



Bay Fair Transit Oriented Development (TOD) Specific Plan

Final Environmental Impact Report

SCH# 2017032016

prepared by

City of San Leandro

Community Development Department

835 East 14th Street

San Leandro, California 94577

Contact: Tom Liao, Deputy Community Development Director

prepared with the assistance of

Rincon Consultants, Inc.

449 15th Street, Suite 303

Oakland, California 94612

January 2018

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Final Environmental Impact Report

1 Introduction

1.1 Purpose of the Environmental Impact Report

This document has been prepared to respond to comments received on the Draft Environmental Impact Report (Draft EIR) prepared for the proposed Bay Fair Transit Oriented Development (TOD) Specific Plan (proposed Specific Plan). The Draft EIR identifies the likely environmental consequences associated with development of the proposed Specific Plan, and recommends mitigation measures to reduce potentially significant impacts. This document provides a response to comments on the Draft EIR and makes revisions to the Draft EIR, as necessary, in response to those comments or to make clarifications to material in the Draft EIR and includes the Mitigation Monitoring and Reporting Program. This document, together with the Draft EIR, constitutes the Final EIR for the proposed Specific Plan.

1.2 Environmental Review Process

Pursuant to the California Environmental Quality Act (CEQA), lead agencies are required to consult with public agencies having jurisdiction over a proposed project and to provide the general public with an opportunity to comment on the Draft EIR.

On March 3, 2017, the City of San Leandro circulated a Notice of Preparation (NOP) for a 30 day comment period to help identify the types of impacts that could result from the proposed Specific Plan, as well as potential areas of controversy. As part of the CEQA-required NOP noticing and distribution, the NOP was published in The Daily Review (a locally serving regional newspaper), posted on the City's website and social media (Nextdoor), emailed to a list of people/organizations who indicated interest in the Specific Plan, mailed to public agencies (including the State Clearinghouse), forwarded to County Supervisors Wilma Chan and Nate Miley's offices for distribution to their constituents in unincorporated Alameda County, and mailed to property owners and residential and commercial occupants in the Specific Plan Area and within 500 feet of the Specific Plan Area boundary. Comments received by the City on the NOP were taken into account during the preparation of the Draft EIR. Also, the Planning Commission conducted a NOP Scoping public meeting on March 16, 2017.

The Draft EIR was made available for public review on October 6, 2017. As part of the CEQA-required Draft EIR noticing and distribution, the Notice of Availability of the Draft EIR was published in The Daily Review, emailed to a list of people/organizations who indicated interest in the Specific Plan, posted electronically on the City's website and social media (Nextdoor), mailed to local and state agencies (including the State Clearinghouse), forwarded to County Supervisors Wilma Chan and Nate Miley's offices for distribution to their constituents in unincorporated Alameda County, and mailed to property owners and residential and commercial occupants in the Specific Plan Area and within 1,000 feet (expanded from 500 feet for the NOP) of the Specific Plan Area Boundary. The Draft EIR was also available for public review at the City of San Leandro Community Development Department in City Hall and at the San Leandro Main Library.

The 45-day Draft EIR public comment period began on October 6, 2017 and ended on November 20, 2017. The City received nine comment letters on the Draft EIR. Copies of written comments received during the comment period are included in Chapter 2 of this document.

This Final EIR will be considered at a Planning Commission public hearing on the proposed Specific Plan, after which the Commission will make a recommendation to the City Council on certification of the EIR and approval of the Specific Plan. The City Council will consider the Planning Commission's recommendations on the Final EIR and the proposed Specific Plan during a noticed public hearing, and will take the final action with regard to certification of the Final EIR.

1.3 Document Organization

This Final EIR consists of the following chapters:

- **Chapter 1: Introduction.** This chapter discusses the purpose and organization of this RTC Document and the Final EIR, and summarizes the environmental review process for the project.
- **Chapter 2: Comments and Responses.** This chapter contains reproductions of all comment letters received on the Draft EIR. A written response for each CEQA-related comment received during the public review period is provided. Each response is keyed to the corresponding comment.
- **Chapter 3: Draft EIR Text Revisions.** Corrections to the Draft EIR that are necessary in light of the comments received and responses, or necessary to amplify or clarify material in the Draft EIR, provided are contained in this chapter. Underlined text represents language that has been added to the Draft EIR; text with ~~strikeout~~ has been deleted from the Draft EIR.
- **Chapter 4: Mitigation Monitoring and Reporting Program (MMRP).** This chapter lists the mitigation measures included in the Draft EIR, with any revisions, and identifies programs for monitoring and reporting the progress on implementing these measures.

2 Comments and Responses

This chapter includes comments received during the circulation of the Draft EIR prepared for the Bay Fair Transit Oriented Development (TOD) Specific Plan.

The Draft EIR was circulated for a 45-day public review period that began on October 6, 2017. The City of San Leandro received nine comment letters on the Draft EIR¹. The commenters and the page number on which each commenter's letter appear are listed below.

Letter No. and Commenter		Page No.
1	Alameda County Public Works Agency	4
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The comment letters and responses follow. The comment letters have been numbered sequentially and each separate issue raised by the commenter has been assigned a number. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue (Response 1.1, for example, indicates that the response is for the first issue raised in comment Letter 1).

Revisions to the Draft EIR necessary in light of the comments received and responses provided, or necessary to amplify or clarify material in the Draft EIR, are included in the responses. Underlined text represents language that has been added to the Draft EIR; text with ~~strikeout~~ has been deleted from the Draft EIR. All revisions are then compiled in the order in which they would appear in the Draft EIR (by page number) in Chapter 3, Draft EIR Text Revisions, of this document.

¹ This does not include a letter from the State Clearinghouse dated November 21, 2017, confirming that the project has complied with State Clearinghouse review requirements for draft environmental documents pursuant to CEQA and that no state agencies provided comments on the Draft EIR. No formal response to this letter is warranted.



Public Works Agency
Alameda County

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

951 Turner Court • Hayward, CA 94545-2651 • www.acpwa.org

November 6, 2017

Tom Liao
Community Development Department
City of San Leandro
835 E. 14th Street
San Leandro, CA

COMM. DEVEL. DEPT.

NOV 13 REC'D

SAN LEANDRO
RECEIVED

Dear Mr. Liao:

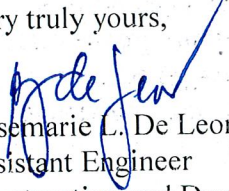
Reference is made to your correspondence on October 6, 2017, submitting the Notice of Availability of Draft Environmental Impact Report (EIR) for the City of San Leandro's Draft Bay Fair Transit- Oriented Development (TOD) Specific Plan.

Per our cursory review of the transmitted documents for this project, we offer the following preliminary general comments:

1. Hydrology studies for the proposed improvement conditions shall substantiate that there will be no net increase in the peak discharge generated from the proposed project. If development associated with a higher runoff coefficient (C'-value) than the originally anticipated value is proposed, the augmented storm runoff will have to be mitigated. The actual modified design runoff coefficients, C', is to be calculated according to Section 1.3.4 of the District's Criteria Summary.
2. The applicant should provide measures to prevent the discharge of contaminated materials into public drainage facilities. It is the responsibility of the applicant to comply with Federal, State, or local water quality standards and regulations. This project will be subject to a National Pollutant Discharge Elimination System (NPDES) Permit. A "Notice of Intent" shall be filed with the State Regional water Quality Control Board.
3. An encroachment permit shall be obtained from the Alameda County Flood Control and Water Conservation District for any work within the District right-of-way.
4. Please provide a copy of the Final Environmental Impact Report for our file and reference.

Thank you for the opportunity to review the draft environmental study for this project. If you have any questions, please call me at (510) 670-5209.

Very truly yours,


Rosemarie L. De Leon
Assistant Engineer

Construction and Development Services

Letter 1

COMMENTER: Rosemarie L. De Leon, Assistant Engineer, Construction and Development Services Department, Alameda County Public Works Agency

DATE: November 6, 2017

Response 1.1

The commenter states that hydrologic studies for the proposed improvement conditions must substantiate that there will be no net increase in the peak discharge generated from the proposed project. The commenter states that if development has higher runoff, the augmented stormwater would have to be mitigated.

As described in Section 2, *Project Description*, of the Draft EIR, the proposed Specific Plan includes policies and development standards to guide future development in the Specific Plan Area through 2035 but does not include specific development projects. As described under Impact HYD-1 in Section 4.8, *Hydrology and Water Quality*, of the Draft EIR, future development under the Specific Plan would involve intensification of existing development in the Specific Plan Area that could increase impervious surfaces such that stormwater runoff increases. However, future development under the Specific Plan would be required to comply with applicable existing regulations such as the C.3 provisions of the Alameda County Clean Wat Program and implement Low Impact Development (LID) measures which would increase stormwater retention and decrease overall stormwater runoff. Therefore, impacts related to stormwater were found to be less than significant in the EIR. The commenter does not challenge the information, assumptions, or conclusions of the Draft EIR and no changes to the Draft EIR are warranted in response to this comment.

Response 1.2

The commenter states that the applicant should provide measures to prevent the discharge of contaminated materials into public drainage facilities and that it is the responsibility of the applicant to comply with Federal, State, or local water quality standards and regulations. The commenter states that the project would be subject to a National Pollutant Discharge Elimination System (NPDES) permit.

As noted above in Response 1.1, the EIR analyzes the effects associated with implementation of the proposed Specific Plan. No specific development projects are proposed and therefore no applicants for projects associated with development under the Specific Plan have been identified at this time. As described under Impact HYD-1 in Section 4.8, *Hydrology and Water Quality*, of the Draft EIR, future development under the Specific Plan would be required to comply with Federal, State, and local water quality standards and regulations, including the provisions of the NPDES Permit. Therefore the analysis in the Draft EIR is consistent with this comment. Compliance with the NPDES Permit would include operational and maintenance control measures and construction-related Best Management Practices. Impacts related to water quality were found to be less than significant in the Draft EIR. The commenter does not challenge the information, assumptions, or conclusions of the Draft EIR and no changes to the Draft EIR are warranted in response to this comment.

Response 1.3

The commenter states that an encroachment permit must be obtained from the Alameda County Flood Control and Water Conservation District (“District”) for work within the District right-of-way.

As described under Impact HYD-3 in Section 4.8, *Hydrology and Water Quality*, of the Draft EIR, construction in or improvements to the Estudillo Canal would be conducted by the District and would require the approval by the appropriate Federal, State, regional, and local regulatory agencies to ensure environmental laws and other requirements are followed. Therefore, at the time work within the District right-of-way occurs, including any development or improvements within the right-of-way, an encroachment permit would be obtained as appropriate. No changes to the EIR are warranted in response to this comment.

Response 1.4

The commenter requests a copy of the Final EIR for their file and reference.

As required by CEQA, the commenter will receive a copy of written responses to their comments on the EIR and will be directed to the City’s website where they can access the Final EIR.



November 20, 2017

Tom Liao
Deputy Community Development Director
835 East 14th Street
San Leandro, CA 94577

SUBJECT: Response to the Draft Environmental Impact Report for the Bay Fair Transit-oriented Development Specific Plan

Dear Mr. Liao,

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for Bay Fair Transit-oriented Development (TOD) Specific Plan in San Leandro (the Plan). The Plan area covers 154 acres bound by East 14th St to the northeast, Hesperian Blvd to the east and west, and the City of San Leandro's boundary with the unincorporated Alameda County to the south and southeast. The Plan area also includes the Bay Fair BART station and supporting parking facilities. The Plan does not propose specific development but would allow additional density. The DEIR estimates 2,540 new housing units and 300,000 square feet of office space replacing 161,000 square feet of retail space by 2030.

Alameda CTC respectfully submits the following comments on the DEIR:

- The Alameda CTC's Congestion Management Plan (CMP) requires that the DEIRs address potential impacts to Metropolitan Transportation System (MTS) roadways and transit operators (BART and AC Transit), the Countywide Bicycle Network, and Pedestrian Areas of Countywide Significance. Please refer to Alameda CTC's response dated April 7th, 2017 to the Notice of Preparation of a DEIR for this project which identifies these multimodal analysis requirements. Currently, the DEIR only addresses impacts to the MTS Roadways and transit operators and does not address impacts to bicycle and pedestrian facilities. Considering that this plan is a TOD Specific Plan, increased active transportation (bicycle and pedestrian) activity in addition to transit trips are anticipated in the Specific Plan area. In this regard, on page 311, the DEIR discusses the existing condition of pedestrian facilities and describes sidewalks within parts of the planning area as discontinuous. Similarly, the East Bay Greenway that crosses the Specific Plan area is referenced in both Chapter 3 of the Plan and the existing conditions section of the DEIR. However, no further analysis or discussion is included regarding the future impacts to the pedestrian or bicycle facilities including addressing the existing gaps. Alameda CTC requests that the DEIR is updated to address the Specific Plan impacts to bicycle and pedestrian facilities and movement.

2

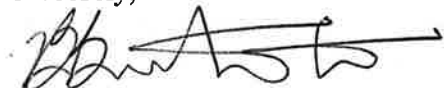
- The DEIR makes references to a CMP roadway performance standard of Level of Service (LOS) E. The DEIR should apply a different threshold of significance based on professional judgement using the context of the project. The LOS E standard applies to the Alameda CTC's biennial LOS monitoring activities but is not intended as a threshold of significance for the review of development projects through the CMP's Land Use Analysis Program. As stated on page 91 of Alameda CTC's 2015 CMP: "Alameda CTC has not adopted thresholds of significance for CMP land use analysis purposes. Project sponsors should use professional judgement to 1) define a threshold that is appropriate for the project context; and 2) use this threshold to determine if segments are impacted".

3

- Impact T-2 in the DEIR states that most CMP arterial roads have been built out to their ultimate configuration and that there would be significant and unavoidable impacts to vehicle delay as a result of the Plan. While Alameda CTC acknowledges that these arterials are built to their ultimate configuration, the extensive list of Transportation Demand Management (TDM) measures listed in Chapter 3 of the Plan could be strategically applied as potential mitigation measures. The DEIR should be updated to include the appropriate TDM measures and the potential effect these measures would have on overall traffic generated in the Plan area including traffic on arterials.

Thank you for the opportunity to comment on this DEIR. Please contact me at (510) 208-7426 or Chris G. Marks, Associate Transportation Planner at (510) 208-7456, if you have any questions.

