive receptors. As explained in BAAQMD’s CEQA guidelines: *“Due to the variable nature of activities, the generation of TAC emissions in most cases would be temporary, considering the short amount of time such equipment is typically*

*within an influential distance that would result in the exposure of sensitive receptors to substantial concentrations.”* Therefore, construction emissions would result in a less than significant impact to sensitive receptors. No mitigation is required.

***Checklist Item e: Less-Than-Significant Impact***

VMP activities could produce occasional odors from vegetation (e.g., eucalyptus smell) and diesel equipment exhaust. These localized odors would be temporary and short-term. These odors may be detectable by nearby residences from time to time. However, they would not be expected to result in any long-term odor effects that would affect a substantial number of sensitive receptors. Therefore, impacts would be less than significant. No mitigation is required.

***Mitigation***

***Mitigation Measure AIR-1:*** Implement the applicable BAAQMD Basic Construction Mitigation Measures, as described in Table 8-1 of the BAAQMD Air Quality Guidelines (BAAQMD 2011a) to reduce fugitive dust impacts to a less than significant level.

**3.4 BIOLOGICAL RESOURCES**

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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?		X		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
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?		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 provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X
g) Result in conversion of oak woodlands that will have a significant effect on the environment?				X
h) Result in conversion of oak woodlands that will have a significant effect on the environment?				X

### 3.4.1 Environmental Setting

#### 3.4.1.1 Habitats

##### Vegetation

The riparian habitat along San Leandro Creek is dominated by blue gum eucalyptus (*Eucalyptus globulus*). The majority of eucalyptus trees range in height from 50 to 150 feet tall and are 6 to 72 inches in diameter. A variety of low-growing, invasive species consisting of giant reed (*Arundo donax*), cape ivy (*Delairea odorata*), periwinkle (*Vinca major*), English ivy (*Hedera helix*), and Himalayan blackberry (*Rubus armeniacus*) provide a dense ground surface cover. Few native tree and shrub species are scattered throughout the VMP area which include coast live oak (*Quercus lobata*), California buckeye (*Aesculus californica*), blue elderberry (*Sambucus nigra*), California bay laurel (*Umbellularia californica*), arroyo willow (*Salix lasiolepis*), toyon (*Heteromeles arbutifolia*), poison oak (*Toxicodendron diversilobum*), coyote brush (*Baccharis pilularis*), and bed straw (*Galium aparine*), blackberry vines (*Rubus spp.*). Structural diversity is low due to the lack of mid-level trees and shrubs. The distribution and growth potential of native trees and shrubs is limited by the abundance of mature eucalyptus and invasive ground-cover that suppress growth of native sapling and seedling.

##### Wildlife

The eucalyptus-dominated riparian habitat within the VMP area supports a moderate diversity of avian species. The riparian corridor within the VMP area contains suitable foraging and breeding habitat for many species of birds, including the Pacific-slope flycatcher (*Empidonax difficilis*), black-headed grosbeak (*Pheucticus melanocephalus*), spotted towhee (*Pipilo aculates*), Bewick's wren (*Thryomanes bewickii*), song sparrow (*Melospiza melodia*), Allen's hummingbird (*Selasphorus sasin*), and bushtit (*Psaltriparus minimus*). Nesting habitat for raptors such as red-shouldered hawks (*Buteo lineatus*), red-tailed hawks (*Buteo jamaicensis*), and Cooper's hawks (*Accipiter cooperii*) is present within the eucalyptus trees.

Due to the heavily urbanized setting and associated human disturbance, suitable habitat for wildlife populations is limited. The upland habitats within the riparian corridor which include leaf litter, shrubs, and downed tree branches provide cover for several species of reptiles and amphibians including the arboreal salamander (*Aneides lugubris*), western toad (*Anaxyrus boreas*), and Pacific chorus frog (*Pseudacris regilla*). Several lizards that may occur there include the western fence lizard (*Sceloporus occidentalis*), western skink (*Plestiodon skiltonianus*), and southern alligator lizard (*Elgaria multicarinata*). Mammals such as the ornate shrew (*Sorex ornatus*), California vole (*Microtus californicus*), Audubon's cottontail (*Sylvilagus audubonii*), raccoon (*Procyon lotor*), striped skunk (*Mephitis mephitis*), opossum (*Didelphis virginiana*), and feral cat (*Felis catus*), may use this riparian habitat.

The low-flow channel of San Leandro Creek is reportedly perennial from Chabot Dam downstream for approximately 1 mile to near Bancroft Street (Leidy 2005). Therefore, the flows are likely perennial or near-perennial at the St. Mary's Avenue and Cary Drive/Hass crossings. Creek flows are likely ephemeral below Bancroft crossing the low-flow channel at the VMP

sites is approximately 8-15 feet wide with flow depths ranging from approximately 0.5-2 feet depending on specific location and time of year. On occasions flows exceed these depth ranges when water is released from Chabot Dam. The creek channel is incised with near steep vertical banks. The low-flow channel is thereby connected to only narrow floodplain terraces on the inner meander bends. Channel bed sediments comprise a diverse array of grain sizes from sand to gravel to cobble. Minimal large woody debris is present. Trees provide an almost continuous canopy of shade over the low-flow channel.

The San Leandro Creek supports several species of native fishes, such as the resident rainbow trout (*Oncorhynchus mykiss*); Sacramento sucker (*Catostomus occidentalis*); threespine stickleback (*Gasterosteus aculeatus*); and sculpins (*Cottus* sp.); as well as many non-native fish species including carp (*Cyprinus carpio*), centrachids etc. The federally-threatened Central California Coast steelhead (*Oncorhynchus mykiss*) is an anadromous fish (lives in the ocean but spawns in freshwater) that was historically present but currently absent from the VMP area because of the barrier created by Chabot and San Leandro Dams, which prevent a population unit of the Steelhead to become non-migratory (referred to as rainbow trout). Amphibians such as western toad (*Bufo boreas*), Pacific chorus frog (*Hyla regilla*), and the non-native bullfrog (*Rana catesbeianus*) may be present in the creek. Bats, including the California myotis (*Myotis californicus*), may forage on insects over San Leandro Creek.

#### **3.4.1.2 Special Status Species**

##### **Special-Status Plant Species**

Approximately 17 rare plant species are known to occur in the vicinity of the VMP area. Several of these species occur in close proximity (5 miles or less) to the VMP sites, but most of these species require habitat or soil conditions not present. Only one plant species, the Diablo helianthella is discussed in Table 3.3, since potential habitat for this plant is present in the VMP area. The Diablo helianthella is neither state nor federally listed, but is listed as rare by the California Native Plant Society. As discussed in Table 3.3, the likelihood of it occurring in the VMP area is low because the preferred soil conditions (thin and rocky) are not present.

##### **Special-Status Animal Species**

Approximately 14 special-status animal species are known to occur within the vicinity of the VMP area (CNDDDB 2013). Of these species, only three have the potential to occur within the VMP area based on the presence of suitable habitat. The following three special-status wildlife species have the potential to occur in the VMP area.

*Central California Coast Steelhead (Oncorhynchus mykiss)* is a federally threatened species. The steelhead is an anadromous form of rainbow trout that migrates upstream from the ocean to spawn in late fall or early winter, when flows are sufficient to allow them to reach suitable habitat in upstream areas. Spawning occurs between December and June. Steelhead typically spawn in clear, cool, perennial sections of relatively undisturbed streams. Preferred streams typically support dense canopy cover that provides shade, woody debris, and organic matter. Streams in which spawning occurs are usually free of emergent vegetation. Gravel substrates are



the optimum spawning habitat. Steelhead usually cannot survive long in pools or streams with water temperatures above 70 degrees Fahrenheit (°F). Despite their general requirement for cool water, steelhead can spawn in warmer habitats if adequate food supply is available. Steelhead populations have declined due to degradation of spawning and rearing habitat, introduction of barriers to upstream migration, overharvesting by recreational fisheries, and reduction in winter flows due to damming and spring and summer flows due to water diversion. It is unlikely that steelhead reside in San Leandro Creek below Lake Chabot where the VMP area is located. The habitat along the project reach, without flows, would not support steelhead. The two dams: Chabot Dam and Lower San Leandro Dam in the upper watershed are total barriers.

*California Red-legged Frog (Rana draytonii)* is a federally threatened (FT) species and a State Species of Special Concern (SSC). It is presumed that the California red-legged frog formerly occurred in pools and streams throughout Alameda County, but alteration of the hydrology of its aquatic habitats and the introduction of nonnative predators such as non-native fish and bullfrogs have caused it to be absent from the VMP area. The nearest record of California red-legged frogs is located more than 6 miles upstream and 3.5 miles northeast of the VMP area (CNDDDB 2013). California red-legged frogs are considered absent from the VMP site.

*Western Red Bat (Lasiurus blossevillii)* is a California SSC. This species was recently listed as a California SSC. There are no records of western red bats available in the CNDDDB. Because some western red bats overwinter in the San Francisco Bay Area and are expected to winter along riparian areas with large cottonwoods, sycamore or blue gum eucalyptus, this species may occasionally roost in trees on the VMP area, but no breeding habitat is present.

**Table 3-3. Rare and Sensitive Wildlife Species Occurring or Potentially-Occurring in the VMP Area**

Listed or Sensitive Species Present or Potentially Present	Species Legal Status	Natural Communities where Found	Potential to Occur in VMP Area	Mitigations
<b>Plants</b>				
Diablo helianthella <i>Helianthella castanea</i>	1B.2 by CA Native Plant Society	Broadleaved upland forest, riparian woodland	Low – prefers thin rocky soils	--
<b>Fish</b>				
Coho salmon – central California coast ESU	USFWS Endangered (ESA); CDFW Endangered	Stream/aquatic	Possible-Suitable habitat present in San Leandro Creek	--
Steelhead – central California coast DPS	USFWS Threatened (ESA)	Stream/aquatic	Possible-Suitable habitat present in San Leandro Creek	--
<b>Amphibians and Reptiles</b>				
California red-legged frog	USFWS Endangered (ESA)	Stream/aquatic freshwater wetland; not below dams	Absent	--

Listed or Sensitive Species Present or Potentially Present	Species Legal Status	Natural Communities where Found	Potential to Occur in VMP Area	Mitigations
Alameda whipsnake	USFWS Threatened (ESA); CDFW Threatened	Scrub and/or chaparral interspersed with grassland, oak savanna, oak-bay woodland, and riparian zones	None-Habitat absent	--
<b>Invertebrates</b>				
Bay checkerspot butterfly	USFWS Threatened (ESA)	Restricted to native grasslands on outcrops of serpentine soil in the vicinity of San Francisco Bay.	None-Habitat absent	--
<b>Mammals</b>				
Western red bat	CDFW Species of Special Concern (CESA)	Roosts in forest or woodlands especially in or near riparian habitat.	Possible-suitable habitat exists	BIO-3, BIO-4
<b>Birds</b>				
Golden eagle	Federally-protected (The Bald and Golden Eagle Act); State Endangered (CESA)	Nests on ledges, cliffs, overhanging, sometimes in tall trees in oak woodlands	Possible-suitable habitat exists	BIO-1, BIO-2
Nesting raptors	State Protected (CDFW Code 3503.5)	Foothill riparian, foothill oak woodland	Possible-suitable habitat exists	BIO-1, BIO-2
Nesting birds	Federally Protected (Migratory Bird Treaty Act); State Protected (CDFW Code 3503)	Foothill riparian, stream banks, oak woodland	Possible-suitable habitat exists	BIO-1, BIO-2

Based on review of CNDDDB Inventory of Rare and Endangered species (CDFW 2013)

**3.4.2 Checklist Discussion**

The proposed VMP would not result in significant adverse impacts to biological resources as discussed below.

***Checklist Item a: Less Than Significant with Mitigation Incorporated***

**3.4.2.1 Loss of Raptor Breeding Habitat**

The VMP area provides potential nesting habitat for several regionally abundant raptor species that are not special-status species. The VMP activities would include the Replanting of native trees to replace failed and/or removal. Most large trees would remain to provide nesting

opportunities for raptors. Raptor species along San Leandro Creek would still have access to available tall trees throughout San Leandro Creek and urbanized San Leandro.

VMP elements that remove trees would not result in substantial reductions in available nesting sites for populations of raptor species or cause reductions in regional populations of these species, therefore the impact to nesting raptor species would be less than significant.

Active nests of most common bird species are protected under the Migratory Bird Treaty Act (MBTA) and the California Fish and Game Code. While active nests of common bird species are not considered to be of special-status under CEQA, these nests are protected by federal law and impacts to them would be considered a significant impact unless mitigated.

The implementation of **Mitigation Measures BIO-1** through **BIO-2** would protect active nests of common bird species and ensure compliance with state and federal laws.

#### **3.4.2.2     *Loss of Maternity Roost for Western Red Bats (California Species of Special Concern)***

The VMP implementation may affect riparian zone used as potential maternity roosts for the Western red bat, a California Species of Special Concern. Therefore, the VMP implementation has the potential to impact roosting western red bats.

Western red bats may occur in low numbers in eucalyptus trees along San Leandro Creek during the summer and in higher numbers after October 15 when bats are returning to wintering sites from breeding areas. Because the VMP elements would be completed in the summer, impacts on western red bats would be minimal. Protected species of bats such as the Yuma myotis or California myotis may roost or breed on the VMP area in tall trees. VMP implementation has the potential to take individuals of roosting or breeding bats. Measures have therefore been incorporated into the VMP to avoid take of individual special-status bats or colony of bats regardless of size. The implementation of **Mitigation Measures BIO-3** and **BIO-4** would protect special-status bat species and other protected bat species and ensure compliance with federal laws protecting bats.

#### ***Checklist Items b: Less-Than-Significant Impact***

The riparian vegetation within the VMP area provides dense canopy of shade over San Leandro Creek, which moderates water temperatures during summer and thereby contributes to the suitability of the habitat for Central California Coast steelhead. The VMP element implementation would not remove canopy that provides shade over the creek. Most of the VMP area is located on the north bank of the creek. The general east-west orientation of the creek prevents exposure of the active channel to sunlight. The steep south bank of the creek with dense tall trees provides shade on the active low flow channel during critical times of the day.

