PIEDMONT STATION LLC –
408 LINDA AVENUE TOWNHOUSES

CEQA INITIAL STUDY
PIEDMONT, CALIFORNIA

Submitted to:
Public Works Department
City of Piedmont
120 Vista Avenue
Piedmont, California 94611

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SECTION 1: INTRODUCTION

Piedmont Station LLC proposes to develop an approximately 0.4-acre site within the City of Piedmont with seven three-story over basement townhouse structures. The property is currently developed with an approximately 5,700-square-foot, two-story, concrete electrical utility substation that was vacated in 1991. The proposed project would involve: demolition and removal of the existing electrical substation building; removal of existing vegetation and excavation and placement of fill for the housing pads; construction of the seven new townhouse structures and associated development components; and landscaping and irrigation.

This Initial Study is being prepared in accordance with California Environmental Quality Act (CEQA) Guidelines Section 15063, to determine if the residential use of the 408 Linda Avenue Project (project) site would have a significant effect upon the environment.

CEQA LEAD AGENCY

The City of Piedmont Public Works Department is the CEQA Lead Agency and has prepared this Initial Study to provide agencies and the public with information about the proposed project’s potential impacts on the local and regional environment. This document has been prepared in compliance with the California Environmental Quality Act of 1970 as amended and the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3.

PROJECT SETTING AND ZONING

The project site is located at 408 Linda Avenue approximately 300 feet northwest of the intersection of Grand Avenue and Linda Avenue. The site is bounded on the south and west by Linda Avenue, on the north by Oakland Avenue, on the northeast by a three-story apartment complex, and on the east by a single-family residence (420 Linda Avenue). Oakland Avenue crosses Linda Avenue via a viaduct approximately 40 feet above the ground. The bridge abutments are located between approximately 21 and 28 feet from the northwest boundary of the site.

The site is irregular in shape and has maximum plan dimensions of approximately 195 feet by 235 feet. The site is currently developed with a decommissioned Pacific Gas & Electric Company (PG&E) electrical substation building, which occupies approximately two-thirds of the site. Southeast of the PG&E building is a relatively flat area covered by a low growth of weeds. A small paved courtyard, located at the back of the building on the northeast side, is partially contained by an approximately 5-foot-high retaining wall. Behind the courtyard, along the northeastern corner of the site, is a slope with an incline of approximately 4:1 (horizontal to vertical) that extends up to Oakland Avenue. The remaining portions of the site are covered with weedy forbs and grasses and several trees around the perimeter of the site, including acacia, coast live oak, and juniper.

Adjacent land uses include Oakland Avenue right-of-way, Beach Playfield and Beach Elementary School to the northwest across Oakland Avenue; Oakland Avenue right-of-way and multi-family
residential housing to the northeast; and single family residential to the east. Single- and multi-family residential homes are located on the opposite side of Linda Avenue, to the south of the project site. The zoning for the project site is Zone C, Multiple Density Residential. The land use designation for the site was converted from Public/Quasi Public to Medium Density Residential with the City Council adoption of the updated City of Piedmont General Plan in April 2009.

**SUMMARY**

This Initial Study has identified potentially significant impacts associated with the development of the proposed project, as well as effects determined not to be significant. Therefore, this Initial Study supports the finding that a Focused Environmental Impact Report (EIR) should be prepared. For those environmental issues checked “potentially significant impact” in Section 3, the EIR will analyze the potential impact and recommend mitigation measures. Topics and issues that would result in environmental effects that are not relevant, or that would have no impact, a less than significant impact, or a less than significant impact with mitigation, have been screened out from further evaluation in the EIR.

As explained in the Notice of Preparation (NOP), responsible public agencies and the public-at-large may submit comments with environmentally-related concerns regarding the proposed project and the information contained in this Initial Study. The City will consider and address these comments, as applicable, as part of the preparation of the EIR.
SECTION 2: PROJECT DESCRIPTION

This section describes the project location, project elements, required permits and approvals, and public involvement.

LOCATION AND DESCRIPTION OF PROPOSED PROJECT

The approximately 0.4-acre project site is located at 408 Linda Avenue, northwest of the intersection of Grand Avenue and Linda Avenue, in the City of Piedmont, California (Figures 1 and 2). The project site is located in the western portion of the City, approximately 2 miles northeast of the downtown Oakland commercial district. The Oakland Avenue viaduct is located adjacent to the site’s northern boundary.

The project site was used as a Pacific Gas & Electric Company (PG&E) substation from 1926 to 1991, at which time it was abandoned and has been vacant since. The project would consist of the removal of the existing 5,688-square-foot concrete PG&E substation structure and the construction of seven three-story over basement townhouses situated around a central courtyard (Figure 3). The townhouses would generally have four bedrooms, three or more bathrooms, and two garaged parking spaces each. The rear townhouses (identified as Buildings F and G on Figure 3) would be approximately 32 feet in height, and the townhouses fronting Linda Avenue (identified as Buildings A – E on Figure 3) would be approximately 35 feet in height. Building setbacks would be 20 feet along Linda Avenue and 4 feet along the rear and side property line boundaries. A variance may be required for the property setback along Oakland Avenue.

Earthwork operations at the site would primarily consist of the demolition of the decommissioned PG&E substation building currently occupying the site and the grading of a level building area for site development. The site slopes up gradually to the northeast and a cut held with a retaining wall (possibly 10 to 12 feet high) may be required in this portion of the site. It is anticipated that minimal new fills would be associated with the project at the front of the units and that the remaining cut materials from site excavations would be disposed of off site.

A new five-foot-wide sidewalk, with lighting for public safety, would be constructed at the rear of the site within the City right-of-way adjacent to the Oakland Avenue bridge abutment. Pedestrian access into and out of the site from the new sidewalk would be via paths, one that would be gated. Small existing acacia, juniper, and oak trees would be removed from the site. Four existing acacia trees and one oak tree are located within the City’s right-of-way along the rear of the site between the project boundary and the bridge abutment, and will either be retained or removed based on the findings of the tree evaluation prepared in November 2009 and City review and approval. The project site would be landscaped with drought tolerant trees and shrubs and fire resistant grasses along the street frontage and throughout the interior of the site. The southwest corner of the project site would be utilized as a landscaped open space area for all residents of the property, and small exclusive use areas would be located adjacent to each townhouse.
Vehicular access to the project would be from a single 12-foot-wide gated and covered driveway at Linda Avenue. All circulation of vehicles and parking for the residences would be on the interior of the project. The proposed project would supply, at a minimum, two covered parking spaces for each townhouse.

Construction would occur intermittently over the course of approximately two years.
FIGURE 1

Project Location

Piedmont Station LLC –
408 Linda Avenue Townhouses

Project Location


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FIGURE 2

Piedmont Station LLC-
408 Linda Avenue Townhouses

Project Area
FIGURE 3
Proposed Project

Piedmont Station LLC - 408 Linda Avenue Townhouses

SOURCE: JARVIS ARCHITECTS (DECEMBER 2009)

P:\CPI0801\g\Figure3_ProposedProject.cdr (02/19/2010)
Required Permits and Approvals

The City of Piedmont Public Works Department is the lead agency under CEQA with the primary authority for project approval. As a result of the preparation of this Initial Study, the Bay Area Air Quality Management District (BAAQMD) and the Alameda Health Care Services Agency have been identified as Responsible Agencies under CEQA. At this time, no regulatory permits are anticipated for the proposed project. The following approvals and/or discretionary actions are required by the City for the project:

- **Building Permit**, including demolition and excavation.

Public Involvement

In accordance with Section 15082 of the CEQA Guidelines, this document is being circulated to local, State, and Federal agencies, and to interested organizations and individuals that may wish to comment on the proposed project. Written comments may be submitted by **5:00 p.m. on April 22, 2010** to the following address:

City of Piedmont  
Public Works Department  
Attn: Kate Black, City Planner  
120 Vista Avenue  
Piedmont, CA 94611  
kblack@ci.piedmont.ca.us

A scoping meeting will be held on **April 14, 2010, at 5:30 p.m.** at the Piedmont Memorial Room/EOC Conference Room, Police Department, 403 Highland Ave, Piedmont, CA 94611 to present the project being studied, outline the CEQA process, and receive comments on the scope of the EIR. The public and public agencies are invited to attend the scoping session to provide comments regarding the proposed EIR scope and the Notice of Preparation/Initial Study.
SECTION 3: ENVIRONMENTAL CHECKLIST

1) Project Title: Piedmont Station LLC – 408 Linda Avenue Townhouses

2) Lead Agency Name and Address: Public Works Department
City of Piedmont
120 Vista Avenue
Piedmont, CA 94611

3) Contact Person and Phone Number: Kate Black, City Planner, 510-420-3050

4) Project Location:

The approximately 0.4-acre project site is located at 408 Linda Avenue, northwest of the intersection of Grand Avenue and Linda Avenue, in the City of Piedmont, California (Figures 1 and 2). The project site is located in the western portion of the City, approximately 2 miles northeast of the downtown Oakland commercial district. The Oakland Avenue viaduct is located adjacent to the site’s northern boundary.