Sincerely,



Saravana Suthanthira

Principal Transportation Planner

cc: Chris G. Marks, Associate Transportation Planner

Letter 2

COMMENTER: Saravana Suthanthira, Principal Transportation Planner, Alameda County Transportation Commission (CTC)

DATE: November 20, 2017

Response 2.1

The commenter states that the Alameda CTC's Congestion Management Plan (CMP) requires that the Draft EIR address potential impacts to Metropolitan Transportation System (MTS) roadways and transit operators (BART and AC Transit), the Countywide Bicycle Network, and Pedestrian Areas of Countywide Significance. The commenter states an opinion that the Draft EIR only addresses impacts to the MTS Roadways and transit operators and does not address impacts to bicycle and pedestrian facilities.

Impact T-3 in Section 4.13, *Transportation and Traffic*, of the Draft EIR analyzes the proposed Specific Plan's consistency with transit, bicycle and pedestrian plans including the Alameda Countywide Bicycle Plan, Countywide Pedestrian Plan, and Countywide Transit Plan, all enacted by the Alameda CTC, as well as *Plan Bay Area 2040* (see pages 337-338 in the Bay Fair TOD Plan DEIR). As stated in that section, implementation of the proposed Specific Plan would support these plans and would not conflict with plans, programs and policies regarding bicycle, pedestrian, or transit facilities, or decrease the performance and safety of such facilities.

To make it easier to find this discussion in the Draft EIR, page 335 of the EIR in Section 4.13, *Transportation and Traffic*, is revised to include the following correction:

Threshold: Would the Specific Plan conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities or otherwise decrease the performance or safety of such facilities?

This change is also shown in Section 3, Draft EIR Text Revisions, of this document.

Response 2.2

The commenter states that professional judgment should be used to identify a threshold for CMP roadway performance analysis to determine impacts that would result from implementation of the Specific Plan. The commenter states the level of service (LOS) E threshold applies to the Alameda CTC's biennial LOS monitoring activities but is not intended as a threshold of significance for the review of development projects through the CMP's Land Use Analysis Program.

Level of service (LOS) E was identified as the threshold of significance for arterial segments to maintain consistency with the arterial segment analysis conducted previously for the San Leandro 2035 General Plan EIR, which used LOS E for the threshold of significance for arterial segments. No changes to the EIR are warranted in response to this comment.

Response 2.3

The commenter summarizes the conclusions of Impact T-2 of the Draft EIR which states that most CMP arterial roads have been built out to their ultimate configuration and that there would be

significant and unavoidable impacts to vehicle delay as a result of the Plan. The commenter states that the effects of transportation demand management (TDM) measures should be analyzed as potential mitigation measures to reduce impacts to the CMP network.

As stated in the Draft EIR, Specific Plan Chapter 3, Mobility, includes TDM guidelines to encourage residential and employer TDM programs for new projects in the Specific Plan Area. Since the effectiveness of TDM programs cannot be guaranteed, the analysis included in the Draft EIR does not include assumed levels of trip reduction that could result from future TDM programs. However, the City may condition projects to include TDM programs that include quantified target trip reductions based on empirical research. Furthermore, the City may require annual monitoring of TDM programs to evaluate the effectiveness of those programs to reduce personal vehicle trips. No changes to the EIR are warranted in response to this comment.



SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

300 Lakeside Drive, P.O. Box 12688

Oakland, CA 94604-2688

(510) 464-6000

Letter 3

2017

November 20, 2017

Rebecca Saltzman
PRESIDENT

Robert Raburn
VICE PRESIDENT

Grace Crunican
GENERAL MANAGER

Thomas Liao, Deputy Community Development Director

City of San Leandro

835 East 14th St.

San Leandro, CA 94577

RE: Comments on Bay Fair Transit-Oriented Development (TOD) Specific Plan and Draft Environmental Impact Report

DIRECTORS

Debora Allen
1ST DISTRICT

Joel Keller
2ND DISTRICT

Rebecca Saltzman
3RD DISTRICT

Robert Raburn, Ph.D.
4TH DISTRICT

John McPartland
5TH DISTRICT

Thomas M. Blalock, P.E.
6TH DISTRICT

Lateefah Simon
7TH DISTRICT

Nicholas Josefowitz
8TH DISTRICT

Bevan Dufty
9TH DISTRICT

Dear Tom:

On behalf of the San Francisco Bay Area Rapid Transit District, I would like to thank the City for its invitation to provide comments on the Bay Fair Transit-Oriented Development (TOD) Specific Plan and Draft Environmental Impact Report (DEIR). BART has been an active participant in the planning process and contributed to the funding of the Specific Plan. BART is the second largest land owner in the plan area.

In June 2016, the BART Board of Directors adopted an updated Transit-Oriented Development Policy, which promotes high quality, intensive development at or near BART stations. Transit-oriented development will generate increased ridership and new revenues for transit and support the creation of vibrant, walkable communities in San Leandro. As described in the DEIR, the plan allows for up to 2,540 new housing units and 300,000 square feet of office space, and plans for significant infrastructure improvements that will expand access to BART from the surrounding community. BART supports this vision for growth and investment, which aligns with BART's TOD Policy.

BART wishes to indicate particular support for the following elements of the Specific Plan:

Flexibility of Land Use: BART supports the use of a single zoning district that allows for a wide variety of land uses. This flexibility improves BART's ability to pursue transit oriented-development on its property over the long term.

Shared Parking: BART supports the concept of shared parking between different uses, including between BART and compatible land uses, such as retail. Currently, the Plan Area has an enormous amount of parking that is not efficiently used, in part because landowners do not allow parking to be shared. By sharing parking, the plan area can reduce the costs of development, promote additional density, create a more walkable and accessible community, and promote sustainable transportation. BART encourages the City of San Leandro to pursue policies that encourage shared parking in new development, and to analyze its existing municipal code and remove any barriers that prevent developers from pursuing shared parking arrangements.

Low Parking Requirements for Private Development: BART supports the Plan's creation of parking maximums for new units, relatively low parking minimums, and the unbundling of parking from the sale of residential units. Low parking requirements make transit-oriented development more financially feasible and help create a more pedestrian

1,
cont.

and bicycle-friendly urban environment. Unbundling parking from the cost of a new residential units makes housing more affordable and gives homeowners more options on how to travel.

Height Minimums and Increased Land Use Intensity: BART strongly supports the Plan's establishment of height minimums of 45 feet in order to ensure that projects proposed in the near term do not compromise the long term viability of this large site as a transit-oriented district. BART also is supportive of the Plan's openness to height exceptions to the maximum heights proposed in the event that a project meets other applicable design recommendations and may provide significant community benefits. Further, to maximize the transit-orientation and community-building potential of the Plan Area, BART encourages to the City to consider expanding Height Area 1 shown on page 87 to include the triangular block bounded by Fairmont Avenue, Hesperian Boulevard, and East 14th Street. That block is believed to be sufficiently offset from surrounding residential areas, and sufficiently close to rapid transit, to allow for additional density and height limit of 90 feet.

Complete Streets in the Plan Area: BART strongly supports the upgrading of bicycle and pedestrian facilities on major streets in the Plan area, including along Hesperian Boulevard, East 14th St., and Fairmont Drive. In particular, Hesperian Boulevard is an extremely important street for access to BART, as anyone walking or cycling to BART from the west or south must travel along it or cross it. Its current condition does not promote walking and cycling. The expansion of sidewalks and addition of street trees and protected bicycle lanes on Hesperian will greatly improve the safety of pedestrians and cyclists and promote greater access to BART.

In addition, BART has the following minor comment on the DEIR:

2

- Page 307, Section e. Planned Transit Improvements. BART Requests changing the heading to "Bay Fair Connection/BART Station Modernization". All references to "Bay Fair Connector" should be updated to "Bay Fair Connection". The description should be modified to indicate that the Bay Fair Connection is identified in the ACTC 2014 expenditure plan and that the project will include "a third set of tracks on the station's east *or west* side to accommodate future operational needs."

We congratulate the City of San Leandro on this well-conceived Specific Plan and look forward to continued collaboration to promote its goals.

Sincerely,



Ian Griffiths
Senior Planner
San Francisco Bay Area Rapid Transit District

Letter 3

COMMENTER: Ian Griffiths, Senior Planner, San Francisco Bay Area Rapid Transit District

DATE: November 20, 2017

Response 3.1

The commenter indicates support for elements of the Specific Plan including: flexibility of land use, shared parking, low parking requirements for private development, height minimums and increased land use intensity, and complete streets in the Plan Area.

These comments do not state specific concerns or questions regarding the adequacy of the environmental impact analysis in the Draft EIR. No response to these comments is required and no changes to the EIR are warranted in response to these comments. .

Response 3.2

The commenter requests changing the heading of “Bay Fair Connector/BART Metro and Station Modernization” on Page 307, Section 4.13 €. Planned Transit Improvements, *Transportation and Traffic* of the Draft EIR to “Bay Fair Connection” The commenter requests that the description should be modified to indicate that the Bay Fair Connection is identified in the ACTC 2014 expenditure plan and that the project will include “a third set of tracks on the station’s east or west side to accommodate future operational needs.”

The changes requested by the commenter have been made to the EIR. Page 307 of the EIR in Section 4.13, *Transportation and Traffic*, is revised to include the following changes:

Bay Fair Connection Connector/BART Metro and Station Modernization

The Bay Fair Connection ~~Connector/BART METRO~~ project will increase capacity and operational flexibility systemwide. The Bay Fair Connection ~~Connector~~ project is in the conceptual design and planning stage, but currently defined alternatives include a third set of tracks on the station’s east or west side to accommodate future operational needs. This project would enable a one-seat ride from San Francisco to the Tri-Valley area.

The Station Modernization Program will invest resources into existing stations and surrounding areas to increase capacity in order to serve more riders and enhance quality of life in the station area. The program will address all aspects of the station, including buildings, escalators and elevators, circulation and signage/wayfinding, lighting, and other station equipment replacement and upgrades.

This change is also shown in Section 3, Draft EIR Revisions, of this document.

OCT 13 REC'D

SAN LEANDRO
RECEIVED

Tom Liao
Deputy Community Development Director
835 East 14th Street
San Leandro, CA 94577

October 7, 2017

Dear Mr. Liao,

I read with interest about the “significant traffic impacts” in your TOD Specific Plan for the Bay Fair BART development proposal.

1 I also noticed that there were HazMat sites identified in Section 4.7 of the Draft EIR. Will these sites be cleaned up by certified HazMat Crews?

Will this become a mitigated disaster or an unmitigated disaster (like the ill-fated marina boat slips)?

2 I have lived at 15220 Upton Ave for over 30 years and watched the traffic congestion increase throughout that time. Hesperian Blvd now experiences stop-and-go traffic before, during, and after morning and evening commute hours. Is you plan for complete traffic grid-lock 24/7 365?

3 A good start would be to promote 5- and 6-story building in the “old town” near San Leandro BART – and provide high-rise parking structures for commuters. There is *not* enough parking at Bay Fair BART *today*.

4 It is already common to find Bay Fair BART commuters parking on the streets in our neighborhood Monday through Friday. The BART parking lot fills by 8:30 am.

5 So, my question remains: “Will this become a mitigated disaster or an unmitigated disaster?”

I am strongly opposed to this TOD.

Best regards,


Charles Hintz

15220 Upton
S.L. CA 94578-3921

Letter 4

COMMENTER: Charles Hintz

DATE: October 7, 2017

Response 4.1

The commenter asks if the sites identified in Section 4.7 of the Draft EIR will be cleaned up by certified hazardous materials crews and expresses concerns regarding potential impacts related to hazards and hazardous materials.

As described in Section 2, *Project Description*, of the Draft EIR, the proposed Specific Plan includes policies and development standards to guide future development in the Specific Plan Area through 2035 but does not include specific development projects. As described under Impact HAZ-3, in Section 4.7, *Hazards and Hazardous Materials*, of the Draft EIR, there are no Superfund (NPL) or other State Response sites within the Specific Plan Area. There are thirteen “completed-case closed” Leaking Underground Fuel Tank (LUFT) and Spills, Leaks, Investigation, and Cleanups (SLIC) sites within the Specific Plan Area. Sites that are “closed” indicate that all appropriate corrective action requirements have occurred. These properties can then be released for reuse with restrictions to prevent inappropriate land uses. For potential future development projects under the Specific Plan, project-specific adherence to 2035 General Plan Policy EH-5.2 would ensure necessary steps are taken to clean up residual hazardous wastes on any contaminated site proposed for redevelopment or reuse. Therefore, significant impacts related to hazardous materials are not anticipated should grading or excavation occur on these sites with implementation of the proposed Specific Plan. These comments do not state specific concerns or questions regarding the adequacy of the environmental impact analysis in the Draft EIR. No changes to the EIR are warranted in response to these comments.

Response 4.2

The commenter expresses concerns regarding traffic congestion and “gridlock” on Hesperian Boulevard during commute hours and appears to suggest that it would get worse with the proposed Specific Plan including heavy congestion extending beyond commute hours.

The City acknowledges that implementation of the proposed Specific Plan would increase traffic in and around the Specific Plan Area. Accordingly, the Draft EIR evaluated traffic operations at 12 intersections, along five arterial segments, and along 10 freeway segments to determine the anticipated effects of the Specific Plan on Cumulative conditions. These study locations were identified based on existing travel patterns and traffic volumes, anticipated changes in travel patterns and traffic volumes upon implementation of the Specific Plan, and the facilities studied through the San Leandro 2035 General Plan environmental clearance process.

Regarding changes in vehicle traffic at study intersections on Hesperian Boulevard, as stated in the discussion of Impact T-1 in Section 4.13, *Transportation and Traffic*, of the EIR, implementation of Mitigation Measure T-1 at the Hesperian Boulevard/Halcyon Drive/Fairmont Drive intersection would reduce the volume to capacity (V/C) ratio to 0.04 above that of the Cumulative condition in the weekday PM peak hour. This would be below the City’s threshold of a V/C increase of 0.05 or more. Therefore, the cumulative impact would be reduced to a less than significant level.

Addition of another northbound through lane at the Hesperian Boulevard/Thornally Drive intersection would reduce the V/C ratio to within the standard. However, the available right-of-way at the intersection would not accommodate an additional through lane without removal of the bike lanes included as part of the street network improvements in the proposed Specific Plan. Therefore, an additional through lane would not be installed with implementation of the proposed Specific Plan and other feasible mitigations, such as trip reduction programs, could not be guaranteed to reduce impacts to a level below significance. The impact would remain significant and unavoidable. Therefore, the EIR acknowledges that the proposed Specific Plan would result in significant traffic impacts at the Hesperian Boulevard/Thornally Drive intersection during the AM and PM peak hours as well the intersection of East 14th Street/Fairmont Drive during the AM peak hour.