The VMP is expected to increase the amount and quality of shaded habitat over the stream in the long term. The VMP includes the replanting of new trees. In addition, numerous existing native riparian trees (saplings and mature trees) are present on the on the VMP. These saplings growth rate would accelerate with exposure to light to continue to add to the canopy coverage. Therefore, the temporal loss of shade over the stream is less than significant. No mitigation is required.

***Checklist Items c: No Impact***

VMP activities would be located above the ordinary high water mark (OHWM) of San Leandro Creek. No potentially jurisdictional wetlands or waters would be impacted. No mitigation is required.

***Checklist Item d: Less-Than-Significant Impact to Migratory Fish***

VMP activities could temporarily degrade water quality on and downstream of the activity locations if ground disturbance causes soil erosion to increased turbidity and siltation. Such water quality degradation could result in a substantial impact to aquatic wildlife species including migratory fish.

The VMP activities include the following avoidance and minimization measures to protect the water quality of the Creek:

- All work would be completed in the dry season (generally between April 1 and October 1);
- All areas of soil disturbance would be restored and seeded with native grass seed and covered with straw or erosion control fabric at end activities; and
- All standard BMPs would be implemented.

Implementation of these measures would reduce impact to migratory fish to a less than significant level. No mitigation is required.

***Checklist Item d: Less Than Significant with Mitigation Incorporated Impact to Migratory Birds***

The riparian forest currently present in the VMP area provides nesting, shelter and foraging habitat for many species of migratory and migratory birds. The birds' composition and habitat use would not change as a result of the VMP activities. Therefore, the VMP implementation would not result in substantial regional reductions in available nesting sites for populations of any migratory bird species, and the restoration of the project sites would provide valuable habitat for riparian-associated bird species. Thus, the VMP's effect on nesting and foraging habitat for migratory birds is less-than-significant.

The implementation of **Mitigation Measures BIO-1** and **BIO-2** would serve to protect active nests of migratory bird species and to ensure compliance with state and federal laws protecting active bird nests.

***Checklist Item e: Less-Than-Significant Impact***

The City of San Leandro does not have a tree preservation policy or ordinance. The VMP would not conflict with any local policies or ordinances protecting biological resources. No mitigation is required.

***Checklist Item f: No Impact***

The closest Habitat Conservation Plan (HCP) area is the East Bay Municipal Utility District (EBMUD) Low Effect East Bay HCP, in which the nearest boundary is located approximately 0.4 mile east of the VMP site across a highly urbanized area and on the east side of I-580. Therefore, the VMP would not impact or conflict with an HCP. No mitigation is required.

***Checklist Item g: No Impact***

Several oak trees occur within the VMP area and may be pruned to reduce branch weight. The pruning of oak trees would be beneficial to overall tree health. Therefore, there would be no impact to existing oak woodlands.

***Mitigation Measures:***

***Mitigation Measure Bio-1:*** Pre-implementation surveys would be conducted if tree pruning or removal is to occur during the breeding season (February 15 through August 31) for birds by a qualified biologist no more than 15 days prior to the initiation of activities on the VMP site. Pre-activity surveys shall identify active nests of species protected by the MBTA or State Code.

***Mitigation Measure Bio-2:*** If an active bird nest is found, a qualified biologist would follow CDFW protocol in establishing the extent of activity-free buffers around the nest site, until fledgling take flight. If the nest is located in a tree identified to require treatment, DFW protocol will be followed depending on the nest stage i.e., eggs being incubated. CDFW protocols will be followed to discourage nest building on the site if the nest building is in progress. Typical buffer widths are 250 feet for a nesting raptor and 100 feet for other species. The establishment of activity-free buffer zones would ensure that no active nests of species protected by the MBTA or California Fish and Game Code would be disturbed by construction.

***Mitigation Measure Bio-3:*** Pre-implementation surveys of the activity shall be conducted by a qualified biologist. The biologist shall examine the location trees for urine staining and fecal pellets. If a sign of bats presence is detected, the biologist shall further determine whether the bats are presently occupying the trees. The biologist shall then work with the Contractor to exclude the bats from the affected trees at an appropriate time when the bats are not engaged in breeding activities, or to disturb the trees so that the bats do not return, in accordance with CDFW protocol (see **Mitigation Measure BIO-4**). The breeding season for bats species in California is March 15 through August 31. If a maternity colony is found, a minimum buffer zone of at least 50 feet would be established.

**Mitigation Measure Bio-4:** If trees with non-breeding protected bats (or a maternity colony with volant (young)) are affected by VMP activities, CDFW protocol will be followed: the lowest branches of each tree shall be removed at the end of the day (after 5:00 PM). This disturbs the habitat, allowing the bats to leave their roosts after dark when they are less exposed to predators, reducing the probability that the bats would return to the disturbed roost tree. Following the late afternoon/early evening disturbance, the remainder of the tree may be removed starting the following morning.

**3.5 CULTURAL RESOURCES**

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
i) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?				X
j) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?			X	
k) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
l) Disturb any human remains, including those interred outside of formal cemeteries?			X	

**3.5.1 Environmental Setting**

The VMP area is situated on generally level terrain between the San Francisco Bay margin and the San Leandro Hills, approximately 40 to 60 feet above sea level. Geologically, the VMP area is underlain by historical stream channel deposits laid down in the past 100 years and Quaternary (1,800,000 years Before Present [B.P.] to present) Holocene (10,000 years B.P. to present) alluvial fan and levee deposits laid down by San Leandro Creek draining the San Leandro Hills, prior to urbanization and channelization (Witter et al. 2006). Soils in the majority of the VMP area consist of Yolo silt loam, a young, poorly developed soil, with Danville silty clay loam, a more well-developed soil present in the eastern- and western-most portions (USDA NRCS 2014).

**3.5.1.1 Native American Cultural Resources**

It has been demonstrated, through numerous studies, that archaeological sites are not distributed randomly across the landscape but, instead tend to positively correlate with specific environmental settings—though variability within any particular setting can be extensive (Bettinger 1980; Jochim 1981). Prehistoric archaeological sites are most frequently situated near water sources at low elevations and away from steep slopes or mountainous terrain. Additionally, there is a strong correlation between Holocene-age landforms, buried soils, and buried archaeological remains in the Bay Area, especially in valleys (Meyer and Rosenthal 2007). Because the VMP area reflects these types of conditions, the VMP area is considered an area of potential sensitivity for archaeological resources.

A literature review and records search was conducted at the Northwest Information Center (NWIC) of the California Historical Resources Information System (File No. 13-0847) that

included the VMP area and a half-mile buffer. The records search revealed that eight previous cultural resource studies have been conducted within portions of the VMP area and ten previously recorded archaeological sites are present in the City of San Leandro between San Leandro Creek and San Lorenzo Creek—most of which consist of remnant shell mounds near the San Leandro Marina and along the banks of the creeks (City of San Leandro 2002). The previously conducted cultural resource investigations in or near the VMP area failed to identify any prehistoric cultural resources within 500-feet of the proposed VMP.

#### **3.5.1.2 *Historic Period Cultural Resources***

No built environment resources are present within the VMP area. The San Leandro General Plan identifies three neighborhoods constructed before World War II that intersect portions of the proposed VMP (Estudillo Estates, Peralta, and Farrelly Pond); however, no historical resources associated with these neighborhoods have been identified within the VMP area. The General Plan also lists 21 historic buildings and 3 historic trees in the City of San Leandro, all of which are outside the VMP area (City of San Leandro 2002). Additionally, the Office of Historic Preservation's Historic Property Data File (April 2012) does not list any built environment resources within the VMP area.

#### **3.5.1.3 *Paleontological Resources***

No paleontological resources, sites, or unique geological features have been recorded in or adjacent to the VMP area. A paleontological resources search performed using the University Of California Museum Of Paleontology's (UCMP) Miocene Mammal Mapping plan (MioMap) indicated no previous finds of paleontological resources on or in the immediate vicinity of the VMP sites. According to the MioMap database, the closest paleontological finds are located approximately eight miles northeast of the VMP area in the Las Trampas Regional Wilderness.

### **3.5.2 Checklist Discussion**

The thresholds of significance that determine cultural resource impacts for the VMP are defined as situations where the project could:

- Result in damage to, the disruption of, or adversely affect a property that is listed in the California Register of Historical Resources (CRHR) or a local register of historic resources per Section 5020.1 of the Public Resources Code (PRC);
- Cause damage to, disrupt, or adversely affect an important prehistoric or historic archaeological resource such that its integrity could be compromised or eligibility for future listing in the CRHR diminished;
- Cause damage to or diminish the significance of an important historic resource such that its integrity could be compromised or eligibility for future listing on the CRHR diminished; or
- A significant impact would occur if the project would directly or indirectly disturb any human remains, including those interred outside of formal cemeteries.

Any damage to a cultural resource determined to be important based on the criteria outlined above would be considered a significant impact. However, the proposed VMP would not result



in significant adverse impacts to cultural resources as discussed below. Mitigation measures included below are standard measures and are not directly associated with any identified known impact(s).

***Checklist Item a: No Impact***

There are no historical resources, as defined in the CEQA Guidelines Section 15064.5 (PRC § 5024.1) or cultural resources listed in a local register of historic resources, as defined in the CEQA Guidelines per Section 5020.1 of the PRC, within 500 feet of the VMP area. As such, the proposed VMP, which consists of the removal of select trees, would have no impact on historical resources. No mitigation is required.

***Checklist Item b: Less-Than-Significant***

No archaeological resources have been recorded within 500 feet of the VMP area. The potential for the proposed VMP to encounter previously unrecorded archaeological resources during tree removal is considered low to moderate. Soil disturbances during VMP activities could damage or destroy unrecorded archeological artifacts, therefore several standard procedures would be implemented during any ground disturbing activities as follows:

Prior to the initiation of ground disturbing project activities, the District or designee would conduct a tailgate meeting to inform personnel of the potential for exposing undocumented subsurface cultural resources and to recognize possible buried cultural resources. Personnel would be informed of the procedures to follow upon the discovery or suspected discovery of archaeological materials, human remains (including Native American) and their treatment.

Pursuant to CEQA Guidelines 15064.5 (f), "provisions for historical or unique archaeological resources accidentally discovered during construction" would be instituted. Therefore, if previously unidentified archaeological resources are unearthed during VMP activities, work would be halted within 50-feet of the discovery and the District would consult with a qualified archaeologist to assess the significance of the find and further course of action if required.

***Checklist Item c: No Impact***

No paleontological resources or unique geologic features have been identified within the VMP area. The VMP area is underlain by historical stream channel deposits and Holocene (10,000 years B.P. to present) alluvium. Significant paleontological resources are only associated with Pleistocene or older sediments. The VMP's limited vertical disturbance would not extend far enough into the Quaternary alluvium to encounter Pleistocene-age deposits, and therefore the VMP would have no impact on unique paleontological resources. No mitigation is required.

***Checklist Item d: Less-Than-Significant***

No prehistoric archaeological sites or Native American human remains have been identified within 500 feet of the VMP area, indicating a low potential for encountering Native American burials during VMP activities. Additionally, the sub-surface ground disturbance of the proposed VMP area is relatively shallow, further reducing the likelihood of encountering buried human remains. However, if human remains are discovered during VMP activities, the District will comply with State law and County guidelines including immediate notification of the County Medical Examiner/Coroner, as required by PRC §5097. Upon discovery of human remains

or skeletal remains, work within 100 feet of the find would be halted and the District notified. The District would consult a qualified archaeologist to review and evaluate the find. Work would not begin at the location of the find until the archaeological or cultural resources specialist examine the remains, assess their significance, and recommend appropriate measures and course of action. Human remains shall be handled in accordance with PRC §5097 as stated above.

***Mitigation Measures***

None required

**3.6 GEOLOGY AND SOILS**

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii. Strong seismic ground shaking?			X	
iii. Seismic-related ground failure, including liquefaction?			X	
iv. Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
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?			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?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X

**3.6.1 Environmental Setting**

As noted in the General Plan, the City of San Leandro is located in a designated Alquist-Priolo Earthquake Fault Zone (City of San Leandro 2002). The Hayward Fault crosses the eastern limits of the City approximately 0.5 mile from the VMP site. Earthquake hazard maps prepared by the Association of Bay Area Governments (ABAG) indicate that a large earthquake along the Hayward Fault would trigger very violent shaking along the fault in the northeastern part of the

City (ABAG 2013a). The City is also vulnerable to damage from earthquakes along the San Andreas Fault located 10 miles to the west, and the Calaveras Fault located 10 miles to the east. The VMP area is identified by the earthquake hazard map as susceptible to high to very high risk for violent ground shaking and low to moderate risk for liquefaction.

### **3.6.2 Checklist Discussion**

The proposed VMP implementation would not expose people or structures to potentially substantial adverse effects related to existing or potential future geology and conditions as discussed below.

#### ***Checklist Item a:***

##### ***Item ai – aiii: Less-Than-Significant Impact***

The VMP area is located in close proximity to the Hayward Fault line, which could rupture in the event of a large quake. In the event of a major earthquake generated within the San Francisco Bay Region, the VMP site would experience strong to violent ground shaking. In the event of a major earthquake within the San Francisco Bay Region, the VMP site would be at low to moderate risk for liquefaction. Trees that are in danger of falling due to decay, structural defects, and/or have the potential to fall in the wind, and could fall in the event of a large quake on the Hayward Fault causing damage to life and property along San Leandro Creek. The VMP elements implementation would reduce the number of trees that could fail in the event of a fault rupture. The temporary nature of the VMP actions and the absence of any new structures being built under the VMP would minimize the potential risk to people or structures related to rupture of a known earthquake fault. No mitigation is required.