5) Project Sponsor’s Name and Address: Piedmont Station LLC
P.O. Box 3712
Oakland, CA 94609
Contact: Patrick Zimski – phone: 510-595-7708

6) General Plan Designation(s): Medium Density Residential

7) Zoning: Zone C, Multiple Density Residential

8) Description of the Proposed Project:

Piedmont Station LLC proposes to develop an approximately 0.4-acre site within the City of Piedmont with seven three-story over basement townhouse structures. The property is currently developed with an approximately 5,700-square-foot, two-story, concrete electrical utility substation that was vacated in 1991. The proposed project would involve: demolition and removal of the existing electrical substation building; removal of existing vegetation and excavation and placement of fill for the housing pads; construction of the seven new townhouse structures and associated development components; and landscaping and irrigation.

9) Surrounding Land Uses and Setting:

Neighboring land uses consist primarily of multi- and single-family residential buildings and park space. The Oakland Avenue viaduct is located adjacent to the site on the northwest. The viaduct physically and visually separates the project site from Beach Playfield, located on the north side of Oakland Avenue.
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

All these topics have been considered and those that have been checked will be analyzed further in the EIR.

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

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

Date

Kate Black, City Planner
Public Works Department, City of Piedmont
ENVIRONMENTAL CHECKLIST

I. AESTHETICS. Would the project:

a) Have a substantial adverse effect on a scenic vista? ☐ ☐ ☐ ☐

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway? ☐ ☐ ☐ ☐

c) Substantially degrade the existing visual character or quality of the site and its surroundings? ☐ ☐ ☐ ☐

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? ☐ ☐ ☐ ☐

Setting

The project site is located at 408 Linda Avenue approximately 300 feet northwest of the intersection of Grand Avenue and Linda Avenue. The site is bounded on the south and west by Linda Avenue, on the north by Oakland Avenue, on the northeast by a two-story over basement/parking apartment complex, and on the east by a single-family residence (420 Linda Avenue). Oakland Avenue crosses Linda Avenue via a viaduct approximately 40 feet above the ground at the intersection/crossing and at grade at the northernmost corner of the property. The bridge abutments are located adjacent to the northwest boundary of the site between 21 and 28 feet from the property boundary.

The site is irregular in shape and has maximum plan dimensions of approximately 195 feet by 235 feet. The site is currently developed with a decommissioned PG&E electrical substation building, which occupies approximately two-thirds of the site. Southeast of the PG&E building is a relatively flat area covered by a low growth of weeds. A small paved courtyard, located at the back of the building on the northeast side, is partially contained by an approximately 5-foot-high retaining wall. Behind the courtyard, along the northeastern corner of the site, is a slope with an incline of approximately 4:1 (horizontal to vertical) that extends up to Oakland Avenue. The remaining portions of the site are covered with weedy broad-leaved plants and grasses and several trees around the perimeter of the site, including acacia, coast live oak, and juniper.

Adjacent land uses include the Oakland Avenue right-of-way, Beach Elementary School, and Linda Park to the northwest (across Oakland Avenue); and multi-family residential housing to the northeast; and single family residential to the east. Single- and multi-family residential structures ranging from one-story over-basement/parking to three-story over-basement/parking are located on the opposite side of Linda Avenue, to the south of the project site.
Views from the site are currently impeded by the PG&E substation building, which is approximately 56 feet tall; existing trees surrounding the perimeter of the site; the Oakland Avenue viaduct and bridge abutments located close to the northwestern edge of the site; and neighboring multi- and single-family residential housing to the east and south. These same visual obstructions hinder views from surrounding properties and of passersby into the site and beyond the property.

Discussion

a) *Have a substantial adverse effect on a scenic vista?*

**No Impact.** The City of Piedmont General Plan (2009) does not identify the project area as a scenic resource or scenic vista. There are no designated scenic view corridors or State or County scenic highways within the immediate vicinity of the project site. Because the project site is not designated as a scenic vista and is not located in proximity to a scenic vista, the proposed development project would not adversely impact any scenic vistas. No further analysis of this issue is required.

b) *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?*

**No Impact.** The project site is not located within the viewing corridor of a city-designated scenic highway. Therefore, the proposed project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings, or other locally recognized desirable aesthetic natural feature within a designated scenic highway. No further analysis of this issue is required.

c) *Substantially degrade the existing visual character or quality of the site and its surroundings?*

**Less Than Significant Impact.** Implementation of the proposed project would result in the removal of the existing 5,688-square-foot concrete PG&E substation structure and the construction of seven three-story over-basement townhouses, thereby altering the visual character of the project site and surrounding area. However, the areas that surround the project site are residential in visual character. While the proposed project would modify the current appearance of the site, the resulting visual character would be similar in kind to that which currently exists in the immediate area (single- and multi-family residential).

The exterior design of the development has been designed to be harmonious with the existing neighborhood development. The mass of the built structures has been broken up to create a “village” feel to avoid the more typical block style of many other multi-family structures and minimize changes to direct or indirect light for the neighboring properties. The rear townhouses (identified as Buildings F and G on Figure 3) would be approximately 32 feet in height, and the townhouses fronting Linda Avenue (identified as Buildings A – E on Figure 3) would be approximately 35 feet in height. The proposed building heights would be more than 20 feet lower than the height of the existing PG&E substation building. With the exception of the setback

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along Oakland Avenue, which may require a variance, all other property setbacks would be in accordance with the City’s Municipal Code.

Small existing acacia, juniper, and oak trees would be removed from the site. The City would require preservation measures for any retained trees located within the City’s right-of-way as a standard condition of approval (see Section IV-e, Biological Resources). The southwest corner of the project site would be utilized as a landscaped open space area for all residents of the property, and small exclusive use areas would be located adjacent to each townhouse. The project site would be landscaped with drought tolerant trees and shrubs and fire resistant grasses along the street frontage and throughout the interior of the site.

The City’s Design Review process and rigorous design review criteria contained in Chapter 17 of the Municipal Code and the City’s Residential Design Review Guidelines would ensure that the project would be compatible with existing residential development in the neighborhood and that it would not adversely affect the existing views, privacy, or access to direct or indirect light of any neighbor. Therefore, the proposed project would not substantially degrade the existing visual character or quality of the site and its surroundings. No further analysis of this issue is required.

**d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?**

**Less Than Significant Impact.** Low voltage entry, path/sidewalk, and building wall lights would be incorporated into the project. The project would be subject to standard conditions of approval requiring all light sources to be shielded and directed away from adjacent properties and requiring windows to use low-reflective glass. The proposed exterior lighting would be consistent with the type of lighting used on surrounding buildings, and therefore the additional light from the project would not be substantial in the context of existing light from the surrounding urban environment. Daytime glare would not be substantial because the proposed windows would have low-reflectivity glass. The City’s Design Review process and rigorous design review criteria contained in Chapter 17 of the Municipal Code and the City’s Residential Design Review Guidelines would ensure that the project would not adversely affect day or nighttime views in the area. No further analysis of this issue is required.
II. AGRICULTURAL RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

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

  - Potentially Significant  
  - Unless Mitigation Incorporated  
  - Less-than-significant Impact  
  - No Impact

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

  - Potentially Significant  
  - Unless Mitigation Incorporated  
  - Less-than-significant Impact  
  - No Impact

- c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?  

  - Potentially Significant  
  - Unless Mitigation Incorporated  
  - Less-than-significant Impact  
  - No Impact

Discussion

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

No Impact. The Farmland Mapping and Monitoring Program (FMMP) designates the site as Urban and Built Up Land. Therefore, the project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses. Thus, no further analysis of this issue is required.²

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

No Impact. The project site is zoned Multiple Density Residential (Zone C). The project site is not under Williamson Act Contract. Therefore, the project would not conflict with existing zoning for agricultural use or Williamson Act Contract. Thus, no further analysis of this issue is required.

c) **Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?**

   **No Impact.** No agricultural land uses are located in proximity to the project site. Therefore, the project would not result in conversion of Farmland to non-agricultural use. No further analysis of this issue is required.
III. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?
   - □ Potentially Significant Impact
   - □ Potentially Significant Impact Unless Mitigation Incorporated
   - □ Less-than-significant Impact
   - □ No Impact

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?
   - □ Potentially Significant Impact
   - □ Less-than-significant Impact
   - □ No Impact

Setting

The project site is located within the San Francisco Bay Air Basin and is within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). Within the air basin, ambient air quality standards for ozone, carbon monoxide (CO), nitrogen dioxide (NO$_2$), sulfur dioxide (SO$_2$), particulate matter (PM$_{10}$, PM$_{2.5}$), and lead (Pb) have been set by both the State of California and the federal government. The State has also set standards for sulfate and visibility. The San Francisco Bay Air Basin is under non-attainment status for ozone and particulate matter (PM$_{10}$ and PM$_{2.5}$) for State standards. The air basin is classified as marginal non-attainment for the federal ozone 8-hour standard.