The Draft EIR does not evaluate the effects of project-related vehicle traffic on the transportation network during non-peak hour periods because the City has not adopted standards for traffic operations during off-peak periods. However, traffic volumes during non-peak hour periods generally are lower than traffic volumes during peak hours. Nonetheless, as described above and in Section 4.13 of the Draft EIR, traffic impacts associated with the proposed Specific Plan would be significant and unavoidable at some study area locations.

Response 4.3

The commenter states an opinion that the City should promote 5- and 6-story buildings near the San Leandro BART station and provide high-rise parking structures for commuters because there is not enough parking at the BART station.

The proposed Specific Plan provides policies and guidelines for development around the Bay Fair BART station not the San Leandro BART Station. This comment does not state a specific concern or question regarding the adequacy of the environmental impact analysis in the Draft EIR. No response to this comment is required and no changes to the EIR are warranted in response to this comment.

Response 4.4

The commenter states that the BART riders park in their neighborhood and that the BART parking lot fills by 8:30 AM.

The City acknowledges neighborhood concerns about parking, particularly the provision of parking for BART riders; however, parking is not an environmental issue requiring analysis under CEQA. Therefore, physical environmental impacts associated with the availability of parking were not specifically analyzed in the Draft EIR. Nevertheless, the commenter's concerns in this regard will be forwarded to the City's decision makers for their consideration.

As discussed in the Draft EIR, BART's "Policy on Joint Development and Replacement Parking" provides guidelines on how to address the issues associated with BART ridership growth, a methodology for access and replacement parking analysis, and sample case studies. This policy will help to govern the redevelopment of the Bay Fair BART station site, and BART would continue to implement this policy as it has done at other stations within its network.

The proposed Specific Plan includes policies on public parking, private parking, and bicycle parking. Public parking policies address: shared parking between land uses and or between development sites; future parking ratios that are revisited periodically in response to changing conditions such as increased transit use, increased use of electric vehicles, the implementation of autonomous vehicle

systems, or other changing conditions; and adaptive reuse of parking space as parking demand changes over time.

The proposed Specific Plan private parking policies address: minimum parking requirements (see Table 3.3 of the Draft Specific Plan), and measures that must be negotiated with the City for a future development to qualify for private parking reductions. Such measures include: shared parking, car share parking, bike share, in-lieu fees, and pedestrian-oriented uses, among other measures.

The proposed Specific Plan bike parking policies address the provision of public bike parking and storage as part of streets and public spaces within the Specific Plan Area.

Response 4.5

The commenter states their opposition to the proposed Specific Plan. This comment does not state a specific concern or question regarding the adequacy of the environmental impact analysis in the Draft EIR. No response to this comment is required and no changes to the EIR are warranted in response to this comment. The commenter's opinion is noted.

Letter 5

October 8, 2017

Dear Mr. Liao,

1 I am writing this letter to state my disagreement with the construction plan for Bayfair Mall. I live in the
neighborhood in San Lorenzo, bordering the Bayfair BART station. Because of this, my property and life
2 quality will be directly impacted by the proposed project in many ways. First of all is safety. I feel that
more people living in the neighborhood is going to bring more crime with it. How is the City of San
Leandro going to protect me when I live in an unincorporated area? The other important point is the
3 traffic. This area is already crowded with traffic. Having more inhabitants will increase the number of
cars by the thousands going in all directions. I will be jammed in traffic everyday morning and evening.
How are you going to solve the traffic chaos?

4 Parking: This neighborhood already struggles with parking everyday due to BART riders parking on our
streets. More people is going to cause more parking issues. How are you going to solve the parking
5 problem?

6 Noise: I have enough with the current BART noise and the nearby freeways. Many times the screech of
the BART sparks my nerves. More people, cars and construction is going to increase the noise, taking
away the few hours of peace that I have to relax. How are you going to decrease the noise produced by
7 more people coming?

Scenery: The only nice view that I have now is the hills to the east on the other side of the mall. The tall
buildings that are planned will leave me only with views of the freeways. What are you going to do to
about it?

Pollution: We are already getting enough pollution from the freeways. More people more pollution.
How are you going to keep the air and soil clean?

With bad traffic, parking and pollution, and no views my house price will go down. I am really worried
and getting affected emotionally and in the future also economically with this proposed project. I do not
want the project and want to leave the mall as it is. The mall is one of the reasons why I bought my
house.

Sincerely,

Sotera McKimmey

15556 Vassar Ave.

San Lorenzo, CA, 94580

Letter 5

COMMENTER: Sotera McKimmey

DATE: October 8, 2017

Response 5.1

The commenter states that they are opposed to the proposed Specific Plan. The commenter states that they are concerned about safety and states an opinion that the addition of people to the area will bring more crime and that the City of San Leandro cannot protect them since they live in an unincorporated area.

The commenter's opinions about the Specific Plan are noted. The commenter does not provide evidence to support the claim that the proposed Specific Plan would bring more crime to the Specific Plan Area. As described in Section 2, *Project Description*, an objective of the Specific Plan is to "improve safety in and around the Specific Plan Area through a range of strategies including increased pedestrian activity; more 'eyes on the street;' enhanced and more coordinated policing; better lighting pathways; activation of vacant spaces; and an increased sense of ownership and stewardship by residents, workers, and visitors." The implementation chapter of the Specific Plan includes ongoing actions for coordination of public safety and policing efforts in the area. In addition, the urban design chapter includes multiple strategies to encourage Crime Prevention through Environmental Design (CPTED), including more "eyes on the street," beautification and maintenance, and better differentiation of public and private space. In accordance with 2035 General Plan Policy CSF-1.5, Review of Development Plans, the police department would have the opportunity to review future projects in the Specific Plan Area to ensure that sufficient provisions for emergency access and response are made and adequate levels of service can be provided. Thus, through implementation of the 2035 General Plan and the proposed Specific Plan, it is anticipated that safety in the Specific Plan Area and immediately surrounding areas would improve. As described under Impact PS-2 in Section 4.12, *Public Services, Schools, and Recreation*, the Draft EIR is concerned with potential physical environmental effects associated with new or expanded police facilities that may be required as a result of Specific Plan implementation. The Draft EIR concluded that no significant physical environmental impacts associated with the provision of police protection services would occur. No changes to the EIR are warranted in response to this comment.

Response 5.2

The commenter expresses concerns regarding potential traffic impacts associated with the proposed Specific Plan.

Please see Response 4.2.

Response 5.3

The commenter states that the neighborhood already experiences problems with BART riders parking on neighborhood streets and expresses concern over parking issues.

Please see Response 4.4.

Response 5.4

The commenter expresses concern regarding the potential increase in noise that would be associated with more people, cars, and construction within the Specific Plan Area.

Noise associated with implementation of the proposed Specific Plan is addressed in Section 4.10, *Noise*, of the Draft EIR which concludes that impacts related to operational, traffic, and construction noise would be less than significant with mitigation. This comment does not state a specific concern or question regarding the adequacy of the environmental impact analysis in the Draft EIR. No changes to the EIR are warranted in response to this comment.

Response 5.5

The commenter expresses concern that their view of the hills to the east would be blocked by future tall buildings associated with buildout of the Specific Plan.

As noted in Section 4.1, *Aesthetics*, of the Draft EIR, the proposed Specific Plan would involve intensification of use compared to existing conditions and would allow buildings up to 90 feet in height in some portions of the Specific Plan Area. However, impacts with respect to scenic vistas were found to be less than significant. The City acknowledges that several residences may experience some interference with a portion of their private views of surrounding hillsides to varying degrees depending on location and elevation. However, views from the Specific Plan Area of surrounding hillsides are not designated as “Significant Views” according to the City’s 2035 General Plan. The Draft EIR analyzed impacts associated with designated scenic views and vistas according to the City’s General Plan. The potential loss of portions of private views from a limited number of residences is acknowledged but is not considered a significant impact under CEQA. Therefore, this impact is not significant for the purposes of CEQA. No changes to the EIR are warranted in response to this comment.

Response 5.6

The commenter expresses concern about air and soil pollution from freeways and additional pollution due to new people.

Impacts associated with air pollution emissions from implementation of the Specific Plan are analyzed in Section 4.2, *Air Quality*, of the Draft EIR. As discussed in that section, impacts were considered in terms of the Bay Air Quality Management District’s (BAAQMD) 2017 *CEQA Air Quality Guidelines*. For long-term plans, such as the proposed Specific Plan, BAAQMD’s operational significance thresholds are described on page 85 of the Draft EIR. As discussed under Impact AQ-1, with implementation of mitigation, the proposed Specific Plan would not result in significant air pollution impacts and would not expose sensitive receptors to substantial pollutant concentrations. Impacts associated with soil pollution from increased automobile traffic and increased pedestrian traffic are not directly analyzed under CEQA. Potential soil pollution from vehicles would be negligible. Existing hazardous soil contaminants found in the Specific Plan Area as well as the use, storage, disposal, or transportation of hazardous material from development spurred by the implementation of the Specific Plan are analyzed in Section 4.7, *Hazards and Hazardous Materials*, of the Draft EIR. As discussed in that section, required adherence to existing regulations, programs, and 2035 General Plan policies would ensure impacts would be less than significant.

These comments do not state specific concerns or questions regarding the adequacy of the environmental impact analysis in the Draft EIR. No changes to the EIR are warranted in response to these comments.

Response 5.7

The commenter states an opinion that with impacts related to traffic, parking, pollution and views the value of their house will go down, and expresses concern about economic impacts of the proposed Specific Plan. The commenter states that they wish to leave the Bayfair Center mall as it is.

The comments regarding housing prices and economic impacts do not pertain to the environmental impacts of the proposed Specific Plan. Concerns about property values are economic impacts of the proposed project and, although the commenter's concerns in this regard are noted, such impacts are not within CEQA's purview. The purpose of the Draft EIR is to address the project's environmental effects, not its economic effects. CEQA Guidelines Section 15064(e) specifically states that "economic and social changes resulting from a project shall not be treated as significant effects on the environment." These comments do not state specific concerns or questions regarding the adequacy of the environmental impact analysis in the Draft EIR. No changes to the EIR are warranted in response to these comments.

Letter 6

From: Ben Ball
To: [Liao, Thomas](#)
Subject: Bayfair TOD Specific Plan Feedback
Date: Thursday, October 19, 2017 4:18:41 PM

Dear Mr. Liao:

Thanks for hosting the Bayfair TOD plan session last night - it was informative. Some additional feedback which I wasn't able to provide last night as I had to leave early:

1

I see that the block of East 14th between Bancroft and 150th Street is part of the plan. I frequently run in this area, and have had quite a few close scrapes with cars which enter or exit the strip mall on that block too quickly. The issue is at least partly caused by the bus shelter directly in front of the strip mall. Its placement blocks the view eastward down East 14th, causing drivers to aggressively nose their cars out to see around it. Pushing that bus shelter back on the sidewalk would help to prevent this issue.

2

The triangle between East 14th, 150th St, and Hesperian is a particularly problematic piece of that area for pedestrians and bicyclists. I've tried to walk across it several times; the lack of sidewalks, signage, and/or a crosswalk over there can be dangerous. Beyond that, it's not exactly a welcoming gateway to the Bayfair area. While a tiny part of the plan area, I think that triangle can actually play a key role in setting the tone for how the plan plays out. Something green would be nice.

3

I noticed a few traffic circles in the plan, and I think those are a mistake. Traffic calming is the last thing San Leandro needs - if anything, our disjointed grid system needs more thoroughfares. Particularly in a neighborhood of dense, 8-story buildings where people are coming and going a lot, getting people through the area will be a priority. Having lived in DC where traffic circles are all over the place, I can tell you that they are a detriment and annoyance to any neighborhood.

4

The boundaries of the plan are too limited. San Leandro can't afford to plan the future of this area in isolation. As the attendees of last night's workshop demonstrated, the impact of this plan will be felt far beyond the plan's oddly shaped boundaries. The neighboring areas of unincorporated Alameda County may be beyond San Leandro's jurisdiction, but in my mind that just means that a more cooperative, joint planning process is needed. Like it or not, the north side of East 14th St is a part of the Bayfair area. The same is true of the neighborhood south of the BART station. It's not about the administrative divisions; it's about how people experience the neighborhood. That's the one glaring error I saw in the whole exercise.

5

↓ While I disagree with the curmudgeonly residents who obsess about parking, some hinted at a larger point about regional infrastructure capacity which is relevant and valid. 880, 238, and

5 cont.

↑ 580 are already hugely problematic traffic-wise, and if the TOD proposal goes forward as planned, this new development is going to land right in the center of it all. Even if all of the new residents are transit-friendly, non-car people, the extra traffic they create by being in a vibrant neighborhood of new services which outsiders will also enjoy is a recipe for even more gridlock. San Leandro can't hide behind lack of jurisdiction as a cover here. We should be part of the solution, not part of the problem. Adding new housing capacity has to be matched by investments in regional infrastructure, even if incremental. That means putting money into BART, freeways, and connectors in a way which minimizes the impact of this new development on the region.

6

Lastly, I'd like to know more about what I as a member of the community can do to move the ideas of the planning process forward to the development stage. San Leandro is already drastically behind the times - the Bayfair area is a drain on our economy when it should be propelling it forward. How can we express the desire for new development to the landowners directly?

Thanks for your service and help in all of this.

Ben Ball
694 Dolores Ave
San Leandro

Letter 6

COMMENTER: Ben Ball

DATE: October 19, 2017

Response 6.1

The commenter states that the bus shelter on East 14th between Bancroft and 150th Street blocks views eastward down East 14th Street and causes a safety hazard.

This comment does not state a specific concern or question regarding the adequacy of the environmental impact analysis in the Draft EIR. No response to this comment is required and no changes to the EIR are warranted in response to this comment.

Response 6.2

The commenter states an opinion that the triangular area between East 14th, 150th, and Hesperian is a problematic area for pedestrians and bicyclists and can be dangerous, and suggests that it could be improved.

The comment addresses existing pedestrian facilities. The City may evaluate the adequacy of transportation infrastructure at any time and may implement improvements already identified in the 2010 Bicycle and Pedestrian Master Plan. As noted in Section 2, *Project Description*, of the EIR, an objective of the proposed Specific Plan is to create a more walkable environment and improve the pedestrian experience (Objective #2). Should the proposed Specific Plan be adopted and implemented over time, as the plan is implemented opportunities may arise for the City to develop and incorporate placemaking elements and landscape treatments that align with pedestrian network improvements. Such improvements may be implemented through the project approvals process. This comment does not state a specific concern or question regarding the adequacy of the environmental impact analysis in the Draft EIR. No changes to the EIR are warranted in response to this comment.