##### ***Item aiv: No Impact***

According to the United States Geological Survey, the VMP site is not located in an area with a high potential for landslides (USGS 2003). Therefore, no impact would occur as a result of the VMP elements implementation. No mitigation is required.

##### ***Checklist Item b: Less-Than-Significant Impact***

Minor grading could occur at locations within the VMP area to create usable access routes. Erosion control measures such as straw wattles or erosion control fabric would be applied to areas of disturbed soils. Disturbed soils would also be restored following VMP activities through re-planting and broadcast seeding with a native seed mix and/or allow existing native seedling/sapling establish. As necessary, erosion control measures and restoration of creek banks would prevent erosion and the substantial loss of topsoil. No mitigation is required.

##### ***Checklist Item c: Less-Than-Significant Impact***

As discussed under Checklist Item a, implementation of the VMP would not pose potential risks from seismically-induced liquefaction and would not pose potential risks from landslides on- or off-site. Furthermore, the VMP would reduce the potential risks to persons or property that may be caused by seismic induced tree failures. Therefore, impacts related to soil instability as a

result of the VMP element implementation would be less than significant. No mitigation is required.

***Checklist Item d: No Impact***

According to the USDA Web Soil Survey: (<http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>), the VMP sites are underlain with Yolo silt loam (USDA NRCS 2014). Expansive (shrink-swell) soils generally consist of clay materials that are capable of absorbing water. A change in the moisture content of an expansive soil can cause clay minerals to swell or to lose cohesion and collapse. The associated change in soil volume (expansion) has the potential to result in structural damage to buildings or other structures, including cracks in building foundations.

Yolo silt loam's liquid limit rating is 31.5 percent and plastic index rating of 11.5 percent. The liquid limit and plasticity index properties of Yolo silt loam would rank the soil as possessing a moderate to low shrink-swell potential. Therefore, Yolo silt loam—the soil underlying the VMP site—is not an expansive soil. No mitigation is required.

***Checklist Item e: No Impact***

The VMP does not propose the installation or use of septic tanks or alternative wastewater disposal systems. Therefore, no impact would occur as a result of the VMP. No mitigation is required.

***Mitigation***

No mitigation is required.

**3.7 GREENHOUSE GAS EMISSIONS**

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Generate greenhouse gas emission, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

**3.7.1 Environmental Setting**

**Greenhouse Gases**

Global climate change, the warming of the earth’s temperature, is caused by the emission of greenhouse gases (GHGs) into the atmosphere. Naturally occurring GHGs include the following:

- Carbon dioxide (CO<sub>2</sub>), commonly emitted through the burning of fossil fuel;
- Methane (CH<sub>4</sub>), typically emitted through agriculture (animal waste) and the out-gassing of landfills; and
- Nitrous oxide (N<sub>2</sub>O), emitted through the burning of fossil fuel and agricultural soil management.

Several classes of halogenated substances that contain fluorine, chlorine, or bromine are also GHGs, but they are primarily products of specialized industrial activities. Chlorofluorocarbons (CFCs) and hydrochlorofluorocarbons (HCFCs), and halons are stratospheric ozone depleting substances. Other fluorine containing substances, including hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF<sub>6</sub>), do not deplete stratospheric ozone, but are considered powerful GHGs. When these gases are released into the atmosphere, they block heat and energy from being radiated back into space, and deflect this energy back to the earth’s surface in what is known as the greenhouse effect.

**CEQA Guidelines**

Through the adoption of AB 32 (California Global Warming Solutions Act of 2006), the State of California has set the goal of reducing greenhouse gas (GHG) production to 1990 levels by 2020. Currently, neither the Office of Planning and Research (OPR) nor the Bay Area Air Quality Management District (BAAQMD) have developed thresholds for evaluating significant impacts from GHGs resulting from the VMP implementation. CEQA guidelines encourage the development of thresholds, but the absence of an adopted threshold does not relieve agency from the obligation to determine significance.

BAAQMD developed quantitative thresholds of significance for their CEQA guidelines in 2010, which were also included in their updated 2011 guidelines (BAAQMD 2011a). As discussed in Section 3.3.1, BAAQMD's adoption of these 2010 thresholds of significance (2010 Thresholds) was challenged, resulting in a court ordered ruling issued March 5, 2012 in California Building Industry Association v. BAAQMD, Alameda County Superior Court Case No. RG10548693. The order requires BAAQMD thresholds to be subject to further environmental review under CEQA. As a result, BAAQMD released updated CEQA Guidelines in 2012 which outlined emission estimation methodologies, but removed references to CEQA thresholds. BAAQMD appealed the ruling, and the judgment was reversed on August 13, 2013 by the Court of Appeal of the State of California, First Appellate District. The Court of Appeal's decision was appealed to the California Supreme Court, which granted limited review, and the matter is currently pending there.

This analysis uses the GHG thresholds included in the BAAQMD 2011 CEQA guidelines because BAAQMD states that these thresholds were established based on the substantial evidence (BAAQMD 2009). While the 2010 and 2012 guidelines do not set thresholds for construction-related GHGs, the guidelines state that the Lead Agency should quantify and disclose GHG emissions that would occur during construction, and make a determination on the significance of these construction generated GHG emission impacts with respect to meeting AB 32 GHG reduction goals (Public Resources Code, Section 21082.2). A relevant standard for judging for GHG emissions is the BAAQMD 2010 threshold for operational-related GHG emissions of 1,100 MT (metric tons) of CO<sub>2</sub> equivalent (CO<sub>2e</sub>) per year. In applying this operational threshold to a project construction, the construction emissions should be amortized over the lifetime of the project. For the purposes of this analysis the assumed VMP 20 year's duration is compared to the operational threshold of 1,100 MT of CO<sub>2e</sub> per year.

### **3.7.2 Checklist Discussion**

#### ***Checklist Item a: Less-Than-Significant Impact***

The VMP would generate temporary GHG emissions from off-road equipment and on-road vehicle exhaust during VMP activities. These emissions were estimated using CalEEMod2013.2.2. Assumptions and inputs used in the calculations are described in Section 3.7.1 Over the 20 year VMP, activities would generate 2,025 MT of CO<sub>2e</sub>. Amortized over the assumed 20-year lifetime of the VMP, annual emissions would be 101 MT of CO<sub>2e</sub> per year. This is significantly below the 1,100 MT of CO<sub>2e</sub> per year threshold; therefore, impacts would be less than significant.

The VMP would include pruning or removal of trees and removal of some ground cover vegetation. Restoration activities would consist of planting new native trees, shrubs and ground cover vegetation. The replacement of failed older, mature, trees (and/or with structural deformities, infested, etc.) or vegetation with younger but faster growing trees may result in a temporary net decrease in CO<sub>2</sub> sequestration, but quantifying this change in CO<sub>2</sub> sequestration would be highly speculative. These impacts are anticipated to be less than significant. No mitigation is required.

***Checklist Item b: Less-Than-Significant Impact***

In 2010 and 2011 the County of Alameda adopted Climate Action Plans (CAP) for government agency operations and for community action to guide Unincorporated County in reducing greenhouse gas emissions in accordance with the State AB 32. The County climate action plans set goals to reduce the county overall energy use by 20 percent by 2020.

The City of San Leandro also adopted a Climate Action Plan (CAP) in December 2009 to help guide San Leandro towards a sustainable future that reduces greenhouse gas emissions from current levels in accordance with AB 32, while promoting economic prosperity for present and future generations. Measures discussed in the CAP to reduce GHG emissions include energy efficiency improvements, increasing renewable energy use, and green building techniques. The city has not established specific thresholds for determining the level of significance of GHG emissions.

The VMP would not conflict with the goals contained in the County and City's CAP. The VMP would be consistent with applicable local plans, policies, and regulations for GHGs and would not conflict with the provisions of AB 32, the applicable air quality plan, or any other State or regional plan, policy or regulation of an agency adopted for the purpose of reducing greenhouse gas emissions. GHG emissions from the VMP activities would be below applicable thresholds. Therefore, this impact would be less than significant. No mitigation is required.

***Mitigation***

No mitigation is required.



**3.8 HAZARDS AND HAZARDOUS MATERIALS**

Would the project:

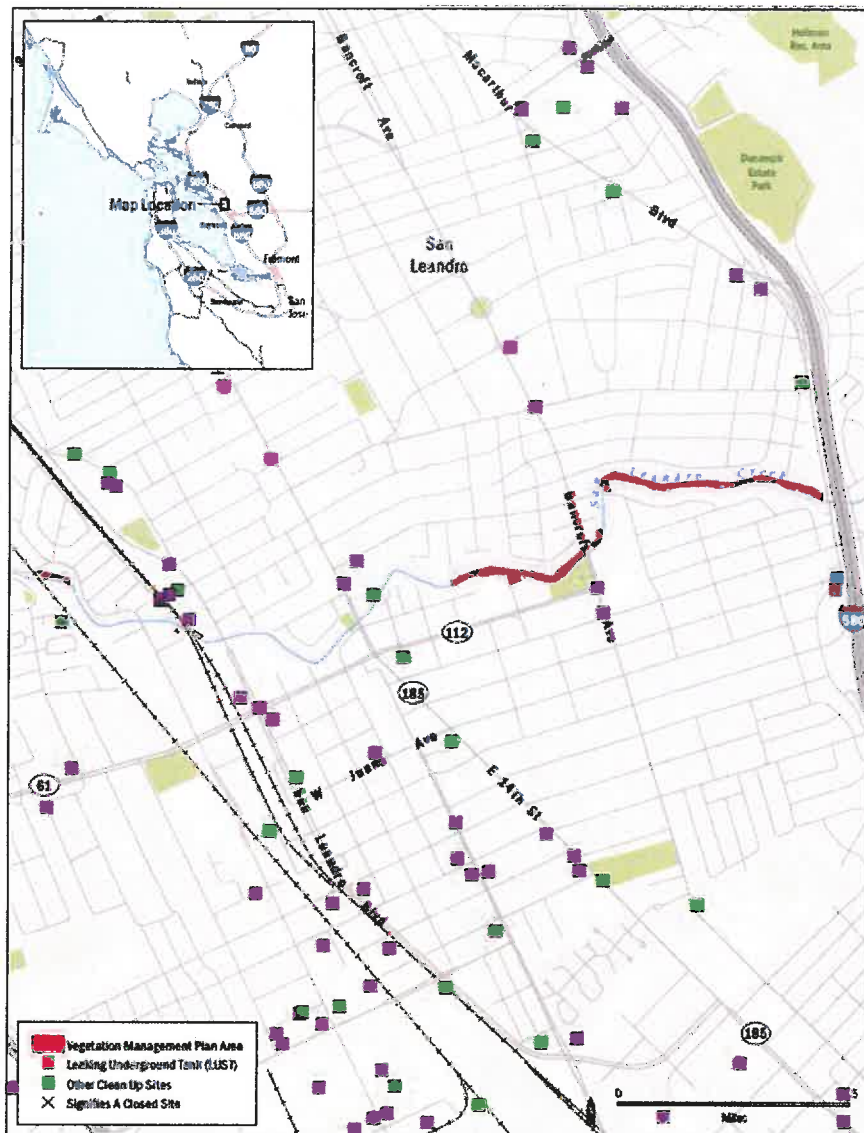
	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
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?				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 result in a safety hazard for people residing or working in the project area?				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				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?				X

**3.8.1 Environmental Setting**

The San Leandro General Plan identifies over 250 sites in the city that have been documented as a hazardous materials contamination sites (City of San Leandro 2002). These contamination sites are located primarily in West San Leandro and South-of-Marina industrial districts. Property along commercial corridors in the city (East 14th Street, Hesperian Boulevard, and Washington Avenue), have also been identified as areas with contamination. A majority of these sites are associated with petroleum releases to the soil or groundwater caused by leaking underground storage tanks.

Four groundwater plumes are present in the City of San Leandro. The largest of the four plumes is more than two miles long and one mile wide, extending from Washington Avenue westward to Doolittle Drive in the central part of the city. The primary contaminant of concern in each of the four plumes is trichloroethene (TCE). TCE is used as a solvent degreaser to clean metal parts.

The City has taken action to remediate and restore groundwater quality. According to the California Department of Toxic Substances Control's (DTSC) and the State Water Resources Control Board's (SWRCB) online hazardous materials database, the VMP area is not within 200 meters of a listed hazardous materials site (DTSC 2011, SWRCB GeoTracker 2014) in the SWRCB'S data managing system for monitoring hazardous materials sites that impact groundwater (Figure 3). The hazardous waste sites within 200 meters of the VMP area are closed.



**Figure 3. Hazardous Waste Sites in the VMP Area from GeoTracker**

**3.8.1.1 Regulations Related to Hazardous Materials**

**Alameda County**

All work performed under the oversight of the Alameda County Flood Control and Water Conservation District would comply with the standard set of protocols set in the Materials Storage and Spill Cleanup Plan including:

- Hazardous Materials Management

- Label all hazardous materials and hazardous waters (such as pesticides, paints, thinners, solvents, fuel, oil, and antifreeze) in accordance with city, county, state, and federal regulations.
- Store hazardous materials and wastes in secondary containment and cover them during wet weather.
- Follow manufacturer's application instructions for hazardous materials and be careful not to use more than necessary. Do not apply chemicals outdoors when rain is forecast within 24 hours.
- Be sure to arrange for appropriate disposal of all hazardous wastes
- Spill Prevention and Control
  - Keep a stockpile of spill cleanup materials (rags, absorbents, etc.) available at the site at all times.
  - When spills or leaks occur, contain them immediately and be particularly careful to prevent leaks and spills from reaching the gutter, street, or stormdrain. Never wash spilled material into a gutter, street, storm drain, or creek.
  - Report any hazardous materials spills immediately.

If contaminated soils (from site history, discoloration, odor, texture, abandoned underground tanks or pipes, or buried debris) are suspected at a work site, the District directs the work crew to consult with a hazardous material specialist to determine course of action and to follow the recommended process to dispose of the hazard.