4 The EPA lowered the national 8-hour ozone standard from 0.80 to 0.75 parts per million (ppm) (i.e. 75 parts per billion [ppb]) effective May 27, 2008. The EPA will issue final designations based upon the new 0.75 ppm ozone standard by March 2010.

5 The EPA lowered the 24-hour PM 2.5 standard from 65 micrograms per cubic meter (µg/m$^3$) to 35 µg/m$^3$ in 2006. The EPA issued attainment status designations for the 35 µg/m$^3$ standard on December 22, 2008. The EPA has designated the Bay Area as nonattainment for the 35 µg/m$^3$ PM2.5 standard. The EPA designation will be effective 90 days after
Discussion

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

**No Impact.** An air quality plan describes air pollution control strategies to be implemented by a city, county, or region classified as a non-attainment area. The main purpose of an air quality plan is to bring the area into compliance with the requirements of federal and State air quality standards. To bring the San Francisco Bay Area region into attainment, the BAAQMD has developed the 2005 Ozone Strategy and the 2000 Clean Air Plan (CAP).

The air quality plans use the assumptions and projections of local planning agencies to determine control strategies for regional compliance status. Since the plans are based on local General Plans and Zoning Codes, projects that are deemed consistent with the applicable General Plan and Zoning Code are usually found to be consistent with the air quality plans. The proposed project is consistent with the City’s zoning, which is Zone C (Multiple Density Residential), and the City’s General Plan (2009) land use designation of Medium Density Residential. A General Plan amendment would not be required for the project.

Excavation and earthwork associated with construction of the proposed project would include temporary grading, landscaping, and construction activities. The area of ground disturbance would be small and would be accomplished by a few pieces of construction equipment operating within the project site. In addition, the proposed project would not generate a substantial number of car trips (i.e., 2,000 vehicle trips per day or more, as determined by the BAAQMD) that would increase regional carbon monoxide and ozone precursor emissions (See Response III-b. below). Therefore, the proposed project is not expected to conflict with, or obstruct implementation of, relevant air quality plans.

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

**Potentially Significant Unless Mitigation Incorporated.** The San Francisco Bay air basin is under nonattainment status for ozone and particulate matter (PM\(_{10}\) and PM\(_{2.5}\)) for State standards. The air basin is classified as marginal nonattainment for the federal ozone 8-hour standard and nonattainment for PM\(_{2.5}\).

The BAAQMD has set thresholds of significance for operational period emissions. Below these thresholds, project operation emissions from mobile sources are anticipated to have a less than significant impact; however, projects within 20 percent of the threshold are required to undergo a more detailed analysis. The BAAQMD threshold of significance for ozone precursors (reactive organic gases [ROG] and nitrogen oxide [NOx]) is 80 pounds per day. Projects generating fewer than 2,000 vehicle trips per day are assumed to contribute emissions...
The proposed seven townhouses would generate approximately 41 new daily vehicle trips (see Section XV, Transportation/Traffic). Therefore, the proposed project is not expected to contribute substantial ozone precursor emissions.

Construction activities at the project site, which would include excavation, soil mounding, and transport activities, could temporarily increase the local concentration of particulate matter. If construction activities associated with the proposed project result in blowing dust, a major cause of increased PM$_{10}$ and PM$_{2.5}$ concentrations, the project could contribute to the Bay Area’s existing particulate matter air quality violation. Implementation of Mitigation Measure AIR-1 would reduce impacts related to increased particulate matter concentrations to a less than significant level.

**Mitigation Measure AIR-1:** Consistent with guidance from the BAAQMD, the following measures shall be implemented on the project site during the construction period:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the City regarding dust complaints. This person shall respond and take corrective action within 48 hours.
- Water all active construction areas at least twice daily.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.

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7 Ibid.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily (preferably with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
- Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
- Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.

Building materials containing lead-based paint and asbestos-containing materials (ACM) were used to construct the PG&E structure. If any of these materials remain as part of the PG&E structure, demolition of this building could potentially release airborne particles of hazardous materials that may affect construction workers or the public.

The U.S. EPA and the Department of Toxic Substances Control (DTSC) require that lead-based paint with lead concentrations equal to or greater than the U.S. Department of Housing and Urban Development (HUD) definition of lead-based paints (greater or equal to 1 mg/cm² or 0.5 percent lead by weight) be removed prior to demolition if the paint is loose and peeling. If the paint is securely adhering to the substrate, the entire material may be disposed of as demolition debris, which is a non-hazardous waste. Loose and peeling paint must be disposed of as a State and/or federal hazardous waste, if the concentration of lead exceeds applicable waste thresholds. Hazardous wastes must be managed, labeled, transported, and disposed of in accordance with local requirements by trained workers, as described above. State and federal construction worker health and safety regulations require air monitoring and other protective measures during demolition or renovation activities where lead-based paint is present.

Removal of asbestos or suspect ACM, including removal as part of building demolition, is regulated by the U.S. EPA, federal and State Occupational Safety and Health Administration (OSHA), DTSC, and the BAAQMD. All friable (crushable by hand) ACM, or non-friable ACM subject to damage, must be abated prior to demolition in accordance with applicable requirements. Friable ACM must be disposed of as an asbestos waste at an approved facility. Non-friable ACM may be disposed of as a non-hazardous waste at landfills that accept such wastes. Workers conducting asbestos abatement must be trained in accordance with State and federal OSHA requirements.

Mitigation Measure AIR-2 would reduce impacts pertaining to the release of airborne lead-based paint and ACM to a less than significant level.
Mitigation Measure AIR-2: The project shall comply with the Bay Area Air Quality Management District (BAAQMD) Regulation 11, Rule 2: Hazardous Materials, Asbestos Demolition, Renovation, and Manufacturing, with the OSHA Standard 1926.6 related to lead abatement, and all other applicable State and federal requirements for the safe handling and disposal of lead-based paint, ACM, and universal wastes.

Prior to the demolition of the PG&E structure on the project site, lead-based paint and ACM surveys shall be performed for the exterior of the PG&E structure by a qualified environmental professional. If any lead-based paint or ACM is identified, it shall be abated and removed from the site in accordance with all applicable regulations, including OSHA requirements. The City shall verify that the surveys and abatement or removal, as necessary, have been completed before issuing the demolition permit for the project.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

Less Than Significant Impact. Please refer to Response III-b. Based on project related emission estimates, the proposed project would not result in substantial impacts to the levels of any criteria pollutant. Thus, no further analysis of this issue is required.

d) Expose sensitive receptors to substantial pollutant concentrations?

Potentially Significant Unless Mitigation Incorporated. Sensitive receptors are facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Sensitive receptors adjacent to the project site include neighboring residents along Linda Avenue and Oakland Avenue and staff at Beach Elementary School, located approximately 0.25 mile northwest of the project site. As described in Response III-a and III-b above, the proposed project would generate minimal vehicular traffic. Therefore, implementation of the proposed project would not introduce long-term, substantial pollutant concentrations.

Construction of the proposed project may expose surrounding sensitive receptors to airborne particulates and fugitive dust as well as a small quantity of construction equipment pollutants (i.e., diesel-fueled vehicles and equipment) for a short duration. Implementation of Mitigation Measures AIR-1 and AIR-2 would reduce potential impacts related to particulate matter and fugitive dust to a level below significance.

Therefore, sensitive receptors are not expected to be exposed to substantial long-term or short-term pollutant concentrations, and no significant air quality impacts would result from the proposed project.

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

No Impact. The proposed project would not generate objectionable odors. In addition, the proposed project is not located downwind from any significant odor sources (e.g., landfills, sewage treatment plants) that could affect persons within the project site. Therefore,
implementation of the proposed project would not create objectionable odors affecting a substantial number of people or subject people to objectionable odors. No further analysis of this issue is required.

**Note:** Greenhouse gas emissions and global warming do not appear on the CEQA checklist, but will be addressed in the EIR.

California’s major initiatives for reducing greenhouse gas (GHG) emissions are outlined in Assembly Bill 32 (AB 32), the “Global Warming Solutions Act,” passed by the California State legislature on August 31, 2006; Executive Order S-3-05; and AB 1493, which requires the California Air Resources Board (CARB) to set GHG emission standards for passenger vehicles and light duty trucks. These efforts aim to reduce GHG emissions to 1990 levels by 2020, a reduction of approximately 25 percent, and then an 80 percent reduction below 1990 levels by 2050. Some of the potential effects of global climate change in California may include a reduction of the Sierra snow pack, threats to water supplies, sea level rise, more extreme heat days per year, more high ozone days, more large forest fires, and more drought years. In addition to these effects, there are many secondary effects that are projected to result from global climate change, including impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity. While the possible outcomes and the feedback mechanisms involved are not fully understood, and much research remains to be done, the potential for substantial environmental, social, and economic consequences over the long term may be great.