Response 6.3

The commenter states an opinion that traffic circles recommended in the proposed Specific Plan are a mistake and that the City does not need traffic calming.

The comment addresses street traffic control concepts presented in the Specific Plan. The Specific Plan provides policies for how the Specific Plan Area should develop but does not contain specific projects. Should the proposed Specific Plan be adopted and implemented over time, as it is implemented traffic control treatments for various locations in the Specific Plan Area would be identified through engineering studies to address the anticipated multimodal conditions at the relevant or applicable locations. This comment does not state a specific concern or question regarding the adequacy of the environmental impact analysis in the Draft EIR. No changes to the EIR are warranted in response to this comment.

Response 6.4

The commenter states an opinion that the boundaries of the Specific Plan are too limited and claims that the impact of the plan will be felt beyond the plan's boundaries. The commenter states an opinion that the neighboring areas of unincorporated Alameda County should be involved in the planning process.

As discussed in Section 1.2, Environmental Review Process, of this document, City staff sent notifications about the CEQA process to areas of unincorporated Alameda County that border the Specific Plan Area and published notices in a local newspaper. City staff also notified members of the County Board of Supervisors about the Specific Plan and CEQA process and representatives from Alameda County agencies served on the Technical Advisory Committee for the Specific Plan. Also regarding the Community Advisory Committee for the Specific Plan, the City Council required that four of the 21 members were from unincorporated Alameda County.

In terms of the environmental impacts of the proposed Specific Plan, where appropriate, potential environmental impacts outside of the Specific Plan Area that may occur with Specific Plan implementation were analyzed. For example, transportation impacts were analyzed at intersections, freeway segments, and roadways outside of the Specific Plan Area as shown on Figure 31 in Section 4.13, *Transportation and Traffic*, of the Draft EIR. As another example, as described in Section 4.2, *Air Quality*, impacts associated with air pollution emissions are assessed for nearby sensitive receptors outside the Specific Plan Area as well as for the air basin as a whole. These comments do not state specific concerns or questions regarding the adequacy of the environmental impact analysis in the Draft EIR. No changes to the EIR are warranted in response to these comments.

Response 6.5

The commenter expresses concerns about regional infrastructure capacity, including transit and freeways, to serve the growth envisioned in the Specific Plan.

The analysis performed for the Draft EIR included segment level of service analyses along 10 freeway segments to determine the anticipated effects of the Specific Plan on Interstate 580 (I-580), I-238, and I-880 under Cumulative conditions. In addition, a Congestion Management Program (CMP) analysis was performed in compliance with the Alameda CTC CMP guidelines. Impacts to freeway facilities and transit capacity are discussed in the Draft EIR. As described under Impact T-2 in Section 4.13, *Transportation and Traffic*, of the Draft EIR, impacts to freeway segments were found to be less than significant. As described under Impact T-3 in Section 4.13, *Transportation and Traffic*, impacts to transit capacity would be less than significant, but due to the increase in vehicle delay at the intersection of Hesperian Boulevard and Thornally Drive, buses would experience significant operational delays approaching this intersection. Therefore, impacts to bus operation would be significant and unavoidable.

Response 6.6

The commenter asks to know more about what members of the community can do to move the ideas of the planning process forward to the development stage and states an opinion that the Bayfair area is a drain on the economy. City staff responded via email to the commenter by adding him to the Specific Plan public email distribution list and recommending he attend the upcoming Planning Commission and City Council meets for the Final Plan and EIR. Staff also encouraged him to follow BART and future developments on its sites as well as future proposed new development in

the Specific Plan Area through the City's Board of Zoning Adjustments, Planning Commission, and/or City Council.

These comments do not state specific concerns or questions regarding the adequacy of the environmental impact analysis in the Draft EIR. No response to these comments is required and no changes to the EIR are warranted in response to these comments.

Letter 7

From: Hisako Endo
To: [Liao, Thomas](#)
Cc: [Anderson, Kimberly](#); aijindeng@yahoo.com; [Amy](#); [chas](#); [Dave Sigel](#); [david sigel](#); [Dennis Chowenhill](#)
Subject: Re: Reminder: bay fair tod community advisory committee meeting on october 23
Date: Friday, October 20, 2017 1:42:16 PM

Dear Mr. Liao,

Thank you for the reminder. I have written and sent you all I had to say since the Fall of 2015. The most important message that I would like you to relay to the TOD committee and others involved on my and my neighbors' behalf is that our city and all cities must first focus and use available resources on strengthening safety, infrastructure, and emergency response, without which no "improvement" or "quality of life" is sustainable or worth tax payers' money and inconvenience.

I wasn't able to add others in the cc box due to space limitation.

Thank you.

Hisako Hintz
15220 Upton Ave.
San Leandro, CA 94578

Letter 7

COMMENTER: Hisako Hintz

DATE: October 20, 2017

The commenter states an opinion that the city must focus on and use available resources for strengthening safety, infrastructure, and emergency response.

The commenter's opinions are noted. As noted in the Draft EIR, impacts related to police and fire protection services and utilities and stormwater infrastructure would be less than significant. This comment does not state a specific concern or question regarding the adequacy of the environmental impact analysis in the Draft EIR. No changes to the EIR are warranted in response to this comment.

Letter 8

From: Bruce King [<mailto:bruceking8@gmail.com>]
Sent: Monday, November 20, 2017 10:09 PM
To: Liao, Thomas
Cc: Hank Ackerman; Richard Brennan; Michael Gregory; Levenson, Susan
Subject: Bayfair TOD Draft EIR & Draft Plan - Creek Comments

Tom,

In April Friends of San Lorenzo Creek (FSLC) provided comments on the Bay Fair Transit Oriented Development (TOD) Specific Plan Notice to Preparation (NOP) for the Draft EIR (see attached April 3 comments).

This email contains a followup comment on the Draft Environmental Impact Report (DEIR) and Draft Bay Fair Transit-Oriented Development (TOD) Plan that were publicly released on September 28, 2017.

The DEIR and draft TOD plan make statements such as:

- Estudillo Canal should become an attractive, ecologically valuable open space amenity over time.
- New open space located along the Estudillo Canal should function as a stormwater management feature.
- ACFCF is developing alternatives for improvements to the Estudillo Canal in order to gain capacity for the 1% annual chance flood, thus eventually removing the Specific Plan Area from the SFHA.
- Significant improvements to the Canal and channel crossings, through the Bay Fair TOD, may include the following, but not limited to: channel improvements, floodwalls, culverts, and elevating road crossings.

In addition to such statements, the DEIR and/or draft TOD plan should include statements, guidelines, or requirements for setback distances for new-development from the creek channel to allow for potential re-configuring or naturalizing the creek channel, riparian area, and/or public access.

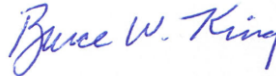
Sincerely,
Bruce King
Friends of San Lorenzo Creek
510-209-1410

FRIENDS OF SAN LORENZO CREEK

Date: April 3, 2017

To: Tom Liao, Deputy Community Development Director
City of San Leandro Community Development Department
835 East 14th St.
San Leandro, CA 94577
510-577-6003
tliao@sanleandro.org

From: Bruce King
Friends of San Lorenzo Creek
3127 Terry Court
Castro Valley, CA 94546
bruceking8@gmail.com



Subject: FSLC Comments on the Bay Fair TOD Specific Plan
Notice to Preparation (NOP) for the Draft EIR

Dear Tom,

This letter provides comments from Friends of San Lorenzo Creek (FSLC) on the scope and content of the Bay Fair Transit-Oriented Development (TOD) Specific Plan Notice of Preparation (NOP) for the Draft Environmental Impact Report (EIR). These comments were also provided during public comment at the City of San Leandro Planning Commission meeting on March 16, 2017.

In the Bayfair TOD plan area, the Estudillo Canal generally flows between BART and Bayfair Mall, and between Hesperian Boulevard and the Southern Pacific rail road tracks. See maps of the Estudillo Canal watershed in Attachment A. This creek drains the Fairmont and Ashland areas, through the Bayfair and Washington Manor areas, and then to the marshes and bay just south of the San Leandro Marina. These waterways are part of the historically-mapped creek and marsh system that was and is north of the primary San Lorenzo Creek channel. It is also my understanding that the BART parking lot, and possibly other areas, are within the 100-year flood plain.

Friends of San Lorenzo Creek recommends that the Bayfair TOD project consider the Estudillo Canal an environmental asset that is part of the creek system that needs to be protected. As part of this project, the canal's restoration to more a natural creek channel needs to be assessed, included, or protected for future restoration. In addition, the public access to the creek's upper-bank areas should be enhanced. Planned or future creek restoration and/or enhancement typically requires new development to be setback from the creek channel to allow for configuring the creek channel, riparian area, and/or public access. See setback examples in Attachment B. Public access to the creek might involve viewing areas and/or pedestrian-bike trails along the creek's upper banks.

Page 1 of 5

A California Public Benefit Nonprofit Corporation

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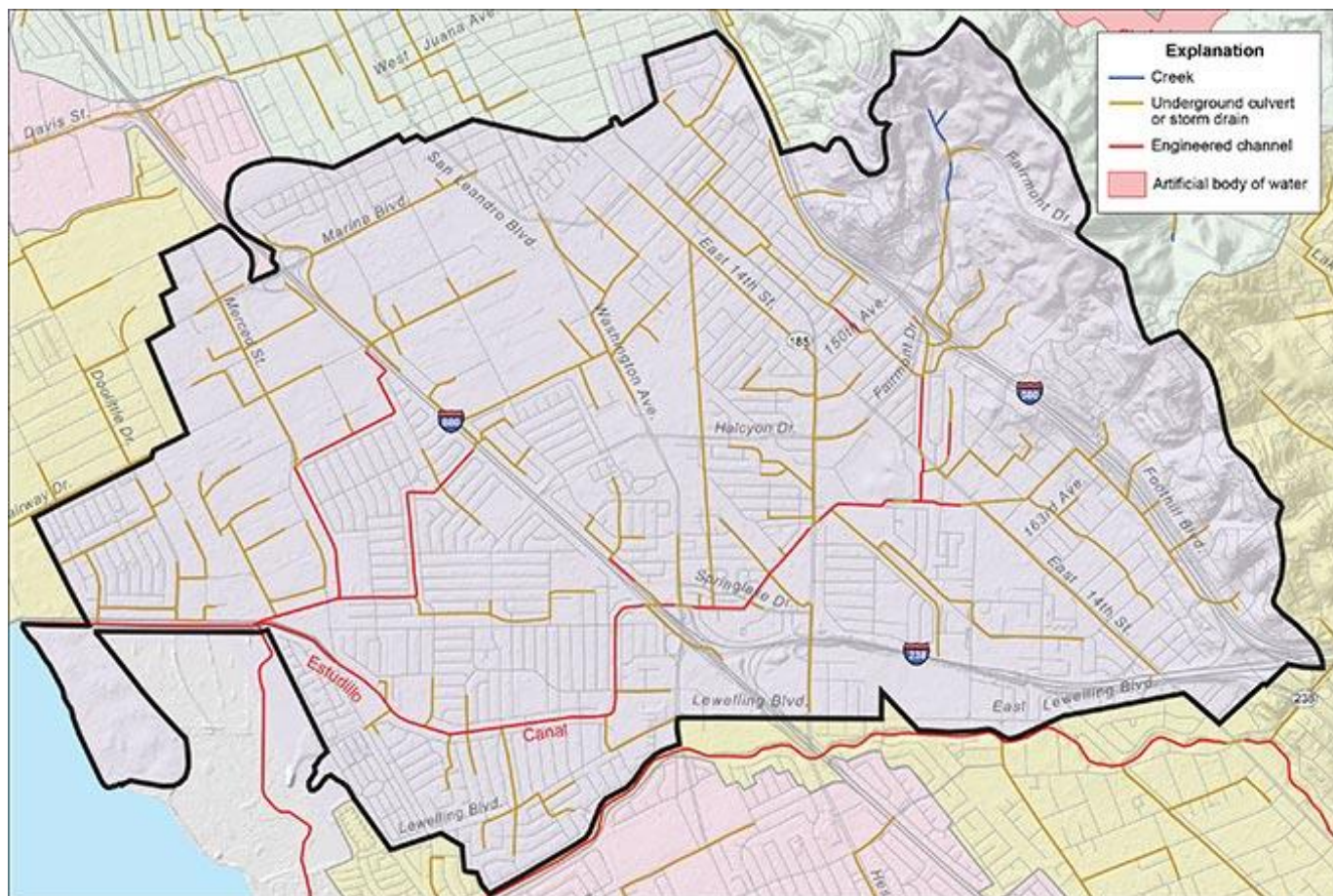
↑
The following are examples of creek-related impacts and mitigations that should be covered in the EIR:

- Modifications to Estudillo Canal, including any new bridges or coverings along with their impacts and mitigations.
- Development of structures or grading in the floodplain and how those structures or grading impact the performance of the floodplain and comply with floodplain requirements.
- Management of storm water for new and modified building, parking, and other facilities in conformance with City and County standards and best management practices.

We should envision a Bayfair TOD plan that protects and enhances this creek, the watershed, the public from flooding.