### **City of San Leandro**

Laws and regulations regarding hazardous waste are enforced locally by the San Leandro Environmental Services Division. The Environmental Services Division regulates the storage, use, treatment, and disposal of hazardous materials and wastes generated by industries within the city. As a Certified Unified Program Agency (CUPA), the Division requires businesses within the city that handles specific quantities of hazardous materials to submit a Hazardous Materials Business Plan (City of San Leandro 2014a).

### **Hazardous Materials Business Plan**

Any business or facility that stores or handles any hazardous material or hazardous waste in excess of 55 gallons for liquids, 500 pounds for solids, or 200 cubic feet for gases, must submit a Hazardous Materials Business Plan (HMBP).

The HMBP must provide the following information:

1. A listing or inventory of hazardous materials and wastes present;
2. Amounts handled;
3. Where hazardous materials are handled and stored (including a site and facility map);
4. Emergency response procedures in case of a release; and
5. Employee training for hazardous materials.

In the event of a hazardous materials incident on site, the HMBP provides emergency responders with the necessary information to prepare adequate emergency response plans.

### **3.8.2 Checklist Discussion**

The proposed VMP implementation would not result in significant adverse impacts concerning hazards and hazardous materials as discussed below.

#### ***Checklist Item a: Less-Than-Significant Impact***

The VMP restoration element, would control invasive vegetation (vines and exotic tree species) by treating the stumps with federal and state approved systemic herbicide, safe for use in aquatic habitats, to prevent growth and sprouting. Given the targeted nature of herbicide application, the VMP would have a less-than-significant impact. No mitigation is required.

The VMP element implementation would involve the routine transport, storage, use, and disposal of small quantities of hazardous materials such as herbicides and construction equipment fuels, lubricants, and hydraulic fluids that may be used during tree removal activities. The transport, storage, and handling of these materials will be managed in accordance with applicable laws and regulations. The VMP would comply with standard protocols for hazardous materials management and spill control, storing incompatible hazardous materials, using secondary containment for hazardous materials storage, use of trained personnel for hazardous materials handling, keeping spill clean-up kits available on-site, and designating appropriate sites as refueling stations for equipment a minimum of 50 feet from the creek banks. Because the VMP would follow appropriate laws and ordinances regarding the transport, use and disposal of hazardous materials, routine transport, storage, use or disposal of hazardous materials, during VMP implementation would not create substantial hazards to the public or the environment, and impacts would be less than significant. No mitigation is required.

#### ***Checklist Item b: Less-Than-Significant Impact***

The VMP element implementation would comply with all federal, state, and local regulations regarding the use and storage of hazardous materials. Herbicides would be used per manufacturer specifications. Thus, the VMP would have a less-than-significant impact on the public and environment through reasonably foreseeable upsets and accident conditions involving the release of hazardous materials. No mitigation is required.

#### ***Checklist Item c: Less-Than-Significant Impact***

In accordance with the CEQA guidelines, Section 15186, schools within 0.25 mile would be notified if extremely hazardous materials are to be used during the VMP implementation. The VMP would comply with all federal, state, and local regulations regarding the use and storage of hazardous materials. Bancroft Middle School, located at 1155 Bancroft Avenue is adjacent to the VMP area. The use of herbicides would specifically be limited to targeted tree stumps and invasive vines. The VMP does not anticipate uses of extremely hazardous materials.

Given the localized effects of the herbicide treatment and the methods of application, impacts related to hazardous emissions and the handling of hazardous materials, substances, or waste within a quarter mile of a school (Bancroft Middle School) are considered less than significant. No mitigation is required.

***Checklist Item d: No Impact***

In the VMP vicinity there are two sites listed on the regulatory hazardous materials sites databases maintained by the DTSC and SWRCB. These closest sites are Russell Heath Cleaners located at 1010 East 14<sup>th</sup> Street adjacent to San Leandro Creek, and a leaking underground storage tank located as the Garcia property on 1205 Bancroft Avenue, approximately 350 feet east of the VMP area. Site cleanup at both of these properties has been completed, and these cases are now closed. As the VMP area is not located on active hazardous materials sites, the VMP would not create a significant hazard to the public or the environment. No mitigation is required.

***Checklist Items e and f: No Impact***

The VMP area is not located within an airport land use plan or within the vicinity of a public use airport or private airstrip. Oakland International Airport, the closest airport to the project area, is located approximately three miles to the west. Given this distance and the fact that the VMP does not propose any development of vertical construction for used by people, aircraft over-flights would not pose a safety hazard to people residing or working in the VMP area. No mitigation is required.

***Checklist Item g: No Impact***

The City of San Leandro implements an Alerting and Warning System as part of its emergency preparedness program, which consists of eight sirens placed throughout the city which sound in emergency events resulting from earthquakes, chemical spills, flooding, fires, storms, power outages, transportation accidents, terrorist acts, and other public safety incidents (City of San Leandro 2013a). The VMP activities would not impair or physically interfere with the City of San Leandro's Alerting and Warning System.

San Leandro does not have officially designated evacuation routes. Arterial streets, particularly Doolittle, East 14th, San Leandro Boulevard, Washington, Halcyon/Fairmont, Bancroft/Hesperian, and MacArthur/Foothill would function as the logical evacuation routes. The VMP would not interfere with these evacuation routes in the event of an emergency evacuation because activities would not block streets or driveways. Thus, VMP and its implementation would not impact an adopted emergency response plan or evacuation plan. No mitigation is required.

***Checklist Item h: No Impact***

The purposes of the VMP are to manage the vegetation in the corridor for safety, aesthetics, and improved habitat. Since the VMP would not introduce people or structures to the risk of loss, injury, or death involving wildland fires, the VMP would have no impact. No mitigation is required.

***Mitigation***

No mitigation is required.

**3.9 HYDROLOGY AND WATER QUALITY**

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?			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 pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
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?				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?				X
f) Otherwise substantially degrade water quality?			X	
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?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
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?			X	
j) Inundation by seiche, tsunami, or mudflow?				X

**3.9.1 Environmental Setting**

The VMP area is within the undeveloped vegetated portions of San Leandro Creek channel. San Leandro Creek drains 48 square miles in Alameda and Contra Costa Counties, including much of the regional watershed and open space lands between the East Bay Plain and the San Ramon Valley (Sowers 1997). The creek flows through San Leandro Reservoir and Lake Chabot before entering San Leandro, and continues for approximately four miles to Oakland where it enters San Leandro Bay. Most of San Leandro Creek has been preserved in its natural state, although there are significant residential homes along both banks in the VMP area. Many of the homes are built on reclaimed flood plains of the San Leandro Creek. According to the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRM), some portions of the VMP area are designated as "Zone AE", a Special Flood Hazard Area (SFHA) that is within the 100-year storm event flood area (FEMA 2013).

**3.9.2 Checklist Discussion**

The proposed VMP implementation would not result in significant adverse impacts to hydrology and water quality as discussed below.

***Checklist Item a and f: Less-Than-Significant Impact***

Impacts to water quality could result during implementation of the VMP. VMP activities including soil disturbances could have the potential to affect the water quality of the creek and result in increased erosion. In accordance with the Construction General NPDES Permit, the SWPPP would minimize construction related sediment and other stormwater pollutant runoff generated by the project (EPA 2012). A Stormwater Pollution Prevention Program (SWPPP) would be implemented during vegetation management activities. The SWPPP would contain Best Management Practices (BMPs) such as:

- no debris, soil, silt, sand, bark, slash, sawdust, cement, concrete, washing, petroleum products or other organic or earthen material would be allowed to enter into or be placed where it may be washed by rainfall or runoff into the creek;
- standard erosion control measures and slope stabilization measures would be required for work performed in any area where erosion could lead to sedimentation of a waterbody;
- machinery would be refueled outside of the creek bed and banks;
- spill prevention and response plan would be developed. All workers would be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur; and
- storm drain inlets within 50 feet of the VMP sites would be covered with plastic tarps

Provision C.3 of Alameda County's municipal stormwater Permit (MRP) under the National Pollutant Discharge Elimination System (NPDES) permit program requires that all projects creating and or replacing 10,000 square feet or more of impervious surface (unless a development permit application was "deemed complete" by August 15, 2006) incorporate stormwater management facilities (RWQCB 2003). The VMP would not include any



development or replacement of impervious surface, the VMP would be in compliance with Provision C.3 and would not be required to incorporate stormwater management facilities.

Additionally, systemic herbicide approved for use per manufacturer's specifications in aquatic settings could be applied to woody vegetation stumps immediately after cutting to prevent regrowth. Therefore, herbicide use would not affect the water quality in the creek. No mitigation is required.

***Checklist Item b: No Impact***

The VMP does not include any action or activity to withdraw groundwater nor are any impervious surfaces proposed that would decrease overall filtration. Therefore, there would be no impact to groundwater. No mitigation is required.

***Checklist Item c: No Impact***

The VMP would not include the development of any permanent structures. All activities of the VMP would be temporarily localized and limited in scope. Hydromodification Management is an NPDES requirement to control increases in peak runoff flow and volume when these increases would likely have negative impacts on creeks and other waterways. HM controls apply to projects whose drainage could adversely affect natural creek channels. The VMP would not alter the existing drainage patterns of San Leandro Creek. The VMP would not change drainage patterns. Therefore, HM controls would not apply to the VMP. Additionally, implementation of the VMP activities with measures included is unlikely to result in increased rate of runoff. No mitigation is required.

***Checklist Item d: Less-Than-Significant Impact***

The VMP does not propose the construction of any impervious surfaces that would increase runoff from the activity site. Revegetation activities would occur during the rainy season (October through March), to minimize the need for irrigation and increase plant survival. Additional irrigation may be required during dry summer months. Much of the irrigation water would be absorbed on the VMP sites. No mitigation is required.

***Checklist Item e: No Impact***

The VMP would not alter the rate or volume of stormwater runoff discharged from the project sites. No mitigation is required.

***Checklist Item g and h: No Impact***

According to a review of the FEMA Federal Insurance Rate Maps, some portions of the VMP area are designated as "Zone AE", a SFHA that is within the 100-year storm event flood area. However, the VMP activities would not place any housing or structures within a 100-year flood hazard area. No mitigation is required.

***Checklist Item i: Less-Than-Significant Impact***

According to the General Plan, most of the City of San Leandro would be flooded in the event of dam failure at the Lake Chabot Reservoir (City of San Leandro 2002). The Lake Chabot Dam is located approximately 0.9 mile east of the VMP area. The dam has been seismically strengthened

during the last 30 years, making the risk of failure low. It is extremely unlikely that workers would be exposed to a significant risk as a result of flooding caused by the VMP. No mitigation is required.

***Checklist Item j: No Impact***

A tsunami is a large tidal wave generated by an earthquake, landslide, or volcanic eruption generally located in the ocean. Large earthquakes occurring in the Pacific Ocean can generate seismic wave such as tsunamis. According to the General Plan, a 100-year frequency tsunami would generate a wave runup of 4.4 feet at the San Leandro shoreline and that most of the shoreline is protected by boulders and would not be seriously affected (City of San Leandro 2002). The VMP area is located approximately 18 miles east of the Pacific Ocean and approximately 2 miles east of San Francisco Bay. The VMP sites are not adjacent to any hillsides or large bodies of water except Lake Chabot upstream. Therefore, there is no risk related to tsunami, seiche, or mudslides that would be caused by the VMP. No mitigation is required.

***Mitigation***

Preparation of the SWPPP has been incorporated into the VMP.

**3.10 LAND USE AND PLANNING**

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

**3.10.1 Environmental Setting**

The VMP area is located along an approximately 1.75-mile stretch of San Leandro Creek within the City of San Leandro. The VMP is primarily surrounded by residential development consisting of single family homes that back up to the creek. The creek centerline is the boundary between properties on either side of the creek, except where the District VMP area occurs mostly along the north side of the bank. The VMP area also includes a pedestrian bridge over the creek and an adjacent public school.

The City of San Leandro’s General Plan and zoning designations for the VMP area are single and multi-family residential, downtown area, and open space (City of San Leandro 2002). The General Plan designation of Open Space for the Conservation of Natural Resources denotes land which is to remain undeveloped due to high environmental sensitivity, or land to be used primarily for passive recreation (such as walking trails). This designation includes land within and immediately along the banks of San Leandro Creek. Development is generally not permitted in Resource Conservation areas; the land is to be managed to enhance and restore its natural features.

A draft Watershed Management Plan for San Leandro Creek has been developed by the District is to foster a diverse, healthy watershed and ensure that the creek continues to be valued as a natural and community resource. The draft plan’s recommendations repair and maintenance are being implemented (City of San Leandro 2002).

**3.10.2 Checklist Discussion**

The proposed VMP would not result in significant adverse impacts concerning land use and planning as discussed below.

***Checklist Item a: No Impact***

The VMP area is located on the banks of an existing creek within an established community. The VMP proposes no alteration of the creek or its alignment. Therefore the VMP would not result in a physical division to an existing community. No mitigation is required.

***Checklist Item b: No Impact***

The VMP would enhance and restore the natural environment of San Leandro Creek consistent with the requirements of the Resource Conservation General Plan designation. The VMP does not involve new development, consistent with the General Plan and zoning designations. Therefore, the VMP does not conflict with the City of San Leandro's General Plan policies and the zoning designation of the VMP site. No mitigation is required.

***Checklist Item c: No Impact***

The VMP is not subject to a habitat conservation plan or a natural community conservation plan. Therefore, the VMP would not impact or conflict with a habitat conservation plan. No mitigation is required.

***Mitigation***

No mitigation is required.

**3.11 MINERAL RESOURCES**

Would the project:

	<b>Potentially Significant Impact</b>	<b>Less Than Significant with Mitigation Incorporated</b>	<b>Less-Than-Significant Impact</b>	<b>No Impact</b>
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?				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?				X

**3.11.1 Environmental Setting**

As noted in the General Plan, the City’s principal mineral resources are volcanic rocks, such as basalt, andesite, and rhyolite (City of San Leandro 2002). San Leandro’s only quarry located east of the city limits on East Chabot Road ceased operation in the 1980s. The quarry is currently under the jurisdiction of Alameda County.