Regulations are still being prepared to address GHG emissions for new projects and there are no adopted or universally recognized standards of significance. The Climate Change analysis contained in the EIR will provide both a quantitative and qualitative assessment of greenhouse gas emissions associated with all relevant sources related to the project, including construction activities, new vehicle trips, electricity consumption, and water usage.

Additionally, the City of Piedmont has prepared a Climate Action Plan (CAP) (October 2009) to provide policy direction and identify actions that the City and community can take to significantly reduce the generation of GHG emissions consistent with California AB 32 and Executive Order S-3-05. The purpose of the CAP is to guide the development, enhancement, and ultimately the implementation of actions and strategies to reduce the City’s GHG emissions. The consistency of the proposed projection with the CAP will be addressed in the EIR.
IV. BIOLOGICAL RESOURCES Would the project:

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

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? ☐ ☒ ☒ ☐

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) Through direct removal, filling, hydrological interruption, or other means? ☐ ☔ ☒ ☐

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? ☐ ☒ ☒ ☐

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? ☒ ☒ ☒ ☐

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or State habitat conservation plan? ☒ ☒ ☒ ☐

Setting

The 0.4-acre site is irregular in shape and has maximum dimensions of approximately 195 feet by 235 feet. The site is currently developed with a decommissioned PG&E electrical substation building, which occupies most of the site. Southeast of the PG&E building is a relatively flat and largely barren area with a sparse low growth of weeds. A small paved courtyard, located at the back of the building on the northeast side, is partially contained by an approximately 5-foot-high retaining wall. Behind the courtyard, along the northeastern corner of the site, is a slope that extends up to Oakland Avenue. The remaining portions of the site have a ground cover of weedy broad-leaved plants and grasses. Mature trees, including acacia, coast live oak, and juniper, are located around the perimeter of the site.
Discussion

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

No Impact. The project site is in a fully urbanized area and is developed with the 5,688-square-foot concrete PG&E substation building. Vegetation on the site is predominantly non-native, including grasses, shrubs and ornamental trees. The site is not occupied by, or suitable for, any listed species or candidate for listing. Therefore, the proposed project would not have any direct or indirect substantial adverse effect on any species identified as a candidate, sensitive, or special status species. No further analysis of this issue is required.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

No Impact. The project site is completely developed and does not contain any riparian habitat or other sensitive natural community. Adjacent properties are developed with urban uses and do not contain any riparian habitat or other sensitive natural community. Therefore, development of the proposed project would not adversely affect any such community, and no impact would occur. No further analysis of this issue is required.

c) Have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No Impact. No wetlands occur on the project site. The project site is disturbed and surrounded by urban development. Therefore, the proposed project would not have a substantial adverse impact on federally-protected wetlands. No further analysis of this issue is required.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

No Impact. Potentially Significant Unless Mitigation Incorporated. The project site is completely developed and contains no onsite waterways. Additionally, the site is located in an urbanized area and is not adjacent to or near any areas of open space. There are no native wildlife nurseries located in the project area. Therefore, development of the proposed project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species. No further analysis of this issue is required.

However, project construction would result in the removal of nine trees that could be used by nesting birds. If conducted during the nesting season (February 1–August 31), tree removal could directly impact nesting birds by removing shrubs that support active nests. Construction-
related disturbance (e.g., noise, vehicle traffic, personnel working adjacent to suitable nesting habitat) could also indirectly impact nesting birds by causing adults to abandon nests in nearby trees or other vegetation, resulting in nest failure and reduced reproductive potential. The nests of native birds are protected under the federal Migratory Bird Treaty Act and Section 3503 of the California Fish and Game Code. Implementation of the following mitigation measure would reduce this impact to a less than significant level.

Mitigation Measure BIO-1: If feasible, vegetation removal activities shall occur during the non-breeding season (September 1–January 31). If such activities are scheduled during the breeding season (February 1–August 31), a qualified biologist shall conduct a preconstruction nest survey of all trees or other suitable nesting habitat in and within 100 feet of the limits of work. The survey shall be conducted no more than 15 days prior to the start of work. If the survey indicates the potential presence of nesting birds, the biologist shall determine an appropriately sized buffer around the nest in which no work will be allowed until the young have successfully fledged. The size of the nest buffer will be determined by the biologist in consultation with CDFG, and will be based on the nesting species and its sensitivity to disturbance. In general, buffer sizes of up to 250 feet for raptors and 50 feet for other birds should suffice to prevent disturbance to birds nesting in the urban environment, but these buffers may be increased or decreased, as appropriate, depending on the bird species and the level of disturbance anticipated near the nest.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less Than Significant Impact. Nine existing trees would be removed from the site in order to accommodate the proposed development, including juniper, acacia, and coast live oak trees. The development proposes a landscaping plan with replacement trees and shrubs. The City of Piedmont does not have a Tree Preservation Ordinance that regulates the removal of trees for development projects located on private property. However, because the project proposes development components within the City right-of-way and building construction near the City right-of-way, an arborist report was prepared to address these trees by the Davey Tree Expert Company in November 2009.8 For the five trees that are located within or directly adjacent to the City right-of-way, the report indicates that only the coast live oak tree merits preservation consideration. The remaining four black acacia trees are poorly structured and are therefore recommended for removal. The report recommends tree preservation measures to protect the oak tree during construction. City review and approval would be required for the removal of any tree within City right-of-way. The project would not conflict with any other local policies or ordinances protecting biological resources. No further analysis of this issue is required.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or State habitat conservation plan?

No Impact. The project site is not subject to a Habitat Conservation Plan, Natural Community Conservation Plan, or any other habitat plan. Therefore, development of the proposed project

would not conflict with any habitat conservation plan. No further analysis of this issue is required.
V. CULTURAL RESOURCES Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in \(15064.5\)?  
- Potentially Significant Impact
- Unless Mitigation Incorporated
- Less-than-significant Impact
- No Impact

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to \(15064.5\)? 


- Potentially Significant Impact
- Unless Mitigation Incorporated
- Less-than-significant Impact
- No Impact

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?  
- Potentially Significant Impact
- Unless Mitigation Incorporated
- Less-than-significant Impact
- No Impact

d) Disturb any human remains, including those interred outside of formal cemeteries?  
- Potentially Significant Impact
- Unless Mitigation Incorporated
- Less-than-significant Impact
- No Impact

Discussion

a) Cause a substantial adverse change in the significance of a historical resource as defined in \(15064.5\)?

Potentially Significant Impact.

State Legislative Context. CEQA defines a “historical resource” as a resource which meets one or more of the following criteria:

- Listed in, or eligible for listing in, the California Register;
- Listed in a local register of historical resources;
- Identified as significant in a historical resource survey meeting the requirements of Section 5024.1(g) of the Public Resources Code; or
- Determined to be a historical resource by a project's lead agency.

A historical resource consists of “Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California . . . Generally, a resource shall be considered by the lead agency to be ‘historically significant’ if the resource meets the criteria for listing on the California Register of Historical Resources” (CCR Title 14(3) § 15064.5(a)(3)). Archaeological resources may also be considered historical resources.

For a cultural resource to qualify for listing in the California Register it must be significant under one or more of the following criteria:
• **Criterion 1**: Associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;

• **Criterion 2**: Associated with the lives of persons important in our past;

• **Criterion 3**: Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

• **Criterion 4**: Has yielded, or may be likely to yield, information important in prehistory or history.

In addition to being significant under one or more of these criteria, a resource must retain enough of its historic character and appearance to be recognizable as an historical resource and be able to convey the reasons for its significance (CCR Title 14 section 4852(c)).

**Resources on the Project Site.** To determine whether the project site contains historical resources, cultural resources records searches were conducted at the Northwest Information Center (NWIC)—an affiliate of the California Office of Historic Preservation—and the Native American Heritage Commission (NAHC), the official state repository of Native American sacred site location records. A cultural resources field survey was also completed.

**NWIC Records Search Results.** The NWIC records search indicated that a circa 1925-1926 Pacific Gas and Electric (PG&E) substation (Piedmont Substation E) is within the project site. In 2000, PAR Environmental Services, Inc., (PAR)\(^9\) completed an evaluation of the substation for PG&E to determine whether the building was eligible for listing in the California Register of Historical Resources (California Register) and, therefore, an “historical resource” for purposes of CEQA. PAR’s evaluation included archival research, an architectural field survey, and the development of an historical context. PAR concluded that the building retained a high degree of integrity and was historically significant under California Register Criterion 3 as it represents the work of an important PG&E architect, Ivan C. Frickstad, and is a unique example of Mission-style architecture within the PG&E system.