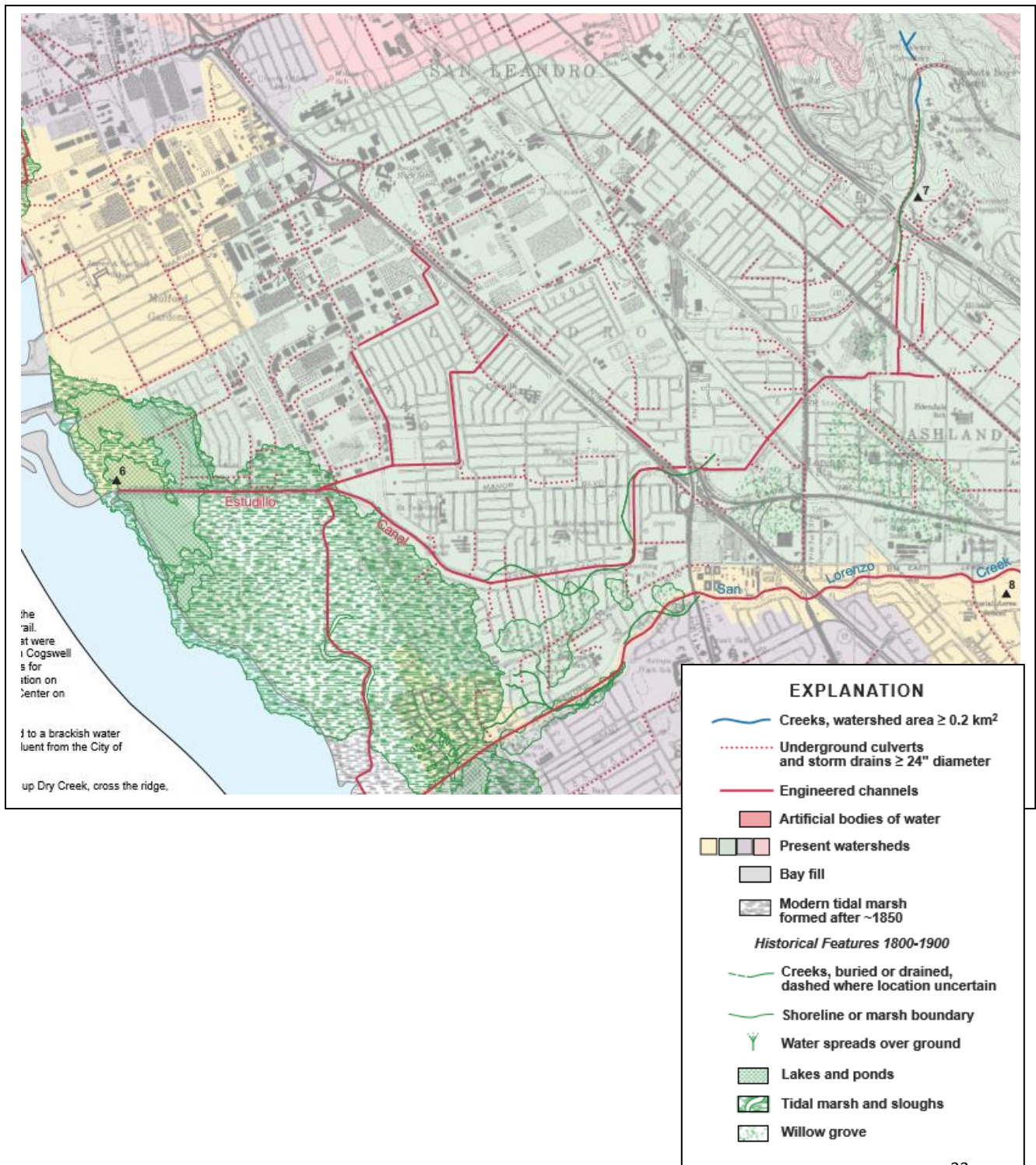
ATTACHMENT A

Estudillo Canal Watershed Current Creek and Channel Configurations



ATTACHMENT A (Continued)

Estudillo Canal Watershed Current and Historical Creek and Channel Configurations

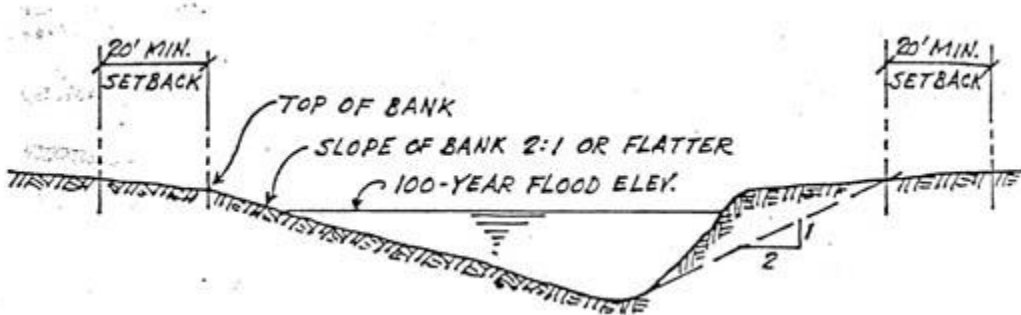


ATTACHMENT B

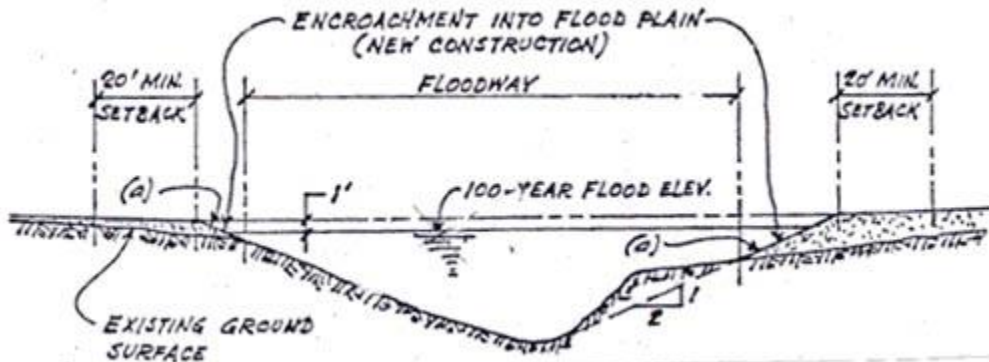
Creek Setback Examples

Alameda County Watercourse Protection Ordinance Section 13.12.320: Setback Criteria

Section A — Typical where 100-year storm flow is contained within banks of existing watercourse.

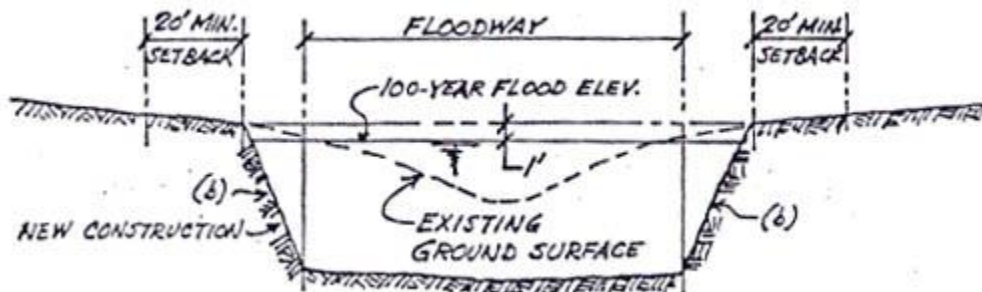


Section B — Typical where existing channel is sufficiently large to allow side encroachment.



(a) = Slope of bank shall be 2 horizontal to 1 vertical or flatter,
as determined by director of public works.

Section C — Typical for a flood plain where the watercourse must be enlarged to permit development.



(b) = Sides of channel shall be structurally stable. If sides are of earth,
they shall have a maximum slope of 2 horizontal to 1 vertical.

Letter 8

COMMENTER: Bruce King, Friends of San Leandro Creek

DATE: November 20, 2017

Response 8.1

The commenter summarizes provisions of the proposed Specific Plan related to the Estudillo Canal. The commenter states that in addition to these provisions, the Draft EIR and/or draft Specific Plan should include statements, guidelines, or requirements for setback distances for new development from the creek channel to allow for potential reconfiguring or naturalizing the creek channel, riparian area, and/or public access.

These comments pertain to the provisions and requirements set forth in the Draft Specific Plan itself and do not pertain to the findings or conclusions of the Draft EIR. Chapter 2, Vision and Planning, of the proposed Specific Plan envisions the Estudillo Canal as an “attractive, ecologically valuable open space amenity over time.” In addition, Public Open Space Guideline 5 in Chapter 5, Development Standards and Guidelines, calls for “new open space located along the Estudillo Canal” that “should function as a stormwater management feature.” As described in Section 4.8, *Hydrology and Water Quality*, of the Draft EIR, the San Leandro Municipal Code Chapter 3-15 *Stormwater Management and Discharge Control* provides stormwater requirements for projects conducted within the City of San Leandro. Included in Chapter 3-15 is the San Leandro Watercourse Protection Ordinance, which requires each property owner to keep and maintain parts of a watercourse that flows through their property free of trash, debris, excessive vegetation, and other obstacles. Also, no development within 30 feet of the centerline of any creek or 20 feet from the top of the bank is allowed without written authorization from the City.

The proposed Specific Plan does not include specific projects that would prevent canal improvements to naturalize the creek channel. The proposed Specific Plan envisions the canal as an aesthetic, recreational, and hydrologic resource in the Specific Plan Area. The policies of the Specific Plan are designed to ensure that future development could accommodate channel improvements and the provision of open space along the channel. In addition, provisions in the San Leandro Municipal Code provide setback requirements for developments along any creek. However, at this time, no specific projects or actions that would affect the canal are proposed. As discussed under Impact BIO-3 and BIO-4 in Section 4.3, *Biological Resources*, of the Draft EIR, with mitigation, no significant effects to wetlands or migratory fish or wildlife species would occur with implementation of the proposed Specific Plan.

Response 8.2

The commenter includes his comment letter in response to the Notice of Preparation (NOP) of a Draft EIR dated April 3, 2017. This comment letter provides suggestions on the scope and content of the Draft EIR.

These comments were considered during the NOP comment period. Information contained in the letter was considered and incorporated into Section 4.8, *Hydrology and Water Quality*, of the Draft EIR. These comments do not state specific concerns or questions regarding the adequacy of the environmental impact analysis in the Draft EIR. No response to these comments is required and no changes to the EIR are warranted in response to these comments.



November 21, 2017

Via: Email and US Mail

Mr. Tom Liao
tliao@sanleandro.org
Deputy Community Development
Director
City of San Leandro
City Center, 835 E. 14th Street
San Leandro, CA 94577

RE: Initial Response to the Draft EIR Bay Fair Transit-Orientated Development (TOD) Specific Plan

Mr. Liao,

Target Corporation is a property owner at 15555 East 14th Street which is within the boundaries of the above stated Draft plan. Target requests additional time to fully respond to the specifics of the plan which was published on October 6, 2017. To date Target has not been engaged in the community vision of the TOD Specific plan and the plan as presented anticipates Target's property being drastically different from our current business model. Target is a thriving community orientated retail business and we plan on operating at Bay Fair for the foreseeable future. The final plan will have to accommodate large format retail and the existing property owners who continue to reinvest in their properties.

Target has reached out to Madison Marquette the owner of the adjacent mall and to date we have not been able to have a conversation to discuss the plan or Madison Marquette's opinion of the plan. The major concern's Target has with the Plan are as follows:

1. Traffic impacts and traffic flow. The plan does not address the impacts to our business. The plan removes the ring road and Bayfair Drive which our trucks and guests utilize on a daily basis. Our property is essentially being cut off from Hesperian Blvd., Fairmont Drive and 14th street.
2. Parking for our guests. Target is based on guests being able to easily access our parking field, locate the store and finding a parking stall. Target's current parking field is proposed to go away and be consumed by new development. There needs to be a discussion of maintaining a large format retailer and a sensible parking field within the plan, especially on our property.
3. Security. Target has ongoing security issues and our assets protection team is constantly responding to instances of crowds gathering, loitering and merchandise shortages of the store. Target's parking lot today is heavily pirated by users of the BART causing issues with our security and control of our property. Our team is stretched today to maintain a safe environment for our team members and guests. Improved security within the district has to be a major element of any new planning document.

Target is still gathering information on the plan and we will respond as soon as we are able. Target's is concerned that our future is limited by the plan as it is currently drafted. The final TOD plan has to accommodate the existing businesses and large format retail within the district. I would be happy to discuss in greater detail, please do not hesitate to contact me at (612) 761-7034 or john.dietrich@target.com if you have any questions or comments.

Sincerely,

John Dietrich
Lead Negotiator RE
John.dietrich@target.com
Real Estate Portfolio Management

Letter 9

COMMENTER: John Dietrich, Lead Negotiator RE, Target Corporation

DATE: November 20, 2017

Response 9.1

The commenter states that Target Corporation is a property owner at 15555 East 14th Street which is within the Specific Plan Area. The commenter states that Target has not been engaged in the community vision for the Specific Plan and that the final plan will have to accommodate large format retail and the existing property owners.

This comment does not state a specific concern or question regarding the adequacy of the environmental impact analysis in the Draft EIR. No response to this comment is required and no changes to the EIR are warranted in response to this comment.

The commenter goes on to express concerns about traffic impacts and traffic flow, and access to the commenter's property.

The comment addresses the planned local street network in the Specific Plan. The street network illustrated in Figure 3.1 of the Specific Plan is conceptual in nature. The City would develop the layout of planned future local streets through subsequent planning and engineering activities as part of the implementation of the Specific Plan and would be designed to ensure access for existing and future structures. Stakeholders would have opportunities to participate in those planning and engineering processes.

Response 9.2

The commenter expresses concern about parking for Target customers.

The comment addresses the planned land uses and private parking in the Specific Plan Area. Parking is not an environmental issue requiring analysis under CEQA (see CEQA Guidelines Appendix G). Therefore, it was not included in the Draft EIR. The Specific Plan would allow several land uses within the Specific Plan Area, as listed in the "Allowed Uses" section of Chapter 4 of the Specific Plan. Changes of land use would occur as the City implements the plan. Stakeholders would have opportunities to participate in the implementation of the plan through the City's project approvals process. Please also see Response 4.5. This comment does not state a specific concern or question regarding the adequacy of the environmental impact analysis in the Draft EIR. No changes to the EIR are warranted in response to this comment.

Response 9.3

The commenter expresses concern about security and states that Target has several ongoing security issues such as crowds gathering, loitering, and merchandise shortages. The commenter states that the Target parking lot is often used by BART riders which causes issues for security. The commenter states that security should be a major element of the Specific Plan.

As described in Section 2, *Project Description*, an objective of the Specific Plan is to "improve safety in and around the Specific Plan Area through a range of strategies including increased pedestrian activity; more "eyes on the street;" enhanced and more coordinated policing; better lighting

pathways; activation of vacant spaces; and an increased sense of ownership and stewardship by residents, workers, and visitors.” As described under Impact PS-2 in Section 4.12, *Public Services, Schools, and Recreation*, the Draft EIR is concerned with potential physical environmental effects associated with new or expanded police facilities that may be required as a result of Specific Plan implementation. The Draft EIR concluded that no significant physical environmental impacts associated with the provision of police protection services would occur. Please also see Response 5.1. No changes to the EIR are warranted in response to this comment.

Response 9.4

The commenter states an opinion that the final TOD plan should accommodate the existing businesses and large format retail in the Specific Plan Area, and states concerns regarding their operations in the context of the Specific Plan.