**3.11.2 Checklist Discussion**

***Checklist Items a and b: No Impact***

According to the General Plan, there are no significant mineral resources within the City of San Leandro. Therefore, the VMP would not impact mineral resources. No mitigation is required.

***Mitigation***

No mitigation required

**3.12 NOISE**

Would the project result in:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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?			X	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			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?				X
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?				X

**3.12.1 Environmental Setting**

**3.12.1.1 Fundamentals of Noise**

Noise can be described as any unwanted or objectionable sound. Noise is typically generated by transportation, specific land uses, and on-going human activity. The effect of noise on individuals and communities varies with the duration of the noise source, its intensity and frequency, and the tolerance level of those exposed to the sound. The standard unit of measurement of the loudness of sound is the decibel (dB). Because the human ear is not equally sensitive to sound at all frequencies, the A-weighted decibel scale (dBA) was devised to relate noise to human sensitivity since it gives greater weight to the frequencies of sound to which the human ear is most sensitive. The human ear can detect changes in sound levels of approximately 3 dBA under normal, controlled conditions. A change of 5 dBA is noticeable to most people in an exterior environment.

**3.12.1.2 Regulations Related to Noise**

**Alameda County**

Alameda County exterior noise level standards are specified in the County Code of Ordinances, Section 6.60.040 (Alameda County 2012). Table 3-1 presents the daytime and nighttime acceptable noise level standards set for receiving land uses applicable to the VMP and adjacent land uses.

**Table 3-4. Alameda County Noise Compatibility Standards for Land Use**

Land Use Category	Acceptable Noise Level Standards, dBA	
	Daytime (7 AM to 10 PM)	Nighttime (10 PM to 7 AM)
Single- or multiple- family residential, school hospital, church, public library properties	50 – 70	45 – 65
Commercial properties	65 – 85	60 – 80

Construction-related noise would not be held to the noise compatibility standards set above in the Section 6.60.040 of the County Code. The Alameda County Code of Ordinances, Section 6.60.070, requires construction activities to take place between the hours of 7 AM and 7 PM on weekdays, or between 8 AM and 5 PM on Saturday and Sundays, to limit construction-related noise annoyances in the community.

**City of San Leandro**

The city noise standards are specified in the Environmental Hazards Element of the San Lorenzo General Plan (City of San Leandro 2002). Table 3-2 presents the city’s applicable noise standards for the VMP and adjacent land uses.

**Table 3-5. City of San Leandro Noise Compatibility Standards for Land Use**

Land Use Category	Normally Acceptable Community Noise Exposure, dB
Single- and multiple-family residential, and mobile homes	<60
Outdoor sports and recreation, neighborhood parks and playgrounds	<65
Schools, libraries, museums, hospitals, and personal care	<60
Offices, retail/service commercial, restaurants, and hotels/motels	<65

Although temporary and intermittent, noise generated from vegetation management activities can be intrusive because of its very high output and repetitive nature. Scheduling requirements are established by the city to ensure that such noise is limited in duration and occurs only during weekday daytime hours.

Section 4-1-1115 of the City of San Leandro Municipal Code prohibits construction-related noise near residential uses, except between the hours of 7 AM and 7 PM on weekdays, or between 8 AM and 7 PM on Saturday and Sunday (City of San Leandro 2013b). Construction activities include any work such as site preparation, assembly, erection, substantial repair, alteration, demolition or similar action, for or on any private property, public or private right-of-way, streets, structures, utilities, facilities, or other similar property.

### **3.12.1.3 Operational Project Noise**

Noise levels generated by pruning and tree removal activities would depend on several factors, including the noise generated by individual pieces of equipment, the timing and duration of noise generating activities, the distance between noise sources and noise sensitive receptors, and the presence or lack of intervening structures or terrain. This analysis assumes that VMP implementation equipment would include dozers, excavators, backhoes, skidders, log forwarders, various trucks, chippers, chainsaws, cranes, rubber-tire tractors, and winches. Noise levels generated by these equipment were calculated using the Federal Highway Administration's (FHWA) Roadway Construction Noise Model (FHWA 2011).

The noise prediction model calculates noise levels based on the representative sound levels of the equipment and its usage factors. The usage factor is defined as the percentage of time the equipment would be operating at full power.

Simultaneous operation of six chainsaws, a crane, three heavy-duty trucks, and a tractor would generate an hourly average noise level of 87 dBA Leq at 50 feet. This data was added to the noise level data for a Morbark 5600 Wood Hog Chipper, generating 81 dBA Leq at 50 feet, and a stump grinder, generating 76 dBA Leq at 50 feet, to calculate the overall noise levels. The simultaneous operation of all the tree removal and trimming equipment would generate an hourly average noise level of 88 dBA Leq at 50 feet. The noise level resulting from the operation of chainsaws would be the maximum noise levels generated by the VMP activities and would typically be about 84 dBA Lmax at 50 feet.

As noise levels drop off at a rate of 6 dBA per doubling of distance between the noise source and receptor, the noise levels at 100 feet would be expected to be 82 dBA Leq. Noise levels at 200 feet would be expected to be 76 dBA Leq, and so on. Shielding provided by intervening structures or terrain would lower the received noise levels.

The actual noise levels experienced by sensitive receptors in the VMP area would vary due to the distance of sensitive receivers from where the noise would be generated and other factors such as whether windows in a home are open or closed and ambient noise levels in the area at the time activities are conducted.

### **3.12.2 Checklist Discussion**

#### ***Checklist Item a: Less-Than-Significant Impact***

There are no applicable standards established in the City of San Leandro General Plan or Municipal Code, or standards established by other agencies, that would quantitatively limit noise created by VMP activities. These VMP activities would occur between the hours of 7 AM and 7 PM which are consistent with the allowable hours established in the San Leandro Municipal



Code for construction-related work. Thus, impacts would be less than significant. No mitigation is required.

***Checklist Items b: Less-Than-Significant Impact***

VMP activities may generate perceptible vibration in the immediate location of VMP activity. Involving use of stump grinding would be expected to generate vibration levels of approximately 0.035 in/sec peak particle velocity (PPV) at a distance of 25 feet. This vibration level slightly exceeds the human threshold for perception, set at 0.030 in/sec PPV. Sporadic events such as the dropping of heavy objects could also be a source of perceptible vibration but is unlikely to occur as sections of trunks would be gently lowered generally. Vibration levels exceeding 0.2 in/sec PPV may cause cosmetic or structural damage to nearby structures. Implementation of the VMP would not surpass the 0.2 in/sec PPV threshold and would not cause cosmetic damage to structures on adjacent properties.

Although vibration may still be perceptible within the VMP area, the anticipated vibration from the scheduled activities would not be considered significant given the intermittent and short duration of a proposed VMP activity. By implementing administrative controls such as notifying adjacent property owners of scheduled activities, adjacent residents would be aware of possible perceptible vibration levels. Further, planned activities would occur during the daytime hours, limiting the possibility of annoyance due to off-site vibration during typical periods of sleep or rest. The VMP would comply with the city's allowable hours for construction-related work. Therefore, impacts related to the generation of ground vibration during VMP activities would be less than significant. No mitigation is required.

***Checklist Item c: No Impact***

The noise environment in the VMP area would not be permanently increased as a result of the VMP. The location of the activities would vary throughout the VMP area and noise levels would not be permanently increased at any given work site. The VMP would not permanently increase the ambient noise levels in the VMP area. No mitigation is required.

***Checklist Items d: Less-Than-Significant Impact***

Based on the noise discussion presented above, VMP activities would expose existing residences in the area to intermittent or periodic increases in noise levels for a temporary period of time. Maximum noise levels resulting from the operation of chainsaws would typically reach noise levels of 87 to 94 dBA Lmax. The activities would be intermittent and temporary, and conducted in accordance with the construction noise ordinance. Therefore, impact would be less than significant. VMP activities would take place during the daytime hours. Given the limited duration of work at specific location throughout the VMP area, activities would result in a less-than-significant noise impact. No mitigation is required.

***Checklist Items e and f: No Impact***

The VMP area is not located within an airport land use plan or within the vicinity of a public use airport or private airstrip. Oakland International Airport, the closest airport to the project area, is located approximately three miles to the west of the VMP area. The VMP area is not located

within the noise impact area (the 65 dB community noise equivalent level contour) of the Oakland International Airport. Therefore, the VMP would not expose the community to excessive aircraft noise created from aircraft operations. No mitigation is required.

***Mitigation***

No mitigation is required.

**3.13 POPULATION AND HOUSING**

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

**3.13.1 Environmental Setting**

The population of San Leandro is approximately 85,000 residents (California Department of Finance 2013). Almost 60 percent of the housing stock in San Leandro is comprised of single-family detached homes. The Association of Bay Area Government’s (ABAG) Projections 2013 forecasts that San Leandro would add over 3,000 new households between 2015 and 2025 (ABAG 2013b).

**3.13.2 Checklist Discussion**

The proposed VMP would not result in significant adverse impacts to population or housing as discussed below.

***Checklist Item a, b and c: No Impact***

The VMP does not include construction of new homes or creation of new businesses, and therefore would not directly or indirectly induce population growth. Implementation I of the VMP would not displace existing housing or people either during the vegetation management activities or following completion. VMP activities would take place within the creek channel, away from existing homes with backyards towards the creek. No mitigation is required.

***Mitigation***

No mitigation is required.

**3.14 PUBLIC SERVICES**

Would the project result in:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
• Fire protection?				X
• Police protection?				X
• Schools?				X
• Parks?				X
• Other public facilities?				X

**3.14.1 Environmental Setting**

**3.14.1.1 Alameda County Fire Department**

Fire protection services to the VMP area are provided by the Alameda County Fire Department (ACFD). The service area of the ACFD covers approximately 506 square miles, encompassing the cities of Dublin, Newark, San Leandro, Union City, and unincorporated areas of Alameda County, including the Lawrence Berkeley National Laboratory and the Lawrence Livermore National Laboratory (ACFD 2012).

In the City of San Leandro, the ACFD serves the community from five fire stations (ACFD Station #9 through #13). Station #9, located at 450 Estudillo Avenue, approximately 0.2 miles south of Site 1, is the closest ACFD facility to the VMP area.

The ACFD has a response time goal of five minutes for 90 percent of all service calls. The ACFD currently meets this goal 97 percent of the time. Response times tend to be quicker in areas that are more urban due the fact that fire stations in urban areas are often closer together.

**3.14.1.2 San Leandro Police Department**

The San Leandro Police Department provides police services in the VMP area. San Leandro is divided into seven “beats” for patrol functions – each beat is patrolled by at least one officer on a 24-hour basis (City of San Leandro Police Department 2014). The VMP site is located in the areas of Beats 1, 2, and 7. Beat 1 generally encompasses the area to the north of San Leandro Creek, including the northern bank of the creek, between San Leandro Boulevard to the west and MacArthur Boulevard to the east. Beat 2 boundaries are located generally to the south of San Leandro Creek, including the southern bank of the creek, bound by East 14th Street to the west and Lake Chabot to the east. Beat 7 covers both sides of San Leandro Creek between East 14<sup>th</sup> Street and San Leandro Boulevard.

**3.14.1.3 Schools**

The VMP area is located within the San Leandro Unified School District. Bancroft Middle School, located at 1155 Bancroft Avenue, borders the VMP area.

**3.14.1.4 Parks**

Please refer to **Section 3.15, Recreation**, for a discussion regarding parks and recreational facilities in the VMP area.

**3.14.2 Checklist Discussion**

The proposed VMP would not result in significant adverse impacts concerning public services as discussed below.

**Checklist Item a:****Item a-i: No Impact**

The VMP would not construct permanent structures that would contribute to the residential population requiring additional fire protection services. Therefore, the VMP would not adversely affect fire department response times or the ability to provide fire protection services in the VMP area. Fuel loading in the San Leandro Creek in San Leandro Creek have been identified as a potential urban wildfire threat creating potential fire risk. VMP implementation would reduce this potential fire threat. There would be no impact to fire protection services in the VMP area. No mitigation is required.

**Item a-ii: No Impact**

The VMP would not construct permanent structures that would contribute to the residential population serviced by the San Leandro Police Department, thus the VMP would not generate the need for new or additional police services. Therefore, police service levels would not diminish as a result of the VMP. The VMP would not impact police protection services. No mitigation is required.

***Item a-iii: No Impact***

The VMP would restore habitat and remove trees identified as a hazard to existing structures in the VMP area. Because the VMP would not construct permanent structures that would contribute to the residential population, the VMP would not introduce additional students into the San Leandro Unified School District. No mitigation is required.

***Items a-iv and a-v: No Impact***

The VMP would not construct any permanent structures that would create additional demand for parks and public facilities in the VMP area. Therefore, parks and public facilities would not be impacted by the VMP. No mitigation is required.

***Mitigation***

No mitigation is required.

**3.15 RECREATION**

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				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?				X

**3.15.1 Environmental Setting**

San Leandro is framed on the east and west by recreational open space and San Leandro Creek connects recreational areas of the east bay hills and the San Francisco Bay. Within San Leandro, smaller parks in residential neighborhoods provide recreational opportunities, often in association with schools and school athletic fields. San Leandro Creek in the VMP area is 0.3 mile from Siempre Verde Park, 0.3 mile from Washington Playground, 0.2 mile from Roosevelt Playground, and adjacent to City of San Leandro Root Park, Memorial Park, and the recreational fields at Bancroft Middle School.

**3.15.2 Checklist Discussion**

The proposed VMP would not result in significant adverse impacts concerning recreation as discussed below.

***Checklist Items a and b: No Impact***

The VMP does not propose the construction of any land uses that would increase the use of existing neighborhood or regional parks. Existing pathways along the creek as well as pedestrian routes within the immediate neighborhoods would remain open at all times except for instances where temporary closure is necessary for specific activities. No mitigation is required.