In 2006, Anna Naruta submitted a National Register of Historic Places (National Register) nomination for Substation E to the California Office of Historic Preservation, based on the PAR evaluation done for the building. PG&E, which still owned the building in 2006, submitted a letter of opposition to the Substation E National Register nomination to California Historic Preservation Officer, Milford Wayne Donaldson, and the nomination was officially withdrawn. Due to the objection of PG&E to the nomination, the California Office of Historic Preservation did not comment on the substation’s eligibility nor was the nomination forwarded to the Keeper of the National Register in Washington, D.C.\(^10\)

The NWIC files did not indicate recorded archaeological sites within the project site.

**NAHC Records Search Results.** LSA faxed a letter and map depicting the project site to the NAHC in Sacramento requesting a review of their Sacred Lands File for any Native American sacred sites.

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\(^10\) NWIC Coordinator, Leigh Jordan, personal communication with LSA on June 5, 2008.
cultural resources that might be affected by the proposed project. Katy Sanchez, NAHC Program Analyst, responded in a faxed letter on May 17, 2007, that a review of the Sacred Lands File did not “indicate the presence of Native American cultural resources in the immediate project area.”

Cultural Resources Field Survey Results. An archaeologist with LSA completed an intensive cultural resources field survey of the project site on June 5, 2008. Ground visibility was good to excellent in the majority of the project site. The project site is on modern fill, possibly dating to the construction of PG&E Substation E in 1925-1926. No prehistoric cultural resources were observed. Historical refuse observed included broken clay sewer pipes, terracotta roof tiles fallen from the substation, white ceramic tile, and chunks of poured concrete. None of these materials qualify as historical resources under CEQA. Substation E appears similar to when evaluated by PAR in 2000.

Conclusions. LSA concurs with the findings of PAR that Substation E is an historical resource for purposes of CEQA, and the June 2008 field survey confirmed that the building retains sufficient integrity to be eligible for listing in the California Register under Criterion 3. The removal of this resource would be a potentially significant impact and will be further evaluated in the Focused EIR being prepared for this project.

Although no surface archaeological sites that qualify as historical resources were identified within the project site, the possibility of intact archaeological deposits below fill soils cannot be discounted. If such deposits are encountered during project ground-disturbing activities, e.g., grading and utilities trenching, potentially significant impacts may result. If archaeological deposits are encountered during project activities, these shall be addressed according to Mitigation Measure CULT-1 (see below for potentially significant impacts to archaeological resources).

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to . 15064.5?

Potentially Significant Unless Mitigation Incorporated. There are no surface archaeological resources within the project site, as determined by a records search conducted at the Northwest Information Center on June 4, 2008, and an archaeological field conducted on June 5, 2008. Although no surface archaeological resources have been identified within the project site, the possibility of intact subsurface archaeological deposits that may qualify as archaeological resources, as defined in Section 15064.5(3)(c) and Section 21083.2, cannot be discounted. Implementation of Mitigation Measure CULT-1, described below, would reduce potential impacts to unidentified archaeological resources to a less than significant level.

Mitigation Measure CULT-1: The project applicant shall inform its contractor(s) of the possibility of subsurface archaeological deposits within the project area by including the following directive in contract documents:

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If prehistoric or historical archaeological deposits are discovered during project activities, all work within 25 feet of the discovery shall be redirected and a qualified archaeologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations regarding the treatment of the discovery. Project personnel shall not collect or move any archaeological materials or human remains and associated materials. Archaeological resources can include flaked-stone tools (e.g., projectile points, knives, choppers) or obsidian, chert, basalt, or quartzite toolmaking debris; bone tools; culturally darkened soil (i.e., midden soil often containing heat-affected rock, ash and charcoal, shellfish remains, faunal bones, and cultural materials); and stone-milling equipment (e.g., mortars, pestles, handstones). Prehistoric archaeological sites often contain human remains. Historical materials can include wood, stone, concrete, or adobe footings, walls, and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramics, metal, and other refuse.

The City shall verify that the language has been included in the contract documents before issuing the building permit.

If archaeological deposits are identified during project subsurface construction, all ground-disturbing activities within 25 feet shall be redirected and a qualified archaeologist contacted to assess the situation and consult with agencies as appropriate. The archaeologist shall first determine whether such deposits are historical resources as defined in section 15064.5(a) and as required of the lead agency at Section 15064.5(c)(1). If these deposits do not qualify as historical resources, a determination will be made if they qualify as unique archaeological resources, pursuant to Section 15064.5(c)(3). If the deposit qualifies as either a historical resource or a unique archaeological resource it will need to be avoided by adverse effects or such effects must be mitigated. Mitigation may consist of, but is not necessarily limited to, systematic recovery and analysis of archaeological deposits; recording the resource; preparation of a report of findings; and accessioning recovered archaeological materials at an appropriate curation facility. Public educational outreach may also be appropriate. Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results, and provide recommendations for the treatment of the archaeological materials discovered. The report shall be submitted to the City of Piedmont and the Northwest Information Center.

c)  Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Potentially Significant Unless Mitigation Incorporated. No unique paleontological or geologic resources are located on the project site. A fossil locality search was conducted on June 9, 2008, by Dr. Pat Holroyd of the University of California Museum of Paleontology (UCMP), Berkeley. The purpose of this search was to (1) identify known paleontological sites within and near the project area, and (2) identify the geologic formations and types of fossils that might be expected within and adjacent to the project area based on the existing geological and paleontological data.

There are no recorded fossil localities within or adjacent to the project site; four vertebrate fossil localities are within five miles of the project site. The fossils from these localities include
Mammuthus (mammoth) of the Late Pleistocene Rancholabrean (300,000 to 10,000 years B.P.); and Ticholeptus (an extinct ruminating ungulate), Hipparion (horse), Barbourofoélis (an extinct lion-like carnivore), and Cranioceras (an extinct artiodactyl) from the Miocene Clarendonian (11,800,00 to 9,000,000 years B.P) (Berkeley Natural History Museum 2008). The Late Pleistocene Rancholabrean fossil locality was found in a similar geologic formation – Late Pleistocene (126,000 to 10,000 years B.P.) alluvial deposits – to the one underlying the modern fill in the project site.

The proximity of a fossil locality in similar Late Pleistocene deposits to those underlying the project site indicates some paleontological sensitivity. There is the possibility of encountering significant paleontological resources in the fossil-bearing Late Pleistocene alluvium in the project site that is overlain by approximately three feet of modern artificial fill and as much as 10 feet of Holocene (10,000 years B.P. to present) alluvium. Should paleontological resources be encountered during project activities, implementation of Mitigation Measure CULT-2 would reduce this impact to a less than significant level:

**Mitigation Measure CULT-2:** The project applicant shall inform its contractor(s) of the sensitivity of the project area for paleontological resources by including the following directive in contract documents:

*The subsurface of the construction site may be sensitive for paleontological resources. If paleontological resources are encountered during project subsurface construction, all ground-disturbing activities within 25 feet shall be redirected and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any paleontological materials. Paleontological resources include fossil plants and animals, and such trace fossil evidence of past life as tracks. Ancient marine sediments may contain invertebrate fossils such as snails, clam and oyster shells, sponges, and protozoa; and vertebrate fossils such as fish, whale, and sea lion bones. Vertebrate land mammals may include bones of mammoth, camel, saber tooth cat, horse, and bison. Paleontological resources also include plant imprints, petrified wood, and animal tracks.*

The City shall verify that the language has been included in the contract documents before issuing the building permit.

Should paleontological resources be encountered during project subsurface construction, all ground-disturbing activities within 25 feet shall be redirected and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Project personnel shall not collect or move any paleontological materials. It is recommended that adverse effects to such deposits be avoided by project activities. Paleontological resources are considered significant if they possess the possibility of providing new information regarding past life forms, paleoecology, stratigraphy, and geological formation processes. If found to be significant, and project activities cannot avoid the paleontological resources, adverse effects to paleontological resources shall be mitigated. Mitigation may include monitoring, recording the fossil locality, data recovery and analysis, a final report, and
accessioning the fossil material and technical report to a paleontological repository. Public educational outreach may also be appropriate. Upon completion of the assessment, a report documenting methods, findings, and recommendations shall be prepared and submitted to the City of Piedmont, and, if paleontological materials are recovered, a paleontological repository, such as the University of California Museum of Paleontology.