As described in Section 2, *Project Description*, of the Draft EIR, the proposed Specific Plan is a long-term vision plan for the Specific Plan Area through 2035. No specific development projects are proposed that would preclude the continued operation of Target in the Specific Plan Area. As described in Chapter 4, *Land Use and Housing*, of the proposed Specific Plan, a policy of the Specific Plan is to “ensure the continued presence of a diverse range of retail and services uses in the Specific Plan Area, even as the character and use mix of Bay Fair change over time” (Land Use Policy 4, Retail Preservation). These comments do not state specific concerns or questions regarding the adequacy of the environmental impact analysis in the Draft EIR. No changes to the EIR are warranted in response to these comments.

3 Draft EIR Text Revisions

Chapter 3 presents specific changes to the text of the Draft EIR that are being made to correct errors or omissions or clarify information presented in the Draft EIR in response to comments received during the public review period. In no case do these revisions result in a greater number of impacts or impacts of a substantially greater severity than those set forth in the Draft EIR. Where revisions to the main text are called for, the page and paragraph are set forth, followed by the appropriate revision. Added text is indicated with underlined text. Text deleted from the Draft EIR is shown in ~~strikeout~~. Page numbers correspond to the page numbers of the Draft EIR.

3.1 Revisions to Executive Summary

Mitigation Measures BIO-1(B), BIO-1(D), and BIO-1(F) as listed in Table 1 on pages 7-10 of the Draft EIR Executive Summary, have been corrected to match the mitigation measure text as listed on page 118 in Section 4.3, *Biological Resources*, of the Draft EIR:

MM BIO-1(B) Special Status Plant Species Surveys

If completion of the project-specific BRA determines that special status plant species may occur on-site, surveys for special status plants shall be completed prior to any vegetation removal, grubbing, or other construction activity (including staging and mobilization). The surveys shall be floristic in nature and shall be seasonally timed to coincide with the target species identified in the project-specific BRA. All plant surveys shall be conducted by a City-approved biologist ~~no more than two years~~ between one year and six months before initial ground disturbance. All special status plant species identified on site shall be mapped onto a site-specific aerial photograph or topographic map with the use of Global Positioning System (GPS) unit. Surveys shall be conducted in accordance with the most current protocols established by the CDFW, USFWS, and the local jurisdictions if said protocols exist. A report of the survey results shall be submitted to the implementing agency, and the CDFW and/or USFWS, as appropriate, for review and/or approval.

MM BIO-1(D) Restoration and Monitoring

If special status plants species cannot be avoided and will be impacted by development under the Specific Plan, all impacts shall be mitigated by the project applicant at a ~~minimum ratio of 2:1~~ to be determined by the City in coordination with CDFW and USFWS (as applicable) ~~(number of acres/individuals restored to number of acres/individuals impacted)~~ for each species as a component of habitat restoration. A restoration plan shall be prepared by the project applicant and submitted to the City for review and approval. (Note: if a federally and/or state listed plant species will be impacted, the restoration plan shall be submitted to the USFWS and/or CDFW for review). The restoration plan shall include, at a minimum, the following components:

- Description of the project/impact site (i.e., location, responsible parties, areas to be impacted by habitat type).
- Goal(s) of the compensatory mitigation project [type(s) and area(s) of habitat to be established, restored, enhanced, and/or preserved; specific functions and values of habitat type(s) to be established, restored, enhanced, and/or preserved].

- Description of the proposed compensatory mitigation site (location and size, ownership status, existing functions and values).
- Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan).
- Maintenance activities during the monitoring period, including weed removal as appropriate (activities, responsible parties, schedule).
- Monitoring plan for the compensatory mitigation site, including no less than quarterly monitoring for the first year (performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports).
- Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, at least 80 percent survival of container plants and 30 percent relative cover by vegetation type.
- An adaptive management program and remedial measures to address any shortcomings in meeting success criteria.
- Notification of completion of compensatory mitigation and agency confirmation.
- Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism).

MM BIO-1(F) Endangered/Threatened Species Avoidance and Minimization

The habitat requirements of endangered and threatened species are highly variable. The potential impacts from any given project implemented under the Specific Plan are likewise highly variable. However, there are several avoidance and minimization measures that can be applied for a variety of species to reduce the potential for impact, with the final goal of no net loss of the species. The following measures may be applied to aquatic and/or terrestrial species. The City shall select from these measures as appropriate and the project applicant shall be responsible for implementing selected measures.

- Ground disturbance shall be limited to the minimum necessary to complete the project. The project limits of disturbance shall be flagged. Areas of special biological concern within or adjacent to the limits of disturbance shall have highly visible orange construction fencing installed between said area and the limits of disturbance.
- All projects occurring within/adjacent to aquatic habitats (including riparian habitats and wetlands) shall be completed between April 1 and October 31, if feasible, to avoid impacts to sensitive aquatic species.
- All projects occurring within or adjacent to sensitive habitats that may support federally and/or state listed endangered/threatened species shall have a CDFW- and/or USFWS-approved biologist present during all initial ground disturbing/vegetation clearing activities. Once initial ground disturbing/vegetation clearing activities have been completed, said biologist shall conduct daily pre-activity clearance surveys for endangered/threatened species. Alternatively, and upon approval of the CDFW and/or USFWS, said biologist may conduct site inspections at a minimum of once per week to ensure all prescribed avoidance and minimization measures are fully implemented.
- No endangered/threatened species shall be captured and relocated without express permission from the CDFW and/or USFWS.

- If at any time during construction of the project an endangered/threatened species enters the construction site or otherwise may be impacted by the project, all project activities shall cease. A CDFW/USFWS-approved biologist shall document the occurrence and consult with the CDFW and USFWS, as appropriate, to determine whether it was safe for project activities to resume.
- For all projects occurring in areas where endangered/ threatened species may be present and are at risk of entering the project site during construction, exclusion fencing shall be placed along the project boundaries prior to start of construction (including staging and mobilization). The placement of the fence shall be at the discretion of the CDFW/USFWS-approved biologist. This fence shall consist of solid silt fencing placed at a minimum of 3 feet above grade and 2 feet below grade and shall be attached to wooden stakes placed at intervals of not more than 5 feet. The fence shall be inspected weekly and following rain events and high wind events and shall be maintained in good working condition until all construction activities are complete.
- All vehicle maintenance/fueling/staging shall occur not less than 100 feet from any riparian habitat or water body . Suitable containment procedures shall be implemented to prevent spills. A minimum of one spill kit shall be available at each work location near riparian habitat or water bodies.
- No equipment shall be permitted to enter wetted portions of any affected drainage channel.
- ~~▪ All equipment operating within streams shall be in good conditions and free of leaks. Spill containment shall be installed under all equipment staged within stream areas and extra spill containment and clean up materials shall be located in close proximity for easy access.~~
- If project activities could degrade water quality, water quality sampling shall be implemented to identify the pre-project baseline, and to monitor during construction for comparison to the baseline.
- If water is to be diverted around work sites, a diversion plan shall be submitted (depending upon the species that may be present) to the CDFW, RWQCB, USFWS, and/or NMFS for their review and approval prior to the start of any construction activities (including staging and mobilization). If pumps are used, all intakes shall be completely screened with wire mesh not larger than five millimeters to prevent animals from entering the pump system.
- At the end of each workday, excavations shall be secured with cover or a ramp provided to prevent wildlife entrapment.
- All trenches, pipes, culverts or similar structures shall be inspected for animals prior to burying, capping, moving, or filling.
- The CDFW/USFWS-approved biologist shall remove invasive aquatic species such as bullfrogs and crayfish from suitable aquatic habitat whenever observed and shall dispatch them in a humane manner and dispose of properly.
- Considering the potential for projects to impact federal and state listed species and their habitat, the City shall contact the CDFW and USFWS to identify mitigation banks within Alameda County during development of the proposed Specific Plan. Upon implementation of development projects included in the proposed Specific Plan, but on a project-by-project basis, if the results of the BRA determines that impacts to federal and state threatened or endangered species habitat are expected, the applicant shall explore species-appropriate mitigation bank(s) servicing the region for purchase of mitigation credits.

3.2 Revisions to Section 4.4, Cultural, Tribal Cultural, and Paleontological Resources

Mitigation Measure CR-1 which is listed in Table 1 on Page 14 of the Draft EIR Executive Summary and on Pages 142-143 of the Draft EIR in Section 4.4, *Cultural, Tribal Cultural, and Paleontological Resources*, is revised to include the following change:

CR-1 Historical Built-Environment

At the time of application for discretionary land use permits or subdivisions that involve the demolition or alterations of buildings or structures greater than 50 years old, the project applicant shall retain a qualified historian or architectural historian ~~who meets the Secretary of Interior's Professional Qualifications Standards~~ to document and evaluate the historical significance of the affected buildings or structures. If it is determined that the project has no potential to impact historic resources, no further action is required. If such documentation and evaluation indicates that the building or structure qualifies as a significant historical resource, the resource shall be avoided and preserved in place if feasible. If avoidance is not feasible, further documentation or action to reduce impacts on historical resources shall be provided, including but not limited to archival quality photographs, measured drawings, oral histories, interpretive signage, and/or other measures including, potentially, alteration of the resource in accordance with Secretary of the Interior's standards or relocation of the resource.

Historical documentation shall be submitted for review and discretionary approval by the City prior to issuance of any permits for demolition or alteration of structures greater than 50 years old.

The City shall site inspect during grading and prior to occupancy clearance to ensure compliance with measures recommended through the historical documentation.

3.3 Revisions to Section 4.13, Transportation and Traffic

Page 307 of the Draft EIR in Section 4.13, *Transportation and Traffic*, is revised to include the following changes:

Bay Fair Connection Connector/BART Metro and Station Modernization

The Bay Fair Connection ~~Connector/BART METRO~~ project will increase capacity and operational flexibility systemwide. The Bay Fair Connection ~~Connector~~ project is in the conceptual design and planning stage, but currently defined alternatives include a third set of tracks on the station's east or west side to accommodate future operational needs. This project would enable a one-seat ride from San Francisco to the Tri-Valley area.

The Station Modernization Program will invest resources into existing stations and surrounding areas to increase capacity in order to serve more riders and enhance quality of life in the station area. The program will address all aspects of the station, including buildings, escalators and elevators, circulation and signage/wayfinding, lighting, and other station equipment replacement and upgrades.

Page 335 of the Draft EIR in Section 4.13, *Transportation and Traffic*, is revised to include the following correction:

<p>Threshold: Would the Specific Plan conflict with adopted policies, plans, or programs regarding public transit, <u>bicycle, or pedestrian facilities</u> or otherwise decrease the performance or safety of such facilities?</p>
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4 Mitigation Monitoring and Reporting Program

This Mitigation Monitoring and Reporting Program (MMRP) was formulated based upon the findings of the Environmental Impact Report (EIR) prepared for the Bay Fair Transit Oriented Development (TOD) Specific Plan (proposed Specific Plan). The MMRP, which is provided in the following table, lists mitigation measures required and recommended in the EIR for the proposed project and identifies mitigation monitoring requirements. The Final MMRP must be adopted when the City makes a final decision on the project.

This MMRP has been prepared to comply with the requirements of State law (Public Resources Code Section 21081.6). State law requires the adoption of an MMRP when mitigation measures are required to avoid significant impacts. The MMRP is intended to ensure compliance during implementation of the project.

The MMRP is organized in a matrix format. The first column identifies mitigation measures that were identified in the Final EIR. The second column, entitled “Action Required,” refers to the monitoring action that must be taken to ensure the mitigation measure’s implementation. The third column, entitled “Monitoring Timing,” refers to when the monitoring will occur to ensure that the mitigation action is complete. The fourth column, “Responsible Agency,” refers to the agency responsible for oversight or ensuring that the mitigation measure is implemented. The “Compliance Verification” column is where the Responsible Agency verifies that the measures have been implemented. These mitigation measures include any minor revisions made as a result of the Response to Comments Document.

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Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Responsible Agency
Air Quality			
MM AQ-2B-1 Construction Emissions			
As part of the City's development approval process, the City shall require applicants for future development projects to comply with the current Bay Area Air Quality Management District's basic control measures for reducing construction emissions of PM10 (Table 8-2, Basic Construction Mitigation Measures Recommended for All Proposed Projects, of the May 2017 BAAQMD CEQA Guidelines).	Review of all demolition, grading, and building permits to ensure compliance.	Prior to permit approval and during construction.	San Leandro Building Official (or designee) and/or City of San Leandro Engineering/Transportation Department
Biological Resources			
MM BIO-1(A) Biological Resources Screening and Assessment			
For projects within the Specific Plan Area that may affect sensitive biological resources, the project applicant or developer shall hire a City-approved biologist to perform a preliminary biological resource screening as part of the environmental review process to determine whether the project has any potential to impact biological resources. If it is determined that the project has no potential to impact biological resources, no further action is required. If the project would have the potential to impact biological resources, prior to construction, a City-approved biologist shall conduct a biological resources assessment (BRA) or similar type of study to document the existing biological resources within the project footprint plus a minimum buffer of 150 feet around the project footprint, as is feasible, and to determine the potential impacts to those resources. The BRA shall evaluate the potential for impacts to all biological resources including, but not limited to special status species, nesting birds, wildlife movement, sensitive plant communities, critical habitats, and other resources judged to be sensitive by local, state, and/or federal agencies. Pending the results of the BRA, design alterations, further technical studies (e.g., protocol surveys) and consultations with the USFWS, NMFS, CDFW, and/or other local, state, and federal agencies may be required. The following mitigation measures [B-1(b) through B-1(k)] shall be incorporated, only as applicable, into the BRA for projects where specific resources are present or may be present and significantly impacted by the project. Note that specific surveys described in the mitigation measures below may be completed as part of the BRA where suitable habitat is present.	Projects shall conduct a preliminary biological resource screening; if determined the project has potential to impact biological resources, a biological resources assessment or similar shall be conducted. If it is determined that the project has no potential to impact biological resources, no further action is required.	Prior to construction.	San Leandro Community Development Department