***Mitigation***

No mitigation required.

**3.16 TRANSPORTATION AND TRAFFIC**

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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 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?			X	
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?			X	
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?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
e) Result in inadequate emergency access?			X	
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?			X	

**3.16.1 Environmental Setting**

**3.16.1.1 Regional and Local Access**

The following is a description of roadways that provide access to the City of San Leandro and to the VMP area. Figure 4 depicts the truck haul routes designated by the City of San Leandro.

Interstate 580 (I-580) is an east-west freeway that begins in Marin County and ends in San

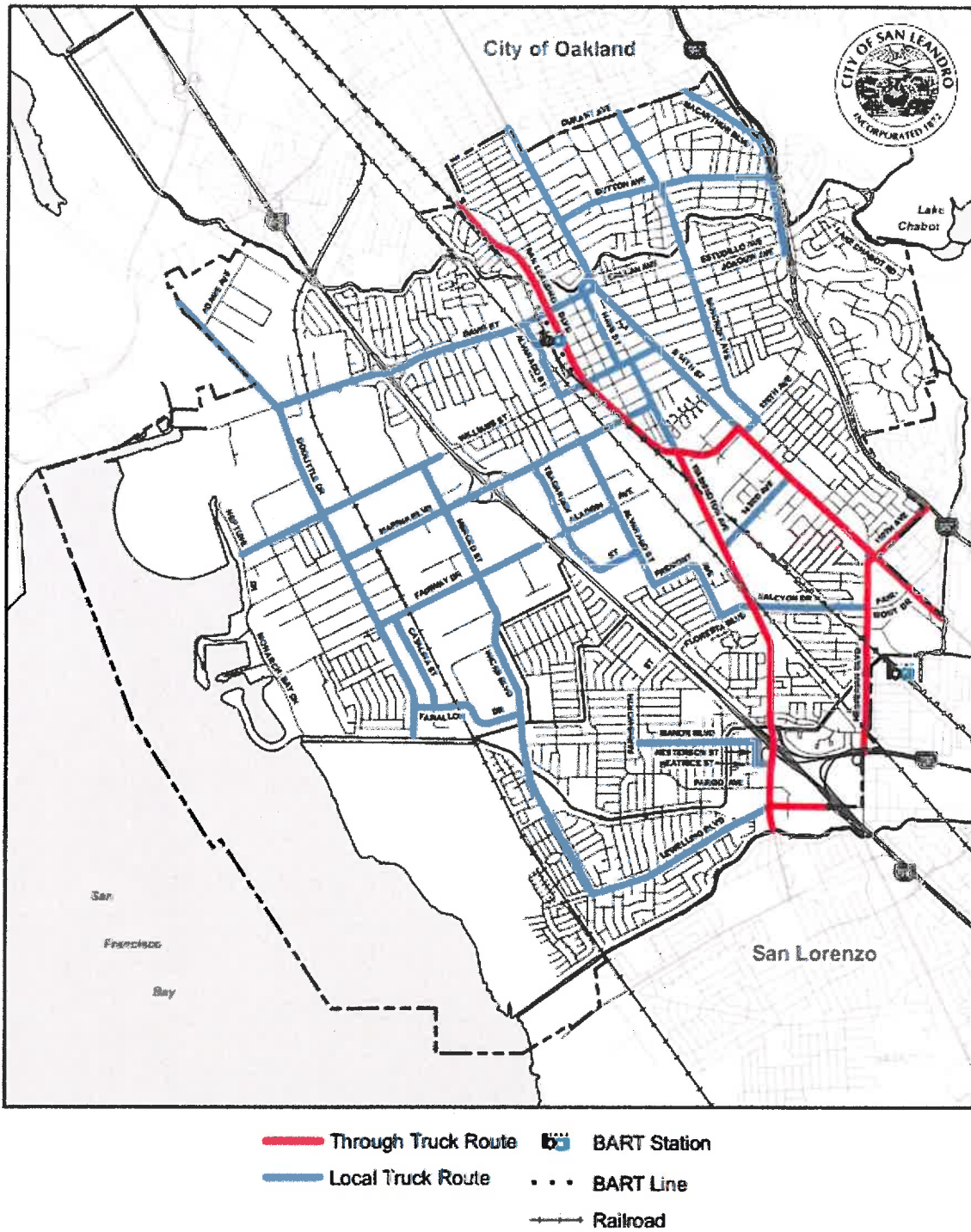


Joaquin County. In the VMP area, I-580 is an eight-lane north-south freeway that connects San Leandro to the rest of the region. Access to and from I-580 is ramp controlled and grade-separated. I-580 is the easterly border of the VMP area, and the closest on- and off-ramp to the VMP area is Estudillo Avenue/Dutton Avenue. Interstate 880 (I-880), also known as the Nimitz Freeway, is a north-south freeway that begins in Alameda County and ends in Santa Clara County. In the VMP area, I-880 is an eight-lane north-south freeway that connects San Leandro to the South Bay. I-880 is located to the west of the VMP area and the closest on- and off-ramp to the VMP area is the State Route 112/Davis Street interchange.

- Davis Street is a four-lane east-west arterial, generally south and parallel to San Leandro Creek, which carries cross-town traffic and connects the VMP area to I-880. The segment of Davis Street from East 14th Street to Doolittle Drive is also known as Route 112, and serves as a designated local truck route.
- East 14th Street is a four-lane north-south arterial which generally parallels the I-580 to the east and the I-880 to the west. The arterial serves as a network for through traffic in and around San Leandro and crosses the creek near Chumalia Street. East 14th Street, also known as Route 185, is a designated local truck route.
- Dutton Avenue is a four-lane east-west residential collector between East 14th Street and the I-580. The collector street generally parallels the San Leandro Creek and is located to the north of it. Dutton Avenue is a designated local truck route and connects the VMP area to the I-580.
- Bancroft Avenue is generally a two-lane north-south residential arterial in the VMP vicinity. The residential arterial crosses San Leandro Creek near Lee Avenue and is a designated local truck route.
- McArthur Boulevard is adjacent to the I-580 and is a north-south arterial in the city. The arterial is a designated local truck route.

### **3.16.1.2 Project Access Routes**

The VMP area is accessible via Alvarado Street, San Leandro Boulevard, Huff Avenue, Bancroft Avenue, Callan Avenue, Cary Drive, and Saint Mary's Avenue. Traffic generated from location activities includes transport of equipment, crews, and debris to a disposal location. The crew size would be relatively small – between three and seven people. An estimate of no more than three crew trucks traveling on local roads to and from the VMP activity location at any given time. For each VMP activity, there could be up to two haul trips to a debris disposal or processing location. It is possible that local streets could be partially or fully closed for some of the activities. Over the assumed 20-year life of the VMP, these road closures would be infrequent and not last more than a couple of days.



City of San Leandro. 2012. Truck Route Map. <http://www.sanleandro.org/civicax/filebank/blobdload.aspx?blobid=7160>

**Figure 4. Designated Truck Route in San Leandro**

**3.16.1.3 Existing Transit Facilities**

The City of San Leandro is serviced by Bay Area Rapid Transit (BART) train service and Alameda County Transit (AC Transit) bus service. BART train service provides connections from San Leandro to San Francisco Bay Area cities including San Francisco, Oakland, Fremont, Richmond, Dublin/Pleasanton, and Concord/Pittsburg. There are two BART stations located in the City of San Leandro. The closest BART station to the VMP area is located at 1401 San Leandro Boulevard, approximately 0.2 mile south of the VMP area.

AC Transit links San Leandro neighborhoods and business districts to destinations throughout the East Bay. Several AC Transit lines service the VMP area. Routes 1, R1, and 801 provide bus service down East 14th Boulevard, to the west of the VMP area. Routes 75, NX4, and NXC provide bus services along MacArthur Boulevard, just east of the VMP area. Route 40 provides service along Bancroft Avenue, located between Cary Drive and St. Mary Avenue. To the north of the VMP area, route 75 provides bus service along Dutton Avenue. Route 89 provides bus service to the south of the VMP area along Estudillo Avenue and Bancroft Avenue.

**3.16.1.4 Pedestrian and Bicycle Facilities**

Existing bicycle and pedestrian facilities in the project area include sidewalks, pedestrian crosswalks, signalized intersections, and bikeway facilities. Local residential streets with continuous sidewalks provide access to the project area. There is a pedestrian overcrossing over San Leandro Creek in the VMP area at Cary Drive. There are several pedestrian routes in the VMP area that the City of San Leandro has designated Pedestrian Improvement Areas: areas that are vicinal to important destinations, need connectivity improvements, and/or are located proximally to areas of potential development (City of San Leandro 2010a). Pedestrian Improvement Areas in the VMP area include the Downtown San Leandro BART Station, East 14<sup>th</sup> Street Corridor, Bancroft Avenue/Dutton Avenue, and MacArthur Boulevard Pedestrian Improvement Areas. In these areas, the City of San Leandro is repairing sidewalks, improving ADA access, improving crosswalks, and implementing streetscape enhancements.

There are several bicycle facilities including bike paths, lanes, and routes in the VMP area. Estudillo Avenue, between East 14th Street and MacArthur Boulevard, is a designated Class II bike lane located to the south of the VMP area. San Leandro Boulevard from Washington Street to San Leandro Creek is a designated Class II bike lane. The portion of Bancroft Avenue in the VMP vicinity is also a designated Class II bike lane (City of San Leandro 2010b).

The City is also working towards establishing an east-west trail system along San Leandro Creek that connects the Bay Shoreline Trail with the Chabot dam and the Eastbay hill ridge trails system.

**3.16.2 Checklist Discussion*****Checklist Items a and b: Less-Than-Significant Impact***

The Alameda County Congestion Management Agency (CMA) is responsible for ensuring local government conformance with the countywide congestion management program. According to the CMA, a traffic analysis is not required for development projects generating less than 100 PM

peak-hour trips (CMA 2009). Given that the VMP would not develop any permanent structures and would generate minimal associated truck haul trips, a traffic analysis is not required for this VMP. No mitigation is required.

The number of truck haul trips associated with the VMP would be limited: it is estimated that each VMP activity site would generate a maximum of two logging truckloads and three truckloads of debris. Truck haul trips from the activity location to a recycling center would occur during non-peak traffic hours when traffic volumes are lower. Only local and state-designated truck routes would be used. The small number of truck haul trips associated with the VMP would not deteriorate levels of service along the roadways. The VMP would not conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system or an applicable congestion management program and VMP impacts would be less than significant. No mitigation is required.

***Checklist Item c: No Impact***

The VMP does not propose any structures that would change air traffic patterns. The VMP area is not located within an airport land use plan or within the vicinity of a public use airport or private airstrip. Oakland International Airport, the closest airport to the VMP area, is located approximately three miles to the west of the area. Due to the distance from the most proximate airport to the area, the VMP would not impact air traffic patterns. No mitigation is required.

***Checklist Item d: No Impact***

The VMP would not change the design of any local streets or intersections in the City of San Leandro. Traffic generated to and from the VMP activity location would use designated state and local haul routes during non-peak hours. No mitigation is required.

***Checklist Item e: Less-Than-Significant Impact***

Implementation of the VMP would not require changes to the local street system affecting emergency access. Trucks used to remove debris would use the designated state and local truck routes. An Equipment Access and Haul Route Plan would be submitted to the City of San Leandro Traffic Engineer for approval prior to beginning any work. The plan would identify the following:

1. Truck routes from the VMP job site to the nearest truck accessible freeway;
2. Equipment to be used temporary on site and methods of equipment access into the site for city streets; and
3. Equipment staging and temporary storage areas.

In the event that local streets would be temporarily closed as a result of the VMP activity, a traffic control plan would be prepared and submitted to the City of San Leandro Traffic Engineer for approval. The VMP would provide and maintain private driveway entrances and would construct detours (as necessary) to properly conduct the work. Implementation of these required measures in combination would ensure that impacts to emergency access would be less than significant. No mitigation is required.

***Checklist Item f: Less-Than-Significant Impact***

The VMP would not conflict with any policies, plans, or programs adopted in support of bicycle and pedestrian facilities or public transit services in the VMP area.

While there may be sidewalks, bike paths, and/or informal pedestrian pathways within the VMP area, none of these access routes would be impacted by VMP activities. The VMP would not interrupt public transit services or deteriorate bicycle facilities in the VMP area as only local and state-designated truck routes would be utilized for the VMP activities. Impacts to bicycle and public transit services would therefore be less than significant.

In the event that a pedestrian pathway is affected by VMP activities, an alternate pathway for pedestrian traffic shall be provided. An alternate pedestrian pathway plan would be prepared and submitted to the City of San Leandro Traffic Engineer for approval at least ten days prior to such activities start. The alternate pedestrian path would be compliant with the American Disabilities Act and would use appropriate signage and safety devices to direct pedestrian traffic. Implementation of the required measures would ensure that the VMP would not conflict with pedestrian facilities. No mitigation is required.

***Mitigation***

No mitigation is required.

**3.17 UTILITIES AND SERVICE SYSTEMS**

Would the project:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
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?				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?				X
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				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 provider's existing commitments?				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?			X	

**3.17.1 Environmental Setting**

**3.17.1.1 Wastewater and Wastewater Treatment**

Wastewater collection, treatment, and disposal services in the VMP area are provided by a city owned and operated system. The San Leandro wastewater treatment plant is located at 3000 Davis Street, approximately three miles west of the VMP area. During dry weather conditions, the treatment plant has a design capacity of 7.9 million gallons per day and treats about 5.2 million gallons per day (City of San Leandro 2014b). Flows to the wastewater treatment plant may exceed capacity in the event of a major winter storm due to the infiltration of stormwater into the collection system.