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

Potentially Significant Unless Mitigation Incorporated. Prehistoric archaeological sites in the East Bay frequently contain Native American interments. Although Native American remains have not been identified within the project site, the possibility that such remains exist in the project site cannot be discounted. Such remains could be uncovered during construction period activities that involve ground disturbance. Implementation of Mitigation Measure CULT-3 would reduce this impact to a less than significant level:

Mitigation Measure CULT-3: If human remains are encountered, these remains shall be treated in accordance with HSC Section 7050.5. The project applicant shall inform its contractor(s) of the cultural sensitivity of the project area for human remains by including the following directive in contract documents:

If human remains are encountered during project activities, work within 25 feet of the discovery shall be redirected and the County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation and consult with agencies as appropriate. Project personnel shall not collect or move any human remains and associated materials. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

The City shall verify that the language has been included in the contract documents before issuing the building permit.

In the event that human remains are encountered during project activities, work within 25 feet of the discovery should be redirected and the County Coroner notified immediately. At the same time, an archaeologist should be contacted to assess the situation and consult with agencies as appropriate. Project personnel should not collect or move any human remains and associated materials. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results, and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the
MLD. The report shall be submitted to the City of Piedmont and the Northwest Information Center.
VI. GEOLOGY AND SOILS Would the project:

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

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

ii) Strong seismic ground shaking?

iii) Seismic-related ground failure, including liquefaction?

iv) Landslides?

b) Result in substantial soil erosion or the loss of topsoil?

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial risks to life or property?

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

Setting

Alan Kropp & Associates, Inc. (Kropp) conducted a geotechnical investigation for the project site in 2006. The purpose of their investigation was to evaluate the suitability of the site for the proposed development from a geotechnical engineering standpoint and to provide geotechnical design and construction criteria for the project. The investigation included: 1) a reconnaissance survey of the site and surrounding properties, 2) a review of published geotechnical materials relevant to the project, 3) an examination of aerial photographs of the area to observe historic development and broad features, 4) a subsurface exploration program consisting of drilling five exploratory test borings at the site, 5) laboratory work to evaluate the properties of the soil materials recovered, 6) geotechnical engineering analyses of the collected data, and 7) preparation of the geotechnical investigation report. The geotechnical investigation report (September 20, 2006) is available for
public review at the City of Piedmont Public Works Department. The setting and analyses below are based on the report prepared by Kropp.  

The topographic map for this area (Oakland East Quadrangle) prepared by the United States Geological Survey indicates that the site is located at an elevation of approximately 60 feet, on the southern face of a gently sloping northeast trending ridge in Piedmont, California. A creek and watershed map of the area prepared by Sowers (1993) indicates that the site is located along the eastern side of a former tributary to Pleasant Valley Creek. The tributary has been filled and Pleasant Valley Creek has been diverted into an underground culvert that flows beneath Grand Avenue.

A widely used geologic map of the area (Radbruch 1969) indicates the site is underlain by the upper member of the San Antonio Formation and is approximately 100 feet north of a contact with undivided quaternary deposits. The text accompanying this map describes the San Antonio formation as clay, silt, sand, and gravel. A more recent geologic map by Helley and Graymer (1997) indicates that the site is underlain by alluvial fan and fluvial deposits that were deposited during the Pleistocene epoch. The map indicates this material typically consists of dense gravelly and clayey sand or clayey gravel that fines upward to sandy clay.

**Discussion**

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

   i) **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?** Refer to Division of Mines and Geology Special Publication 42;

   ii) **Strong seismic ground shaking;**

   iii) **Seismic-related ground failure, including liquefaction;**

   iv) **Landslides?**

   i) **Fault Rupture.**

   **No Impact.** The site is approximately 9,000 feet southwest of the nearest active trace of the Hayward fault. The site is also located approximately 17 miles northeast and 16 miles southwest of the active San Andreas and Concord faults, respectively. The site is not located within any Alquist-Priolo Earthquake Fault Zone designated by the State of California. No other known earthquake faults run through or near the project site. Thus, the proposed project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault. No further analysis of this issue is required.

   ii) **Ground Shaking.**

   **Potentially Significant Unless Mitigation Incorporated.** The project site is located in a seismically active region of California. Significant earthquakes have been associated with movements along well-defined fault zones. Earthquakes occurring along the San Andreas, Hayward, or any number of other Bay Area faults have the potential to produce strong ground shaking at the site. Studies by the United States Geological Survey have identified the site as being in a region of high seismic activity.

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Geological Survey’s Working Group on California Earthquake Probabilities have estimated a 62 percent probability of at least one magnitude 6.7 or greater earthquake occurring in the San Francisco Bay Region before the year 2031. As part of their prediction, they estimated the probability to be 27 percent for a magnitude 6.7 or greater earthquake to occur on the Hayward/Rodgers Creek fault by the year 2031.

Any construction activities associated with the proposed project would be subject to the engineering and building standards set forth in the Uniform Building Code, Section 7.03, Building Code Seismic Design Parameters. Compliance with these standards and implementation of Mitigation Measure GEO-1, described below, would reduce potential risks associated with strong ground shaking to less than significant levels.

**Mitigation Measure GEO-1:** The proposed project shall be designed to the criteria contained in the geotechnical investigation report for the project (Kropp 2006). Construction methods for the project shall incorporate all of the specifications and recommendations contained in the geotechnical report pertaining to site preparation and earthwork, foundations, building code seismic design parameters, slabs-on-grade, retaining walls, and surface drainage. A peer review of the geotechnical report will be required by the City prior to the issuance of building permits.

Prior to issuance of a building permit, the project applicant shall submit plans and specifications, certified by an engineer or professional geologist, to the City that indicate how the geotechnical report’s recommendations will be implemented. Written evidence that the measures have been implemented as specified in the geotechnical report shall be provided to the City. These plans and specifications shall be reviewed by the City Engineer. The City shall verify that the recommendations of the geotechnical report are included in the construction plans prior to issuing the project’s building permit.

A geotechnical consultant shall be present on site during construction to observe the earthwork (i.e., site clearing, excavation, subgrade preparation for slabs or filling, and any compaction operations) and any foundation work (i.e., pier drilling and void below grade berms) associated with the project.

**iii) Ground Failure and Liquefaction.**

**Less Than Significant Impact.** Liquefaction is the rapid transformation of saturated, loose, unconsolidated, non-cohesive sediment (such as sand) to a fluid-like state because of earthquake ground shaking. The seismic hazard zone map for the project area prepared by the California Geological Survey in 2003 indicates that the site is within a mapped zone that may be prone to earthquake-induced ground failure during a major earthquake. The map indicates that sufficient concern exists in the project area to merit a site-specific evaluation, not necessarily that the hazard is actually present.

Kropp evaluated liquefaction potential for the site using multi-layered models developed based on data from the test borings and laboratory analysis. A moment magnitude (Mw) of 7.1 was used in their analysis. The results of their analysis indicate
that the sandy and gravelly clays that exist below the site would not be susceptible to liquefaction in a design-level earthquake. Since liquefaction was judged to be unlikely, secondary effects from liquefaction such as liquefaction-induced settlement and lateral spreading are also judged to be unlikely. Thus, no further analysis of this issue is required.

iv) Landslides.

**No Impact.** Earthquake ground shaking can induce landslides, especially where unstable slopes exist because the ground shaking provides a mechanism for ground movement. A landslide map of the area referenced in the geotechnical investigation report did not indicate the presence of any landslides extending onto the site or in the immediate vicinity of the site. Therefore, the project would not expose people or structures to potential substantial adverse effects involving landslides. No further analysis of this issue is required.

b) **Result in substantial soil erosion or the loss of topsoil?**

**Less Than Significant Impact.** The proposed project would involve grading activities that would result in the loosening of topsoil. The impact of wind and water on loosened topsoil could lead to surface erosion and subsequent degradation of downstream water quality. Construction activities have the potential to disrupt soil and cause erosion. However, an Erosion Control Plan, included in the Construction Management Plan required by the City, would be prepared prior to any ground disturbance activities to provide the details of the erosion control measures to be applied on the site during the construction period. The Erosion Control Plan would include Best Management Practices (BMPs) designed to minimize sediment in site runoff during construction. BMPs designed to reduce erosion of exposed soil may include, but are not limited to: soil stabilization controls, watering for dust control, perimeter silt fences, placement of hay bales, and sediment basins. Any disturbed portions of the project area would be revegetated following construction activities. Implementation of an Erosion Control Plan would reduce potential impacts to soil erosion or the loss of topsoil to a level below significance.

c) **Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

**Potentially Significant Unless Mitigation Incorporated.**

*Landslide.*
See discussion above in Section VI-a pertaining to landslide potential.