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Responsible Agency
MM BIO-1(B) Special Status Plant Species Surveys			
If completion of the project-specific BRA determines that special status plant species may occur on-site, surveys for special status plants shall be completed prior to any vegetation removal, grubbing, or other construction activity (including staging and mobilization). The surveys shall be floristic in nature and shall be seasonally timed to coincide with the target species identified in the project-specific BRA. All plant surveys shall be conducted by a City-approved biologist between one year and six months before initial ground disturbance. All special status plant species identified on site shall be mapped onto a site-specific aerial photograph or topographic map with the use of Global Positioning System (GPS) unit. Surveys shall be conducted in accordance with the most current protocols established by the CDFW, USFWS, and the local jurisdictions if said protocols exist. A report of the survey results shall be submitted to the implementing agency, and the CDFW and/or USFWS, as appropriate, for review and/or approval.	If applicable, surveys for special status plants shall be completed.	During individual environmental review	San Leandro Community Development Department
MM BIO-1(C) Special Status Plant Species Avoidance, Minimization, and Mitigation			
If federally and/or state listed or CRPR List 1B or 2 species are found during special status plant surveys [pursuant to mitigation measure B-1(b)], then the project shall be re-designed to avoid impacting these plant species, where feasible. Rare plant occurrences that are not within the immediate disturbance footprint, but are located within 50 feet of disturbance limits shall have bright orange protective fencing installed at least 30 feet beyond their extent, or other distance as approved by a City-approved biologist, to protect them from harm.	If applicable, project shall be redesigned to avoid impacting rare plant species.	During individual environmental review	San Leandro Community Development Department
MM BIO-1(D) Restoration and Monitoring			
<p>If special status plants species cannot be avoided and will be impacted by development under the Specific Plan, all impacts shall be mitigated by the project applicant at a ratio to be determined by the City in coordination with CDFW and USFWS (as applicable) (number of acres/individuals restored to number of acres/individuals impacted) for each species as a component of habitat restoration. A restoration plan shall be prepared by the project applicant and submitted to the City for review and approval. (Note: if a federally and/or state listed plant species will be impacted, the restoration plan shall be submitted to the USFWS and/or CDFW for review). The restoration plan shall include, at a minimum, the following components:</p> <ul style="list-style-type: none"> ▪ Description of the project/impact site (i.e., location, responsible parties, areas to be impacted by habitat type). ▪ Goal(s) of the compensatory mitigation project [type(s) and area(s) of habitat to be established, restored, enhanced, and/or preserved; specific functions and values of habitat type(s) to be established, restored, enhanced, and/or preserved]. 	If applicable, project plans shall include project-specific mitigation measures to mitigate impacts at a ratio determined by City in coordination with CDFW and USFWS as appropriate and a restoration plan shall be prepared meeting all requirements.	During individual environmental review	San Leandro Community Development Department

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Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Responsible Agency
<ul style="list-style-type: none"> ▪ Description of the proposed compensatory mitigation site (location and size, ownership status, existing functions and values). ▪ Implementation plan for the compensatory mitigation site (rationale for expecting implementation success, responsible parties, schedule, site preparation, planting plan). ▪ Maintenance activities during the monitoring period, including weed removal as appropriate (activities, responsible parties, schedule). ▪ Monitoring plan for the compensatory mitigation site, including no less than quarterly monitoring for the first year (performance standards, target functions and values, target acreages to be established, restored, enhanced, and/or preserved, annual monitoring reports). ▪ Success criteria based on the goals and measurable objectives; said criteria to be, at a minimum, at least 80 percent survival of container plants and 30 percent relative cover by vegetation type. ▪ An adaptive management program and remedial measures to address any shortcomings in meeting success criteria. ▪ Notification of completion of compensatory mitigation and agency confirmation. ▪ Contingency measures (initiating procedures, alternative locations for contingency compensatory mitigation, funding mechanism). 			
MM BIO-1(E) Endangered/Threatened Species Habitat Assessments and Protocol Surveys			
Specific habitat assessments and survey protocols are established for several federally and state endangered or threatened species. If the results of the BRA determine that suitable habitat may be present for any such species, protocol habitat assessments/surveys shall be completed in accordance with CDFW and/or USFWS protocols prior to issuance of any construction permits. If through consultation with the CDFW and/or USFWS it is determined that protocol habitat assessments/surveys are not required, said consultation shall be documented prior to issuance of any construction permits. Each protocol has different survey and timing requirements. The applicants for each project shall be responsible for ensuring they understand the protocol requirements and shall hire a City-approved biologist to conduct protocol surveys.	If applicable, protocol habitat assessments/ surveys shall be completed in accordance with protocols.	During individual environmental review	San Leandro Community Development Department
MM BIO-1(F) Endangered/Threatened Species Avoidance and Minimization			
The habitat requirements of endangered and threatened species are highly variable. The potential impacts from any given project implemented under the Specific Plan are likewise highly variable. However, there are several avoidance and minimization measures that can be applied for a variety of species to reduce the potential for impact, with the final goal of no net loss of the species. The following measures may be applied to aquatic and/or terrestrial species. The City shall select from	If applicable, project plans shall include project-specific mitigation measures to avoid and minimize impacts to endangered or threatened	During individual environmental review	San Leandro Community Development Department

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Responsible Agency
<p>these measures as appropriate and the project applicant shall be responsible for implementing selected measures.</p> <ul style="list-style-type: none"> Ground disturbance shall be limited to the minimum necessary to complete the project. The project limits of disturbance shall be flagged. Areas of special biological concern within or adjacent to the limits of disturbance shall have highly visible orange construction fencing installed between said area and the limits of disturbance. All projects occurring within/adjacent to aquatic habitats (including riparian habitats and wetlands) shall be completed between April 1 and October 31, if feasible, to avoid impacts to sensitive aquatic species. All projects occurring within or adjacent to sensitive habitats that may support federally and/or state listed endangered/threatened species shall have a CDFW- and/or USFWS-approved biologist present during all initial ground disturbing/vegetation clearing activities. Once initial ground disturbing/vegetation clearing activities have been completed, said biologist shall conduct daily pre-activity clearance surveys for endangered/threatened species. Alternatively, and upon approval of the CDFW and/or USFWS, said biologist may conduct site inspections at a minimum of once per week to ensure all prescribed avoidance and minimization measures are fully implemented. No endangered/threatened species shall be captured and relocated without express permission from the CDFW and/or USFWS. If at any time during construction of the project an endangered/threatened species enters the construction site or otherwise may be impacted by the project, all project activities shall cease. A CDFW/USFWS-approved biologist shall document the occurrence and consult with the CDFW and USFWS, as appropriate, to determine whether it was safe for project activities to resume. For all projects occurring in areas where endangered/ threatened species may be present and are at risk of entering the project site during construction, exclusion fencing shall be placed along the project boundaries prior to start of construction (including staging and mobilization). The placement of the fence shall be at the discretion of the CDFW/USFWS-approved biologist. This fence shall consist of solid silt fencing placed at a minimum of 3 feet above grade and 2 feet below grade and shall be attached to wooden stakes placed at intervals of not more than 5 feet. The fence shall be inspected weekly and following rain events and high wind events and shall be maintained in good working condition until all construction activities are complete. All vehicle maintenance/fueling/staging shall occur not less than 100 feet from any riparian habitat or water body. Suitable containment procedures shall be implemented to prevent spills. A minimum of one spill kit shall be available at each work location near riparian habitat or water bodies. No equipment shall be permitted to enter wetted portions of any affected drainage channel. 	species.		

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Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Responsible Agency
<ul style="list-style-type: none"> ▪ If project activities could degrade water quality, water quality sampling shall be implemented to identify the pre-project baseline, and to monitor during construction for comparison to the baseline. ▪ If water is to be diverted around work sites, a diversion plan shall be submitted (depending upon the species that may be present) to the CDFW, RWQCB, USFWS, and/or NMFS for their review and approval prior to the start of any construction activities (including staging and mobilization). If pumps are used, all intakes shall be completely screened with wire mesh not larger than five millimeters to prevent animals from entering the pump system. ▪ At the end of each workday, excavations shall be secured with cover or a ramp provided to prevent wildlife entrapment. ▪ All trenches, pipes, culverts or similar structures shall be inspected for animals prior to burying, capping, moving, or filling. ▪ The CDFW/USFWS-approved biologist shall remove invasive aquatic species such as bullfrogs and crayfish from suitable aquatic habitat whenever observed and shall dispatch them in a humane manner and dispose of properly. ▪ Considering the potential for projects to impact federal and state listed species and their habitat, the City shall contact the CDFW and USFWS to identify mitigation banks within Alameda County during development of the proposed Specific Plan. Upon implementation of development projects included in the proposed Specific Plan, but on a project-by-project basis, if the results of the BRA determines that impacts to federal and state threatened or endangered species habitat are expected, the applicant shall explore species-appropriate mitigation bank(s) servicing the region for purchase of mitigation credits. 			
MM BIO-1(G) Non-listed Special Status Animal Species Avoidance and Minimization			
<p>Several State Species of Special Concern may be impacted by development facilitated by the Specific Plan. The ecological requirements and potential for impacts is highly variable among these species. Depending on the species identified in the BRA, several of the measures identified under B-1(f) shall be applicable to the project. In addition, the City shall select measures from among the following to be implemented by the project applicant to reduce the potential for impacts to non-listed special status animal species:</p> <ul style="list-style-type: none"> ▪ For non-listed special status terrestrial amphibians and reptiles, coverboard surveys shall be completed within three months of the start of construction. The coverboards shall be at least four feet by four feet and constructed of untreated plywood placed flat on the ground. The coverboards shall be checked by a City-approved biologist once per week for each week after placement up until the start of vegetation removal. All non-listed special status and common animals found under the coverboards shall be captured and placed in five-gallon buckets for 	<p>If applicable, project plans shall include project-specific mitigation measures to reduce impacts to non-listed special status species.</p>	<p>During individual environmental review</p>	<p>San Leandro Community Development Department</p>

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Responsible Agency
<p>transportation to relocation sites. All relocation sites shall be reviewed by the City-approved biologist and shall consist of suitable habitat. Relocation sites shall be as close to the capture site as possible but far enough away to ensure the animal(s) is not harmed by construction of the project. Relocation shall occur on the same day as capture. CNDDDB Field Survey Forms shall be submitted to the CDFW for all special status animal species observed.</p> <ul style="list-style-type: none"> Pre-construction clearance surveys shall be conducted within 14 days of the start of construction (including staging and mobilization). The surveys shall cover the entire disturbance footprint plus a minimum 200-foot buffer, if feasible, and shall identify all special status animal species that may occur on-site. All non-listed special status species shall be relocated from the site either through direct capture or through passive exclusion (e.g., burrowing owl). A report of the pre-construction survey shall be submitted to the City for their review and approval prior to the start of construction. A City-approved biologist shall be present during all initial ground disturbing activities, including vegetation removal to recover special status animal species unearthed by construction activities. Upon completion of the project, a City-approved biologist shall prepare a Final Compliance Report documenting all compliance activities implemented for the project, including the pre-construction survey results. The report shall be submitted to the City within 30 days of completion of the project. If special status bat species may be present and impacted by the project, a City-approved biologist shall conduct, within 30 days of the start of construction, presence/absence surveys for special status bats in consultation with the CDFW where suitable roosting habitat is present. Surveys shall be conducted using acoustic detectors and by searching tree cavities, crevices, and other areas where bats may roost. If active roosts are located, exclusion devices such as netting shall be installed to discourage bats from occupying the site. If a roost is determined by a City-approved biologist to be used by a large number of bats (large hibernaculum), bat boxes shall be installed near the project site. The number of bat boxes installed will depend on the size of the hibernaculum and shall be determined through consultations with the CDFW. If a maternity colony has become established, all construction activities shall be postponed within a 500-foot buffer around the maternity colony until it is determined by a City-approved biologist that the young have dispersed. Once it has been determined that the roost is clear of bats, the roost shall be removed immediately. <p>For projects that may result in removal of trees or vegetation that may contain a nesting bird, if feasible, construction activities should occur generally between September 16 to January 31 (thus outside of the nesting season). However, if construction activities must occur during the nesting season (generally February 1 to September 15), surveys for nesting birds covered by the California Fish and Game Code and the Migratory Bird Treaty Act shall be conducted by a City-approved biologist no more than 14 days prior to vegetation removal. The surveys shall include the entire</p>			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Responsible Agency
segment disturbance area plus a 200-foot buffer around the site. If active nests are located, all construction work shall be conducted outside a buffer zone from the nest to be determined by the City-approved biologist. The buffer shall be a minimum of 50 feet for non-raptor bird species and at least 150 feet for raptor species. Larger buffers may be required depending upon the status of the nest and the construction activities occurring in the vicinity of the nest. The buffer area(s) shall be closed to all construction personnel and equipment until the adults and young are no longer reliant on the nest site. A City-approved biologist shall confirm that breeding/nesting is completed and young have fledged the nest prior to removal of the buffer. A report of these preconstruction nesting bird surveys shall be submitted by the project applicant to the City to document compliance within 30 days of its completion.			
MM BIO-1(I) Worker Environmental Awareness Program (WEAP)			
If potential impacts to special status species are identified by the BRA, prior to initiation of construction activities (including staging and mobilization), all personnel associated with project construction shall attend WEAP training, conducted by a City-approved biologist, to aid workers in recognizing special status resources that may occur in the Specific Plan Area. The specifics of this program shall include identification of the sensitive species and habitats, a description of the regulatory status and general ecological characteristics of sensitive resources, and review of the limits of construction and mitigation measures required to reduce impacts to biological resources within the work area. A fact sheet conveying this information shall also be prepared for distribution to all contractors, their employers, and other personnel involved with construction of the project. All employees shall sign a form documenting provided by the trainer indicating they have attended the WEAP and understand the information presented to them. The form shall be submitted to the City to document compliance.	If applicable, construction personnel shall attend WEAP training.	Prior to construction activities.	San Leandro Community Development Department
MM BIO-1(J) Invasive Weed Prevention and Management Program			
Prior to start of construction for projects occurring within or adjacent to sensitive habitats, as determined by the BRA, an Invasive Weed Prevention and Management Program shall be developed by a City-approved biologist to prevent invasion of native habitat by non-native plant species. A list of target species shall be included, along with measures for early detection and eradication. All disturbed areas shall be hydroseeded with a mix of locally native species upon completion of work in those areas. In areas where construction is ongoing, hydroseeding shall occur where no construction activities have occurred within six (6) weeks since ground disturbing activities ceased. If exotic species invade these areas prior to hydroseeding, weed removal shall occur in consultation with a City-approved biologist and in accordance with the restoration plan. Landscape species shall not include noxious, invasive, and/or non-native plant species that are recognized on the Federal Noxious Weed List, California Noxious Weeds List, and/or California Invasive Plant Council Lists 1, 2, and 4.	If applicable, an Invasive Weed Prevention and Management Program shall be developed; disturbed areas shall be hydroseeded.	Prior to construction activities; during construction activities	San Leandro Community Development Department