Wastewater from homes, business, and factories is collected and carried to the wastewater treatment plant through 130 miles of sewer lines and 17 remote stations. At the plant, wastewater is treated and dechlorinated for discharge into the San Francisco Bay through an outfall pipe shared by other communities in the East Bay Dischargers Authority (EBDA). The EBDA operates under the National Pollutant Discharge Elimination System (NPDES) Permit Number CA0037869 and is in compliance with the San Francisco Bay Regional Water Quality Control Board (EBDA 2006).

### **3.17.1.2 Domestic Water and Water Treatment**

Water to the VMP area is provided by EBMUD. EBMUD's water supply system collects, transmits, treats, and distributes water from the Mokelumne River and local runoff water to parts of Alameda and Contra Costa County (EBMUD 2010). EBMUD's water rights allow for delivery of up to 325 million gallons per day from the Mokelumne River watershed which collects melting snowpack in the Sierra Nevada. Local runoff water amounts collected fluctuate between wet and drought years; average local supply is approximately 10 to 15 million gallons per day during wet years and near zero during drought conditions. In total, EBMUD has the rights to a water supply of approximately 335 to 340 million gallons per day. The City of San Leandro comprises about six percent of EBMUD's customer base and uses approximately five percent of its water supply.

### **3.17.1.3 Stormwater Drainage System**

The City of San Leandro Department of Public Works owns and maintains 175 miles of storm drainage conduits. The City's storm drain system including the lower reaches of the San Leandro Creek feeds into a larger system owned and operated by the Alameda County Flood Control and Water Conservation District. San Leandro Creek is a natural storm creek with heavy vegetation.

### **3.17.1.4 Solid Waste**

Alameda County Industries (ACI) provides solid waste collection, recycling and processing of materials, organics collection, and composting services to the VMP area (ACI 2011). Solid waste and recyclables collected are taken to the Davis Street Recycling and Transfer Station located at 2615 Davis Street, approximately three miles west of the VMP area, for processing. All solid waste is then taken to the Vasco Road Landfill located at 4001 North Vasco Road in the City of Livermore.

The Vasco Road Landfill is permitted to accept 2,250 tons of waste per day and has a total permitted capacity of approximately 33 million cubic yards (CalRecycle 2014a). As of June 2007, approximately 23 million cubic yards (70 percent) have been filled, leaving approximately 30 percent of total capacity available for use.

California State Law Assembly Bill 939 (AB 939), also known as the Integrated Waste Management Act, was passed in 1989 to address the increases in the state waste stream and decrease in landfill capacity. As a result, AB 939 mandates a reduction of waste being disposed; jurisdictions were required to meet diversion goals of 50 percent. In 2008, California Senate Bill 1016 (SB 1016), also known as the Solid Waste Disposal Measurement System Act, was passed to change the way in which diversion is measured and reported for jurisdictions. AB 939 would

still require jurisdictions to divert 50 percent of solid waste from landfill disposal; SB 1016 would require the 50 percent diversion requirement to be calculated in a per capita disposal rate equivalent (CalRecycle 2014b).

The California Department of Resources Recycling and Recovery (CalRecycle) has set the following targets for the City of San Leandro (Stopwaste.org 2012):

- Per Resident Disposal Target Rate: 8.7 pounds/person/day (PPD)
- Per Employee Disposal Target Rate : 18.2 PPD

The City of San Leandro implements 39 waste diversion programs, including composting, recycling, policy incentives, and public education to help the community reach the target goals set by CalRecycle.

### **3.17.2 Checklist Discussion**

The VMP would not result in significant adverse impacts to utilities and service systems as discussed below:

#### ***Checklist Items a and e: No Impact***

The VMP would not develop any permanent structures that would create a population requesting wastewater disposal and treatment services. Thus, the VMP would not exceed wastewater treatment requirements or create a service demand above the provider's existing commitments. No mitigation is required.

#### ***Checklist Item b: No Impact***

As no permanent structure would be constructed, the VMP would not create a population requesting domestic water and wastewater disposal services. The VMP would not require the expansion or construction of new water or wastewater treatment facilities. No mitigation is required.

#### ***Checklist Item c: No Impact***

As discussed in **Section IX, Hydrology and Water Quality**, the VMP sites are currently covered with heavy vegetation and there are no storm water drainage facilities on the VMP sites. Implementation of the VMP elements would be temporary and would not develop any permanent structures. The VMP proposes to manage the vegetation on site to reduce tree risk of failure, provide safety and improve habitat. All activities involved with the VMP would be temporary and localized. The VMP activities would not alter the rate or volume of stormwater runoff discharged from the sites, no new or expanded storm water drainage facilities would need to be constructed. No mitigation is required.

#### ***Checklist Item d: No Impact***

The VMP would not create any permanent structures. Population increase would not result from the VMP implementation, there would be no demand for domestic water services generated by the VMP. Thus, no new or expanded water entitlements are needed for the VMP. No mitigation is necessary.



***Checklist Item f: Less-Than-Significant Impact***

Debris generated by the vegetation management activities would include tree trunks and branches, leaves and ground vegetation. Large trunk sections would be placed on logging trucks and transported to a recycling center. Smaller limbs and leaves would be hauled to a recycling center and ground or chipped. Unrecyclable solid waste generated by VMP activities would be minimal. Thus, the VMP would not exceed permitted capacity of a landfill as debris generated from the VMP activities. No mitigation is required.

***Checklist Item g: Less-Than-Significant Impact***

The VMP would be required to comply with the County of Alameda Construction and Demolition Debris Management Ordinance diversion requirements (Alameda County 2009). The Ordinance requires projects to divert at least 75 percent of all inert solids (asphalt, concrete, rock, stone, brick, sand, and soil) and 50 percent of all remaining project-related construction and demolition waste. The VMP will not generate asphalt, concrete rocks, stone bricks, sand, or soil. However, the VMP will generate plant waste that will be recycled per the County Ordinance. The VMP would be in compliance with federal, state, and local regulations related to solid waste, including AB 939, SB 1016, and the County of Alameda Construction and Demolition Debris Management Ordinance. No mitigation is required.

***Mitigation Measures***

No mitigation is required.

**3.18 MANDATORY FINDINGS OF SIGNIFICANCE**

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
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?		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)?				X
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

**3.18.1 Discussion**

The proposed VMP would not result in significant adverse impacts concerning mandatory findings of significance as discussed below:

***Checklist Item a: Less Than Significant with Mitigation Incorporated***

As described in Section IV, Biological Resources, the VMP activities would implement mitigation measures to reduce potential impacts on active nests of common and migratory bird species and potential impacts to Western red bat, which is a State Species of Special Concern.

***Checklist Item b: No Impact***

The cumulative discussion determines whether the proposed VMP in combination with other approved or foreseeable projects would result in a significant cumulative impact, and, if so, whether the VMP's contribution to the significant cumulative impact would be considerable.

The analysis of cumulative impacts for each environmental factor can employ one of two methods to establish the effects of other past, current, and probable future projects. A lead agency may select a list of projects, including those outside the control of the agency, or, alternatively, a summary of projections. These projections may be from an adopted general plan or related planning document, or from a prior environmental document that has been adopted or certified, and these documents may describe or evaluate the regional or area-wide conditions contributing to the cumulative impact.

This Initial Study evaluates cumulative impacts using the District's Fiscal Year 2010 as described in the annual report for the Fiscal Years 2011 and 2012 (ACFCD 2012). The annual report discusses current and future vital flood control and environmental restoration projects. San Leandro Creek is located in the District Flood Control Zones 12 and 13. According to the Capital Improvement Program, there are no current or future District projects planned in Zone 13 along San Leandro Creek. Therefore, there are no cumulative impacts anticipated within the immediate VMP area. The VMP is a planning document. The VMP's potential impacts have all been reduced to a less than significant level and would therefore not represent a considerable contribution. No mitigation is required.

***Checklist Item c: Less-Than-Significant Impact***

As described throughout this document, the VMP would not result in substantial environmental effects on human beings. Measures have been incorporated into the VMP to reduce potential significant impacts related to air quality, hydrology and water quality to a level of insignificance. The VMP therefore would not result in impacts that would cause substantial adverse effects on human beings, either directly or indirectly. No mitigation is required.

***Mitigation Measures***

No mitigation is required.

***Alameda County Flood Control District***

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Bill Martin – Project Manager

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# Comments Received During Public Review Period

Five (5) comment letters were received by the Alameda County Flood Control District during the public review period. The following pages of the Final IS/MND includes the following information:

- E-mail letter from Mr. Gary Molitor dated March 5, 2015.
- District's response letter to Mr. Molitor dated April 2, 2015.
- E-mail letter from Ms. Susan Patrick dated March 7, 2015.
- District's response letter to Ms. Patrick dated April 2, 2015.
- E-mail letter from Ms. Rebecca Smith dated March 9, 2015.
- District's response letter to Ms. Smith dated April 2, 2015.
- E-mail letter from Ms. Faye Clements Caruso dated March 16, 2015.
- District's response letter to Ms. Caruso dated April 2, 2015.
- Letter from Cynthia Battenberg, Community Development Department Director, City of San Leandro, dated March 25, 2015.
- District's response letter to Ms. Battenberg dated April 2, 2015.



**From:** Gary Molitor [mailto:gary.molitor@gmail.com]  
**Sent:** Thursday, March 05, 2015 1:47 PM  
**To:** Attiogbe, Kwablah  
**Subject:** San Leandro Creek Comprehensive Vegetation Management Plan

Kwablah Attiogbe

Finally, a plan we all can live with. What changed your mind from the removal of all *hazardous non-native* eucalyptus trees like in the first plan?

Using URS (scientific) for your survey was certainly a better choice than using Mackay-Sopps and HortScience (opinionated) for the tree evaluation. In my opinion, they both did things that were unethical.

Will you be having community information meetings?

Gary



Daniel Woldezenbet, Ph.D., PE, General Manager

399 Elmhurst Street • Hayward, CA 94544-1395 • (510) 670-5480 • [www.aocgov.org/pwa](http://www.aocgov.org/pwa)

April 2, 2015

Mr. Gary Molitor  
St Mary Drive  
San Leandro, CA 94577

Dear Mr. Molitor:

Thank you for taking time to comment on the CEQA draft IS/MND for the Alameda County Flood Control and Water Conservation District's (District) "San Leandro Creek Comprehensive Vegetation Management Plan (VMP)". Below are the comments (*bold italics*) from your letter emailed on March 5, 2015, and the District's response.

*Finally, a plan we all can live with. What changed your mind from the removal of all hazardous non-native eucalyptus trees like in the first plan?*

*Using URS (scientific) for your survey was certainly a better choice than using Mackay-Somps and HortScience (opinionated) for the tree evaluation. In my opinion, they both did things that were unethical.*

*Will you be having community information meetings?*

**District Response:** The District will hold public meetings as projects are developed pursuant to the VMP.

Yours truly,

Kwablah Attogbe  
Environmental Services Manager

**From:** Susan Patrick [mailto:corner941@yahoo.com]

**Sent:** Saturday, March 07, 2015 3:51 PM

**To:** Attiogbe, Kwablah

**Subject:** Tree Removal Huff Street San Leandro

Dear Mr. Attiogbe; your name was provided in an email circulating in the Estudillo Estates Nextdoor on line with regards to removing hazardous trees along Huff Avenue in San Leandro.

I live on the north side of Lee Avenue across the creek and have detested those sun-blocking behemoths ever since I moved in 20 years ago. Even though they were across the street, during certain times of the year one or two would shade my house (since removed). On the south (creek) side houses in the winter are shaded by these trees until midday .

I deplore some of my dear neighbors attitude specifically about eucalyptus and whole heartedly support you efforts to remove hazardous trees. Just because a tree is big and old doesn't mean it needs to be preserved and I would prefer to see native vegetation replacing removed non-natives.

Thank you.

Susan Patrick  
986 Lee Ave



Daniel Wokleszenbet, Ph.D., P.E., General Manager

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April 2, 2015

Ms. Susan Patrick  
986 Lee Ave  
San Leandro, CA 94577

Dear Ms. Patrick:

Thank you for taking time to comment on the CEQA draft IS/MND for the Alameda County Flood Control and Water Conservation District's (District) "San Leandro Creek Comprehensive Vegetation Management Plan (VMP)." Below are the comments (*bold italics*) from your letter emailed on March 7, 2015, and the District's response to each comment.

*I live on the north side of Lee Avenue across the creek and have detested those sun-blocking behemoths ever since I moved in 20 years ago. Even though they were across the street, during certain times of the year one or two would shade my house (since removed). On the south (creek) side houses in the winter are shaded by these trees until midday.*

**District Response:** The VMP objectives include managing the trees on District property based on the potential failure risks posed by the trees and not by other factors such as shading.

*I deplore some of my dear neighbor's attitude specifically about eucalyptus and whole heartedly support you efforts to remove hazardous trees. Just because a tree is big and old doesn't mean it needs to be preserved and I would prefer to see native vegetation replacing removed non-natives.*

**District Response:** The VMP includes measures to reduce risks posed by trees regardless of their age. Any replacement trees planted will be appropriate native trees species.

Yours truly,

Kwablah Attiogbe  
Environmental Services Manager

**From:** Smith, Rebecca [mailto:Rebecca.Smith@wsj.com]  
**Sent:** Monday, March 09, 2015 1:45 PM  
**To:** Attiogbe, Kwablah  
**Cc:** rsmith0000@live.com; Smith, Rebecca  
**Subject:** Public Comment on San Leandro Creek Comprehensive Vegetation Management Plan

Dear Kwablah Attiogbe,

I recently received your notice about the comprehensive plan pertaining to vegetation management along San Leandro Creek. Thank you for issuing this notice and for telling us how to find materials on the district web site. I am a resident of the area and own a creek-side home affected by the plan at 754 Cary Drive, San Leandro, CA 94577.

I am very concerned about any plan to remove trees along our riparian corridor. I value the trees along the creek for many reasons, not the least of which is the fact they help reduce noise from the nearby I-580 corridor. When I purchased my home, the documentation indicated I have ownership to the middle of the creek, which would therefore include all the trees at the back of my lot. I have my trees checked by an arborist periodically. I realize arborists consider the eucalyptus an "invasive species," but those of us with homes on the creek are happy to have trees of any sort to provide habitat for birds, a filter for pollution, shade, privacy and a noise barrier. Some of us even love the smell of the eucalyptus.