*Lateral Spreading.*
The geotechnical investigation prepared by Kropp does not indicate that the soils on the project site would be susceptible to lateral spreading. Implementation of Mitigation Measure GEO-1, described above, would reduce any potential risks associated with lateral spreading to a less than significant level.
**Subsidence.**
Based on the results of Kropp’s subsurface exploration, it appears that the site is underlain by approximately 2 to 5 feet of fill soils. The geotechnical investigation concluded that these materials were probably placed during the filling of the tributary to Pleasant Valley Creek to create a flat building pad for the construction of the PG&E substation. While the fill soils encountered in the borings appeared to be moderately well compacted, given the era during which the fill soils were placed (the project site and surrounding area were developed prior to 1939) and the evolution of the standards of practice that have occurred since that time, the geotechnical report concluded that it is likely these fill materials were not placed according to accepted modern standards. These standards include removing potentially compressible material prior to fill placement and engineering control of fill compaction. The fill has been in place for more than 60 years and has likely reached a state of equilibrium under current loading conditions. However, it is possible that new loads from building foundations and/or significant fill placement could potentially trigger some additional settlement. For this reason, the geotechnical study recommends that residential units or other significant structures be supported on piers that extend through the fill and gain all their support from the underlying native materials. The study concludes that it would be acceptable to support site flatwork (including driveway and garage slabs) on the existing fills. Implementation of Mitigation Measure GEO-1, described above, would reduce potential risks associated with subsidence to less than significant levels.

**Liquefaction.**
See discussion above in Section VI-a pertaining to liquefaction potential.

**Collapse.**
The geotechnical investigation prepared by Kropp does not indicate that the soils on the project site would be susceptible to collapse. Implementation of Mitigation Measure GEO-1, described above, would reduce any potential risks associated with soil collapse to less than significant levels.

d) **Potentially Significant Unless Mitigation Incorporated.** The near-surface soils encountered in the test borings drilled at the site consisted of 2 to 5 feet of clayey fill material. The results of the testing on this material indicate that the surface soils are moderately expansive. Additional testing of soil material collected from the northeast corner of the site on the slope between the PG&E substation building and Oakland Avenue at a depth of approximately 11 feet below existing site grade indicated that the clayey materials at this depth in this location are highly expansive. Expansive soils shrink and swell in response to changes in moisture and have the potential to damage constructed features that are supported on them. The moderately to highly expansive soils would be exposed at the proposed building grades. The geotechnical investigation report recommends specific design and construction specifications to mitigate for expansive soil conditions. Implementation of Mitigation Measure GEO-1, described above, would reduce potential risks associated with expansive soils to less than significant levels.
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

**No Impact.** The project site is located in a developed area of the City of Piedmont that is served by a municipal wastewater collection, conveyance, and treatment system. No septic tanks are proposed. Therefore, no further analysis of this issue is required.
VII. HAZARDS. Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?  

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

f) For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

Setting

The project site was used as a PG&E substation from 1926 to 1991, at which time it was abandoned and has been vacant since. The two-story, approximately 5,688-square-foot concrete building would be demolished prior to the construction of the proposed seven townhouse structures and associated development components.
Several sources, consisting of past environmental reports, provide information regarding the project site history and environmental conditions of the project site. Listed below are the primary environmental assessments and actions completed to date at the subject property. Referenced documents are available for review at the City of Piedmont Public Works Department.

- After the substation structure was vacated by PG&E in 1991, site investigations were conducted by Technical and Ecological Services (TES) in 2000 to test for the presence of polychlorinated biphenyls (PCBs), lead, asbestos, and total petroleum hydrocarbons as motor oil, mineral oil, and diesel. Their investigation reported PCB concentrations ranging from 1 part-per-billion (ppb) to 910 ppb in the interior of the building, and from 89 ppb to 140 ppb in the exterior soils. With the exception of the 910 ppb reading, which was obtained from a sink drainpipe inside the building, all PCB concentrations were below the United States Environmental Protection Agency (EPA) Preliminary Remediation Goal (PRG) standards for residential land use (currently the lowest PRG for the various mixtures of PCBs is 170 ppb). The drainpipe was reportedly removed from the structure by PG&E for cleaning and disposal. The TES investigation also reported concentrations of lead in the soil outside the building at concentrations ranging from 5 parts-per-million (ppm) to 11,000 ppm. No concentrations exceeding the residential land use PRG for lead were detected in the site soil at depths greater than one foot. The TES investigation also documented that petroleum hydrocarbon constituents found in three of the eight soil samples were below the San Francisco Bay Regional Water Quality Control Board (RWQCB) risk-based environmental screening levels for residential land use.

- PG&E initiated soil remediation work at the site in 2000 and 2001 that included lead abatement by removal and replacement of the upper two feet of soil on the property. PG&E’s remediation efforts also included the removal of accessible asbestos-containing material from the interior of the building; removal and encapsulation of peeling lead-based paint from the interior walls of the building; and washing of interior walls to remove oil stains.

- Clearance investigations conducted by Kellco, Inc. (Kellco) in 2004 reported that no asbestos, lead or PCBs remain in the interior of the structure.

- A lead soil leachability evaluation was conducted by SECOR International, Inc. (SECOR) in January 2005, and concluded that little or no leaching was occurring in the non-remediated eastern portion of the property.

- RGA Environmental Services, Inc. (RGA) performed a Phase I Environmental Site Assessment (ESA) for the project site in 2005. The Phase I ESA was based on regulatory agency research and a physical inspection of the project site.

- The Alameda County Health Care Services Agency issued a No Further Action Letter pertaining to the soils outside of the existing PG&E substation building to PG&E on May 12, 2005.

- P&D Environmental, Inc. (P&D) performed a Phase II ESA (Subsurface Investigation Report) for the project site in 2006. The areas investigated included vaults inside the building, the sewer and drainage piping located at the building perimeter exterior, and groundwater adjacent to and in the vicinity of the building. The contaminants investigated included petroleum hydrocarbons, lead, and PCBs. Field activities consisted of drilling for soil sample cores within the interior of the PG&E substation building and outside of the building. P&D also collected groundwater samples and soil gas samples for evaluation and testing.
Discussion

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less Than Significant Impact with Mitigation Incorporated. The project applicant is proposing to build new residences and associated infrastructure at the site. Although small quantities of commercially-available hazardous materials could be used within the new residences consistent with residential uses, and potentially for landscape maintenance within the project site, these materials would not be used in sufficient quantities to pose a threat to human or environmental health.

During the construction period, materials such as fuels, oils, and/or solvents that, in large quantities, could pose a potential hazard to the public or environment if improperly used or inadvertently released. Inadvertent release of large quantities of these materials into the environment could also adversely impact soil, surface waters, or ground water quality. If large spills of hazardous materials occurred on the project site, the applicant or its subcontractor would be responsible under state law to report such a spill to the appropriate agencies and to clean up the spill to acceptable levels. The use of Best Management Practices (BMPs) typically implemented as part of construction would minimize the potential negative effects to groundwater and soils. Implementation of the Mitigation Measure HAZ-1 would reduce impacts related to the significant hazards created through the routine transport, use, or disposal of hazardous materials.

Mitigation Measure HAZ-1: Project construction plans shall include emergency procedures for responding to hazardous materials releases for materials that would be brought onto the site as part of site development and construction activities. The emergency procedures for hazardous materials releases shall include the necessary personal protective equipment, spill containment procedures, and training of workers to respond to accidental spills/releases. All use, storage, transport and disposal of hazardous materials (including any hazardous wastes) during construction activities shall be performed in accordance with existing local, State, and federal hazardous materials regulations. The City shall verify that the emergency procedures are included in the construction plans, prior to issuing the project’s building permit.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Potentially Significant Unless Mitigation Incorporated. Past use of the property resulted in releases of PCBs and petroleum hydrocarbon fuels and lubricants into the environment. Additionally, asbestos-containing materials and lead-based paint were utilized at the site, the latter resulting in lead contamination of the soil. As a result of the findings in the TES report prepared in 2000, PG&E initiated a cleanup of the site in 2000 and 2001, which included removal and replacement of the upper two feet of soil on the southerly and westerly portions of
the property. A lead soil leachability evaluation was conducted by SECOR in January 2005, and concluded that little or no leaching was occurring in the non-remediated eastern portion of the property. Clearance investigations conducted by Kellco in 2004 reported that no asbestos, lead or PCBs remain in the interior of the structure. The Alameda County Health Care Services Agency issued a No Further Action Letter pertaining to the soils outside of the existing PG&E substation building to PG&E on May 12, 2005.

Building materials containing lead-based paint and asbestos-containing materials were used to construct the PG&E structure. If any of these materials remain as part of the PG&E structure, demolition of this building could potentially release airborne particles of hazardous materials that may affect construction workers or the public. An asbestos inspection for the possible presence of asbestos-containing materials (ACM) was not part of the scope of the Phase I ESA conducted by RGA in 2005. Although the clearance investigation conducted by Kellco in 2004 reported that no asbestos remains in the interior of the building, the investigation completed by TES in 2000 indicated that asbestos-containing paint was present on the exterior of the building. The 2005 RGA Phase I ESA reported that they were unable to verify that the exterior paint had been remediated to date. The No Further Action Letter from the Alameda County Health Care Services Agency states that the exterior walls of the building have been “scraped, cleaned and coated,” which suggests that any remaining lead-based paint or asbestos containing paint on the exterior walls has been stabilized.