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MM BIO-2 Jurisdictional Delineation			
If potentially jurisdictional wetlands are identified by the BRA, a City-approved biologist shall complete a jurisdictional delineation. The jurisdictional delineation shall determine the extent of the jurisdiction for CDFW, USACE, and/or RWQCB, and shall be conducted in accordance with the requirement set forth by each agency. The result shall be a preliminary jurisdictional delineation report that shall be submitted to the implementing agency, USACE, RWQCB, and CDFW, as appropriate, for review and approval. If jurisdictional areas are expected to be impacted, then the RWQCB would require a Waste Discharge Requirements (WDRs) permit and/or Section 401 Water Quality Certification (depending upon whether or not the feature falls under federal jurisdiction). If CDFW asserts its jurisdictional authority, then a Streambed Alteration Agreement pursuant to Section 1600 et seq. of the California Fish and Game Code would also be required prior to construction within the areas of CDFW jurisdiction. If the USACE asserts its authority, then a permit pursuant to Section 404 of the Clean Water Act would likely be required. Furthermore, a compensatory mitigation program shall be implemented in accordance with Mitigation Measure BIO-1(D) and the measures set forth by the aforementioned regulatory agencies during the permitting process.	If applicable, a jurisdictional delineation shall be completed. Receipt of regulatory agency permits, if necessary, shall be verified.	During individual environmental review; verify permit acquisition prior to issuance of grading permits	San Leandro Community Development Department
MM BIO-3 Native Amphibian Protection			
If construction within Estudillo Canal is planned in wetted areas, a pre-construction survey shall be conducted for native amphibians. This survey shall be conducted by a City-approved biologist and shall document the species and life stages of amphibians found during the survey. If a significant number of non-listed species are found, they will be relocated outside of the work area prior to the start of construction. Wildlife exclusion fencing may be installed under the direction of the approved biologist to prevent wildlife from entering the work area during construction. If listed species are detected, measures BIO-1(f) and BIO-1(l) shall also be implemented.	If applicable, pre-construction survey conducted; relocate species prior to construction.	Prior to construction activities; during construction activities	San Leandro Community Development Department
Cultural, Tribal Cultural, and Paleontological Resources			
MM CR-1 Historical Built-Environment			
At the time of application for discretionary land use permits or subdivisions that involve the demolition or alterations of buildings or structures greater than 50 years old, the project applicant shall retain a qualified historian or architectural historian to document and evaluate the historical significance of the affected buildings or structures. If it is determined that the project has no potential to impact historic resources, no further action is required. If such documentation and evaluation indicates that the building or structure qualifies as a significant historical resource, the resource shall be avoided and preserved in place if feasible. If avoidance is not feasible, further documentation or action to reduce impacts on historical resources shall be provided, including but	Verify, review, and approve historical documentation as appropriate.	Prior to discretionary approvals.	San Leandro Community Development Department

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<p>not limited to archival quality photographs, measured drawings, oral histories, interpretive signage, and/or other measures including, potentially, alteration of the resource in accordance with Secretary of the Interior's standards or relocation of the resource.</p> <p>Historical documentation shall be submitted for review and discretionary approval by the City prior to issuance of any permits for demolition or alteration of structures greater than 50 years old.</p> <p>The City shall site inspect during grading and prior to occupancy clearance to ensure compliance with measures recommended through the historical documentation.</p>			
MM CR-2 Archaeological Resources			
<p>At the time of application for discretionary land use permits or subdivisions that will involve grading, trenching, or other ground disturbance, the project applicant shall retain a qualified archaeologist meeting the Secretary of the Interior (SOI) standards in archaeology to complete a Phase 1 archaeological inventory of the project site. A Phase 1 archaeological inventory shall include an archaeological pedestrian survey of the project site and sufficient background archival research and field sampling to determine whether subsurface prehistoric or historic remains may be present. Archival research should include a records search conducted at the Northwest Information Center (NWIC) and a Sacred Lands File (SLF) search conducted with the Native American Heritage Commission (NAHC).</p> <p>Prehistoric or historic archaeological remains so identified shall be avoided and preserved in place if where feasible. Where preservation is not feasible, the significance of each resource shall be evaluated for significance and eligibility to the CRHR. Phase 2 evaluation shall include any necessary archival research to identify significant historical associations as well as mapping of surface artifacts, collection of functionally or temporally diagnostic tools and debris, and excavation of a sample of the cultural deposit to characterize the nature of the sites, define the artifact and feature contents, determine horizontal boundaries and depth below surface, and retrieve representative samples of artifacts and other remains.</p> <p>Excavation at Native American sites shall be monitored by a geographically affiliated tribal representative. As agreed upon in any formal consultation proceedings with the geographically affiliated tribe or as indicated by the NAHC. Cultural materials collected from the sites shall be processed and analyzed in the laboratory according to standard archaeological procedures. The age of the remains shall be determined using radiocarbon dating and other appropriate procedures; lithic artifacts, faunal remains, and other cultural materials shall be identified and analyzed according to current professional standards. The significance of the sites shall be evaluated according to the criteria of the CRHR. The results of the investigations shall be presented in a technical report following the standards of the California Office of Historic Preservation publication "Archaeological Resource Management Reports: Recommended Content and Format (1990 or latest edition)" (http://ohp.parks.ca.gov/pages/1054/files/armr.pdf). Upon completion of the work,</p>	<p>Verify, review, and approve Phase 1 archeological inventory.</p>	<p>Prior to discretionary approvals.</p>	<p>San Leandro Community Development Department</p>

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Responsible Agency
<p>all artifacts, other cultural remains, records, photographs, and other documentation shall be curated an appropriate curation facility. All fieldwork, analysis, report production, and curation shall be fully funded by the applicant.</p> <p>If the resources meet CRHR significance standards, the City shall ensure that all feasible recommendations for mitigation of archaeological impacts are incorporated into the final design and permits issued for development. Necessary data recovery excavation shall be carried out by a qualified archaeologist meeting the SOI standards for archaeology according to a research design reviewed and approved by the City prepared in advance of fieldwork and using appropriate archaeological field and laboratory methods consistent with the California Office of Historic Preservation Planning Bulletin 5 (1991), Guidelines for Archaeological Research Design, or the latest edition thereof.</p> <p>As applicable, the final Phase 1 Inventory, Phase 2 Testing and Evaluation, or Phase 3 Data Recovery reports shall be submitted to the City prior to issuance of construction permit. Recommendations contained therein shall be implemented throughout all ground disturbance activities.</p>			
MM CR-3 Paleontological Resources Assessment			
<p>For projects in the Specific Plan Area that would involve ground disturbance below five feet in undisturbed sediments, the City shall require a paleontological assessment, and avoidance and/or mitigation for potential impacts to paleontological resources. Specific requirements include:</p> <p>a. Retain a Qualified Paleontologist. Prior to initial ground disturbance, the applicant shall retain a project paleontologist, defined as a paleontologist who meets the SVP standards for Qualified Professional Paleontologist, to direct all mitigation measures related to paleontological resources. A qualified paleontologist (Principal Paleontologist) is defined by the SVP standards as an individual with an M.S. or Ph.D. in paleontology or geology who is experienced with paleontological procedures and techniques, who is knowledgeable in the geology of California, preferably northern California, and who has worked as a paleontological mitigation project supervisor for a least one year (SVP 2010).</p> <p>b. Paleontological Resources Assessment. Prior to any construction activity, a Qualified Professional Paleontologist should prepare a Paleontological Resources Assessment to identify the geologic units that may be impacted by project development, determine the paleontological sensitivity of geologic units within the project site using the Society of Vertebrate Paleontology standards (SVP 2010), assess potential for impacts to paleontological resources from development of the proposed project, and recommend mitigation measures to avoid or mitigate impacts to scientifically significant paleontological resources. The Paleontological Resources Assessment may also require a field survey, but this will need to be determined on a project-by-project basis. If the project paleontologist determines that</p>	Verify, review, and approve paleontological report.	Prior to discretionary approvals.	San Leandro Community Development Department

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Responsible Agency
<p>sediments within a project site are sensitive for potentially significant paleontological resources, the following steps (CR-2c to g) should be taken prior to, during, and after construction activities.</p> <p>c. Paleontological Mitigation and Monitoring Program. Prior to construction activity a qualified paleontologist should prepare a Paleontological Mitigation and Monitoring Program to be implemented during ground disturbance activity for the proposed project. This program should outline the procedures for construction staff Worker Environmental Awareness Program (WEAP) training, paleontological monitoring extent and duration, salvage and preparation of fossils, the final mitigation and monitoring report, and paleontological staff qualifications.</p> <p>d. Paleontological Worker Environmental Awareness Program (WEAP). Prior to the start of construction, the project paleontologist or his or her designee, shall conduct training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff. The WEAP shall be fulfilled at the time of a preconstruction meeting at which a qualified paleontologist shall attend. In the event of a fossil discovery by construction personnel, all work in the immediate vicinity of the find shall cease and a qualified paleontologist shall be contacted to evaluate the find before restarting work in the area. If it is determined that the fossil(s) is(are) scientifically significant, the qualified paleontologist shall complete the following conditions to mitigate impacts to significant fossil resources.</p> <p>e. Paleontological Resource Construction Monitoring. Ground disturbing construction activities (including grading, trenching, foundation work and other excavations) in undisturbed sediments, below five feet, with high paleontological sensitivity should be monitored on a full-time basis by a qualified paleontological monitor during initial ground disturbance. The Paleontological Mitigation and Monitoring Program shall be supervised by the project paleontologist. Monitoring should be conducted by a qualified paleontological monitor, who is defined as an individual who has experience with collection and salvage of paleontological resources. The duration and timing of the monitoring will be determined by the project paleontologist. If the project paleontologist determines that full-time monitoring is no longer warranted, he or she may recommend that monitoring be reduced to periodic spot-checking or cease entirely. Monitoring would be reinstated if any new or unforeseen deeper ground disturbances are required and reduction or suspension would need to be reconsidered by the Supervising Paleontologist. Ground disturbing activity that does not occur in undisturbed sediments with high paleontological sensitivity would not require paleontological monitoring.</p> <p>f. Fossil Salvage. If fossils are discovered, the project paleontologist or paleontological monitor should recover them. Typically fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case the paleontologist should have the authority to temporarily direct, divert or halt</p>			

Mitigation Measure/ Condition of Approval	Action Required	Monitoring Timing	Responsible Agency
<p>construction activity to ensure that the fossil(s) can be removed in a safe and timely manner. Once salvaged, significant fossils should be identified to the lowest possible taxonomic level, prepared to a curation-ready condition and curated in a scientific institution with a permanent paleontological collection (such as the University of California Museum of Paleontology), along with all pertinent field notes, photos, data, and maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the project paleontologist.</p> <p>g. Final Paleontological Mitigation Report. Upon completion of ground disturbing activity (and curation of fossils if necessary) the qualified paleontologist should prepare a final mitigation and monitoring report outlining the results of the mitigation and monitoring program. The report should include discussion of the location, duration and methods of the monitoring, stratigraphic sections, any recovered fossils, and the scientific significance of those fossils, and where fossils were curated.</p>			
MM-CR-4 Unanticipated Discovery of Tribal Cultural Resources			
<p>In the event that potential tribal cultural resources are identified during the implementation of the requirements under Mitigation Measure CR-2, the qualified expert performing the cultural resources study, along with the project applicant and the City, will contact California Native American tribe(s) that have expressed interest and begin or continue consultation procedures with that tribe(s). If, as a result of the consultation, the City determines that the resource is a tribal cultural resource and the proposed project will have a potentially significant impact, additional mitigation measures as discussed with the tribe to avoid or reduce impacts to the resource shall be required and implemented where feasible.</p>	<p>Verify contract and consultation has occurred.</p>	<p>As needed during construction.</p>	<p>San Leandro Community Development Department</p>
Noise			
MM NOI-4 Construction Noise			
<p>The City of San Leandro shall adopt the following measures as Standard Conditions of Approval or Construction Development Standards for new construction in the city. The Standard Conditions of Approval/ Construction Development Standards shall include an exception that states that the Engineering & Transportation Director or his/her designee may waive individual measures upon individual written request from an Applicant after City review.</p> <ul style="list-style-type: none"> ▪ Construction activities shall be restricted to the daytime hours of between 7:00 a.m. and 7:00 p.m. on weekdays, or between 8:00 a.m. and 7:00 p.m. on Sunday and Saturday. ▪ Prior to the start of construction activities, the construction contractor shall: <ul style="list-style-type: none"> □ Maintain and tune all proposed equipment in accordance with the manufacturer's recommendations to minimize noise emission. 	<p>Conditions of Approval and Construction Development Standards for projects shall be established</p>	<p>Prior to issuance of construction permits; Implementation shall remain in place throughout project construction and verification</p>	<p>City of San Leandro Building and Safety Services Division and Engineering & Transportation Department</p>

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<ul style="list-style-type: none"> □ Inspect all proposed equipment and fit all equipment with properly operating mufflers, air intake silencers, and engine shrouds that are no less effective than as originally equipped by the manufacturer. □ Post a sign, clearly visible at the site, with a contact name and telephone number of the City of San Leandro's authorized representative to respond in the event of a noise complaint. □ Place stationary construction equipment and material delivery in loading and unloading areas as far as practicable from the residences. □ Limit unnecessary engine idling to the extent feasible. □ Use smart back-up alarms, which automatically adjust the alarm level based on the background noise level, or switch off back-up alarms and replace with human spotters. □ Use low-noise emission equipment. □ Limit use of public address systems. □ Minimize grade surface irregularities on construction sites. 		shall occur during normal construction site inspections	
Transportation and Traffic			
MM T-1: Hesperian Boulevard/Halcyon Drive/Fairmont Drive			
The City of San Leandro shall implement a signal timing improvement project within the coordinated signal group for the intersection of Hesperian Boulevard and Halcyon Drive. The improvement shall occur when the proposed road diet on Hesperian Boulevard is implemented.	Implement signal timing improvement project.	When proposed road diet on Hesperian Boulevard is implemented.	City of San Leandro Community Development Department and Engineering & Transportation Department
MM T-2: East 14th Street/Fairmont Drive			
The City of San Leandro shall coordinate with Caltrans to implement a signal timing improvement project within the coordinated signal group for the intersection of East 14th Street and Fairmont Drive by funding actual cost. This mitigation measure is to occur when new projects within the Specific Plan Area generate a cumulative total of approximately 350 AM peak hour trips.	Coordinate with Caltrans to implement a signal timing improvement project.	When new projects within the Specific Plan Area generate a cumulative total of approximately 350 AM peak hour trips.	City of San Leandro Community Development Department and Engineering & Transportation Department

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