I read through the materials on the web site pertaining to this plan but I couldn't find anything that actually told me what I most wanted to know, which is, **are any trees going to be chopped down or topped and, if so, which?** I also wanted to let you know that the maps could be improved. They don't show house numbers, so it makes it really difficult to identify specific homes. Could someone add house numbers?

I would like to be considered an intervener in this case, if you have such a thing. If there is a service list, please add me to it. I would have phoned you, but the notice did not give us a phone number.

I would appreciate a chance to speak with you by telephone. Could we talk?

Are any public hearings scheduled or planned?

Thanks so much.

Regards,  
Rebecca Smith  
754 Cary Drive  
San Leandro, CA 94577  
(415) 385-7224 cell (best number)  
(510) 895-3955 home



Daniel Woldesenbet, Ph.D., P.E., General Manager

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April 2, 2015

Ms. Rebecca Smith  
754 Cary Drive  
San Leandro, CA 94577

Dear Ms. Smith:

Thank you for taking time to comment on the CEQA draft IS/MND for the Alameda County Flood Control and Water Conservation District's (District) San Leandro Creek Comprehensive Vegetation Management Plan (VMP). Below are the comments (*bold italics*) from your letter emailed on March 9, 2015, and the District's response to each comment.

*I am very concerned about any plan to remove trees along our riparian corridor. I value the trees along the creek for many reasons, not the least of which is the fact they help reduce noise from the nearby I-580 corridor. When I purchased my home, the documentation indicated I have ownership to the middle of the creek, which would therefore include all the trees at the back of my lot. I have my trees checked by an arborist periodically. I realize arborists consider the eucalyptus an "invasive species," but those of us with homes on the creek are happy to have trees of any sort to provide habitat for birds, a filter for pollution, shade, privacy and a noise barrier. Some of us even love the smell of the eucalyptus.*

**District Response:** The District's draft Vegetation Management Plan focuses on trees on District property primarily located on the north bank of the creek. The purpose of this plan is to ensure that trees on District property are not a safety risk regardless of the species.

*I read through the materials on the web site pertaining to this plan but I couldn't find anything that actually told me what I most wanted to know, which is, are any trees going to be chopped down or topped and, if so, which? I also wanted to let you know that the maps could be improved. They don't show house numbers, so it makes it really difficult to identify specific homes. Could someone add house numbers?*

**District Response:** The VMP is to provide guidance to sustainably manage the tree on District property only. Trees on the property will be evaluated and, if determined to pose risk would be pruned and or removed.

*I would like to be considered an intervener in this case, if you have such a thing. If there is a service list, please add me to it. I would have phoned you, but the notice did not give us a phone number.*

**District Response:** During the public comments period it is best to capture comments in writing in order to become part of the administrative record.

Yours truly,

Kwablah Attiogbe  
Environmental Services Manager

**From:** Faye Clements [mailto:fayeclements@yahoo.com]  
**Sent:** Monday, March 16, 2015 10:32 AM  
**To:** Attiogbe, Kwablah; Woldesenbet, Daniel  
**Cc:** Michael Gregory; Susan Levenson; Patty Breslin; Robert Caruso; Deborah Cox  
**Subject:** Questions on VMP and Related Reports, MORE

Dear Mr. Attiogbe and Mr. Woldesenbet:

You were both at the February 10th meeting of the Friends of San Leandro Creek where my neighbor, Patty Breslin, and I talked about a petition I've drafted looking for support for the removal of the non-native (eucalyptus) trees in the creek. The [petition](#) is now available for signature, and we are getting some good participation/signatures and comments.

I've reviewed the Initial Study/Mitigated Negative Declaration, the Comprehensive VMP, and the Tree Assessment Report. While the first two give clear goals and objectives that appear to agree with taking out (all of) these non-native, invasive trees and replacing them with native ones, when I read the Tree Assessment Report, it does *not* seem that they are all slated to come out and be replaced. The Tree Assessment Report is very long and, admittedly, I didn't read the entire thing. For those eucalyptus trees that are *not currently* listed to come out and be replaced, will they get onto a later schedule?

There is a large stand of some of the tallest eucs visible on Cary Drive behind our house (772 Cary) (on the other side of the creek) that we would like removed immediately. My concern is that they are not tagged as "hazardous", and scheduled to come out. We want them out, and consider all eucs a hazard.

As for feedback: As my petition would strongly suggest, we are for a VMP that removes all of these hazardous, non-native, invasive trees, replacing them with the fastest-growing native trees that are recommended by you and other experts.

Thank you for prompt attention to my questions, and to our concerns over the trees behind our house.

Sincerely,  
Faye Clements Caruso (and Robert Caruso)  
510.882.5002 (m)



Daniel Woldesenbet, Ph.D., P.E., General Manager

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April 2, 2015

Faye Clements Caruso and Robert Caruso  
772 Cary Drive  
San Leandro, CA 94577

Dear Mr. and Ms. Caruso:

Thank you for taking time to comment on the CEQA draft IS/MND for the Alameda County Flood Control and Water Conservation District's (District) "San Leandro Creek Comprehensive Vegetation Management Plan (VMP)". Below are the comments (*bold italics*) from your letter emailed on March 16, 2015 and the District's response to each comment.

*You were both at the February 10th meeting of the Friends of San Leandro Creek where my neighbor, Patty Breslin, and I talked about a petition I've drafted looking for support for the removal of the non-native (eucalyptus) trees in the creek. The petition is now available for signature, and we are getting some good participation/signatures and comments.*

*I've reviewed the Initial Study/Mitigated Negative Declaration, the Comprehensive VMP, and the Tree Assessment Report. While the first two give clear goals and objectives that appear to agree with taking out (all of) these non-native, invasive trees and replacing them with native ones, when I read the Tree Assessment Report, it does not seem that they are all slated to come out and be replaced. The Tree Assessment Report is very long and, admittedly, I didn't read the entire thing. For those eucalyptus trees that are not currently listed to come out and be replaced, will they get onto a later schedule?*

**District Response:** The Initial Study/Mitigated Negative Declaration was based on the Results contained in the Tree Assessment Report. Tree management actions described in the VMP and Tree Assessment Report are based on risk and are not based on whether trees are native or non-native. Under the VMP, trees that have the highest risk rating identified in the Assessment Report, would be managed first. All trees on private property are the responsibility of the property owner.

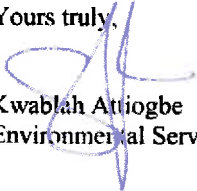
*There is a large stand of some of the tallest eucs visible on Cary Drive behind our house (772 Cary) (on the other side of the creek) that we would like removed immediately. My concern is that they are not tagged as "hazardous", and scheduled to come out. We want them out, and consider all eucs a hazard.*

**District Response:** The District will determine if the trees behind 772 Cary Drive are on District property and if so, will evaluate them for appropriate action in accordance with the VMP.

*As for feedback: As my petition would strongly suggest, we are for a VMP that removes all of these hazardous, non-native, invasive trees, replacing them with the fastest-growing native trees that are recommended by you and other experts.*

**District Response:** The VMP provides guidance to manage and remove high risk trees if other treatment options are not feasible. Any replacement trees planted would be appropriate native trees.

Yours truly,

  
Kwablah Attiogbe  
Environmental Services Manager



City of San Leandro  
Civic Center, 835 E. 14th Street  
San Leandro, California 94577  
www.sanleandro.org



March 25, 2015

Kwablah Attiogbe  
Alameda County Flood Control and Water Conservation District  
399 Elmhurst Street  
Hayward, CA 94544

**SUBJECT: Initial Study/Mitigated Negative Declaration for the San Leandro Creek  
Comprehensive Vegetation Management Plan**

Dear Mr. Attiogbe,

The City of San Leandro (City) appreciates the opportunity to comment on the Notice of Intent to adopt the Initial Study/Mitigated Negative Declaration for the San Leandro Creek Comprehensive Vegetation Management Plan. The City offers the following comments:

1. Verify and correct parcel owner information and update maps as appropriate for the Initial Study/Mitigated Negative Declaration Appendix A (Potential Access and Staging Locations) and San Leandro Creek Comprehensive Vegetation Management Plan Figure 2 (Plan Area).
2. Involve the Friends of San Leandro Creek in the public outreach for the implementation of the San Leandro Creek Comprehensive Vegetation Management Plan.

The City is supportive of the San Leandro Creek Comprehensive Vegetation Management Plan and requests continued coordination with the City as it is implemented.

Sincerely,

Cynthia Battenberg  
Community Development Department Director

CC: Debbie Pollart, Public Works Director

Pauline Russo Cutler, Mayor

City Council:

Deborah Cox

Jim Proia

Benny Lee

Ursula Reed

Corina N. López

Lee Thomas





Daniel Woldesenbet, Ph.D., P.E., Director

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April 2, 2015

Ms. Cynthia Battenberg  
Community Development Department Director  
City of San Leandro  
Civic Center, 835 E. 14<sup>th</sup> Street  
San Leandro, CA 94577

Dear Ms. Battenberg:

Thank you for taking time to comment on the CEQA draft MND for the Alameda County Flood Control and Water Conservation District's (District) "San Leandro Creek Comprehensive Vegetation Management Plan (VMP)". Below are the comments (*bold italics*) from your emailed letter of March 25, 2015. Each comment is followed by the District's response.

*Verify and correct parcel owner information and update maps as appropriate for the Initial Study/Mitigated Negative Declaration Appendix A (potential Access and Staging Locations) and San Leandro Creek Comprehensive Vegetation Management Plan Figure 2 (Plan Area).*

**District Response:** Figure 2 of the VMP and in the Initial Study has been revised.

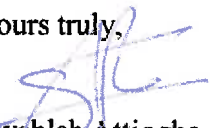
*Involve the Friends of San Leandro Creek in the public outreach for the implementation of the San Leandro Creek Comprehensive Vegetation Management Plan.*

**District Response:** The District will coordinate with Friends of San Leandro Creek in the implementation of VMP elements that may require public outreach.

*The City is supportive of the San Leandro Creek Comprehensive Vegetation Management Plan and request continued coordination with the City as it is implemented.*

**District Response:** The District will continue to coordinate with the City regarding implementation of the VMP.

Yours truly,

  
Kwablah Attiogbe  
Environmental Program Manager

# **MITIGATION MONITORING AND REPORTING PROGRAM**

**See Next Page**

# SAN LEANDRO CREEK COMPREHENSIVE VEGETATION MANAGEMENT PLAN (VMP) (SCH# 2015022094)

## MITIGATION MONITORING AND REPORTING PROGRAM

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Mitigation Measure	Implementation Responsible Agency	Monitoring Responsible Agency	Timing	Initials
<p><b>Mitigation Measure AIR-1:</b> Implement the applicable BAAQMD Basic Construction Mitigation Measures, as described in Table 8-1 of the BAAQMD Air Quality Guidelines (BAAQMD 2011a) to reduce fugitive dust impacts to a less than significant level.</p>	<p>Alameda County Flood Control District (District) / Project contractor</p>	<p>District/ Project contractor</p>	<p>During project construction activities</p>	
<p><b>Mitigation Measure Bio-1:</b> Pre-implementation surveys would be conducted if tree pruning or removal is to occur during the breeding season (February 15 through August 31) for birds by a qualified biologist no more than 15 days prior to the initiation of activities on the VMP site. Pre- activity surveys shall identify active nests of species protected by the MBTA or State Code.</p>	<p>Alameda County Flood Control District (District) / Project contractor</p>	<p>District/ Project contractor</p>	<p>During project construction activities</p>	
<p><b>Mitigation Measure Bio-2:</b> If an active bird nest is found, a qualified biologist would follow CDFW protocol in establishing the extent of activity-free buffers around the nest site, until fledgling take flight. If the nest is located in a tree identified to require treatment, DFW protocol will be followed depending on the nest stage i.e., eggs being incubated. CDFW protocols will be followed to discourage nest building on the site if the nest building is in progress. Typical buffer widths are 250 feet for a nesting raptor and 100 feet for other species. The establishment of activity-free buffer zones would ensure that no active nests of species protected by the MBTA or California Fish and Game Code would be disturbed by construction.</p>	<p>Alameda County Flood Control District (District) / Project contractor</p>	<p>District/ Project contractor</p>	<p>During project construction activities</p>	

Mitigation Measure	Implementation Responsible Agency	Monitoring Responsible Agency	Timing	Initials
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**Mitigation Measure Bio-3:** Pre-implementation surveys of the activity shall be conducted by a qualified biologist. The biologist shall examine the location trees for urine staining and fecal pellets. If a sign of bats presence is detected, the biologist shall further determine whether the bats are presently occupying the trees. The biologist shall then work with the Contractor to exclude the bats from the affected trees at an appropriate time when the bats are not engaged in breeding activities, or to disturb the trees so that the bats do not return, in accordance with CDFW protocol (see Mitigation Measure BIO-4). The breeding season for bats species in California is March 15 through August 31. If a maternity colony is found, a minimum buffer zone of at least 50 feet would be established.

Alameda County Flood Control District (District) / Project contractor

District/ Project contractor

During project construction activities

**Mitigation Measure Bio-4:** If trees with non-breeding protected bats (or a maternity colony with volant (young)) are affected by VMP activities, CDFW protocol will be followed: the lowest branches of each tree shall be removed at the end of the day (after 5:00 PM). This disturbs the habitat, allowing the bats to leave their roosts after dark when they are less exposed to predators, reducing the probability that the bats would return to the disturbed roost tree. Following the late afternoon/early evening disturbance, the remainder of the tree may be removed starting the following morning.

Alameda County Flood Control District (District) / Project contractor

District/ Project contractor

During project construction activities

## **Appendix A – Potential Access and Staging Locations**