The U.S. EPA and the Department of Toxic Substances Control (DTSC) require that lead-based paint with lead concentrations equal to or greater than the U.S. Department of Housing and Urban Development (HUD) definition of lead-based paints (greater or equal to 1 mg/cm² or 0.5 percent lead by weight) be removed prior to demolition if the paint is loose and peeling. If the paint is securely adhering to the substrate, the entire material may be disposed of as demolition debris, which is a non-hazardous waste. Loose and peeling paint must be disposed of as a State and/or federal hazardous waste, if the concentration of lead exceeds applicable waste thresholds. Hazardous wastes must be managed, labeled, transported, and disposed of in accordance with local requirements by trained workers, as described above. State and federal construction worker health and safety regulations require air monitoring and other protective measures during demolition or renovation activities where lead-based paint is present.

Removal of asbestos or suspect ACM, including removal as part of building demolition, is regulated by the U.S. EPA, federal and State Occupational Safety and Health Administration (OSHA), DTSC, and the BAAQMD. All friable (crushable by hand) ACM, or non-friable ACM subject to damage, must be abated prior to demolition in accordance with applicable requirements. Friable ACM must be disposed of as an asbestos waste at an approved facility. Non-friable ACM may be disposed of as a non-hazardous waste at landfills that accept such wastes. Workers conducting asbestos abatement must be trained in accordance with State and federal OSHA requirements.

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14 Ibid.
15 Ibid.
16 Ibid.
Fluorescent lighting tubes and ballast, computer displays, and several other common items containing hazardous materials are regulated as “universal wastes” by the State. Universal waste regulations allow common, low-hazard wastes to be managed under less stringent requirements than other hazardous wastes. Management of other hazardous wastes is governed by DTSC hazardous waste rules.

Mitigation Measures HAZ-2 and HAZ-3 would reduce impacts pertaining to universal wastes and to the release of airborne lead-based paint and ACM to a less than significant level.

**Mitigation Measure HAZ-2:** The project shall comply with the Bay Area Air Quality Management District (BAAQMD) Regulation 11, Rule 2: Hazardous Materials, Asbestos Demolition, Renovation, and Manufacturing, with the OSHA Standard 1926.6 related to lead abatement, and all other applicable State and federal requirements for the safe handling and disposal of lead-based paint, ACM, and universal wastes.

Prior to the demolition of the PG&E structure on the project site, lead-based paint and ACM surveys shall be performed for the exterior of the PG&E structure by a qualified environmental professional. If any lead-based paint or ACM is identified, it shall be abated and removed from the site in accordance with all applicable regulations, including OSHA requirements. The City shall verify that the surveys and abatement or removal, as necessary, have been completed prior to any grading or demolition activities on the project site.

**Mitigation Measure HAZ-3:** Prior to any grading or demolition activities on the project site, a Health and Safety Plan shall be prepared in accordance with State and federal laws and regulations with provisions to protect construction workers and the nearby public from health risks from any residual contaminants in site soils, groundwater, and/or the existing PG&E substation building during project construction. The Health and Safety Plan shall summarize previous environmental investigations and health risk assessments conducted for the project site and identify any known residual contamination that remains in soil or groundwater that would be disturbed or handled during construction.

The Health and Safety Plan shall also: 1) provide procedures to be undertaken in the event that previously unreported construction hazards or previously undetected subsurface hazards, including soil or groundwater contamination, are discovered during construction; 2) incorporate construction safety measures for excavation and other construction activities; 3) establish procedures for safe storage, stockpiling, use, and disposal of contaminated soils and groundwater and other hazardous materials at the project site; 4) provide emergency response procedures; and 5) designate personnel responsible for implementation of the Health and Safety Plan during the construction phase of the project. If regulatory oversight is required for site remediation, the Health and Safety Plan shall be subject to review and approval by regulatory oversight agencies. The City shall verify that the Health and Safety Plan has been completed prior to any grading or demolition activities on the project site.

Based on review of historic investigation and remediation reports provided by PG&E, oil, PCBs, lead, and volatile organic compounds (VOCs) were identified as potential contaminants of concern for the subsurface investigation (Phase II ESA) conducted by P&D in 2006. The
physical locations identified for investigation included soil conditions located beneath the
vaults inside the PG&E building, soil conditions beneath sanitary sewer pipes located outside of
the building, and groundwater quality in presumed upgradient and downgradient building
vicinity locations. Soil, groundwater, and soil gas samples were analyzed at McCampbell
Analytical, Inc. With one exception, the TPH-mo (total petroleum hydrocarbons as motor oil),
lead, PCB, and VOC concentrations detected at the site were below established Environmental
Screening Level (ESL) concentrations.\(^{17}\)

The TPH-mo concentrations encountered by P&D at sampling collection location T3, located
underneath Vault 4 in the southeast corner of the interior of the PG&E substation building,
suggest that the vertical extent of TPH-mo in soil with concentrations exceeding the TPH-mo
residential ESL of 500 mg/kg are limited to a depth of 3.5 feet or less.\(^{18}\) Earthwork activities in
this area have the potential to expose construction workers and or residents to motor oil
centations that exceed an established ESL concentration. Implementation of Mitigation
Measures HAZ-3 through HAZ-5 would reduce impacts to a less than significant level.

**Mitigation Measure HAZ-4:** Based on the results of the subsurface investigation and
P&D’s recommendation in their 2006 subsurface investigation report, the petroleum-
impacted soil at location T3 with concentrations exceeding residential ESL values shall
be removed by a qualified professional and disposed of according to all local, State, and
federal regulations prior to any earthwork activity on the project site. The City shall
verify that the soil has been remediated, as necessary, to the satisfaction of the Alameda
County Health Care Services Agency or other overseeing regulatory agencies prior to any
grading or demolition activities on the project site.

**Mitigation Measure HAZ-5:** In a letter sent to PG&E on December 19, 2006, the
Alameda County Health Care Services Agency stated that if remediation of petroleum-
impacted soil at location T3 is successful and no additional environmental areas of
concern are discovered during site demolition, they would be able to issue a No Further
Action Letter for unrestricted site use. The City shall be provided with the final No
Further Action Letter from the Alameda County Health Care Services Agency prior to
issuing the building permit for the project.

c) **Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or
waste within one-quarter mile of an existing or proposed school?**

**Potentially Significant Unless Mitigation Incorporated.** Beach Elementary School is located
approximately 0.25 mile northwest of the project site, and the Beach Playfield is located on the
other side of the Oakland Avenue bridge abutment adjacent to northwest project boundary. As
discussed above in responses VIII-a and VIII-b, project activities have the potential to release
hazardous materials, substances, or waste into the environment. However, with the
implementation of Mitigation Measures HAZ-1 through HAZ-5, impacts on the Beach
Elementary School and adjacent playfield would be less than significant.

\(^{18}\) Ibid.
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

**Less Than Significant Impact.** The project site is not located on the list of hazardous materials sites prepared pursuant to Government Code Section 65962.5. According to RGA, based on information contained in the environmental databases that were searched by during their preparation of the Phase I ESA, none of the listed hazardous release sites in the general vicinity of the project appear to have the potential to adversely affect the soil or groundwater at the project site, and none represent Recognized Environmental Conditions for the property as defined in the ASTM E-1590 Standard for Environmental Site Assessments. No further analysis of this issue is required.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

**No Impact.** The project site is not within 2 miles of a public airport or public use airport. Therefore, the project would not expose persons to a safety hazard related to airports. No further analysis of this issue is required.

f) For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

**No Impact.** As described above, the project site is not located in the vicinity of a public airport or private airstrip. This issue will not be discussed in the EIR. No further analysis of this issue is required.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

**No Impact.** The City’s emergency plan is formally known as the Multi-Hazard Functional Plan (MHFP). It deals with both wartime emergencies and peacetime emergencies, such as earthquakes, fires, floods, dam failure, major accidents, hazardous material spills, storms, epidemics, critical pollution, and civil disturbances. There are no designated evacuation routes in Piedmont. In the event of an emergency, the evacuation routes would be designated by the Police Chief and Public Works Director, based on the nature of the emergency and the direction of movement of the threat. Evacuation would generally use arterial streets such as Grand Avenue, Moraga Avenue, Oakland Avenue, and Park Boulevard.

The project is expected to generate approximately 41 new daily vehicle trips (see Section XV, Transportation/Traffic). The proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. No further analysis of this issue is required.


h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

**No Impact.** The project site is located in an urbanized portion of the City of Piedmont that does not include wildlands or high fire hazard terrain or vegetation. Therefore, the project would not expose people or structures to a significant risk of loss associated with wildland fires. Thus, no further analysis of this issue is required.
VIII. HYDROLOGY AND WATER QUALITY.

Would the project:

a) Violate any water quality standards or waste discharge requirements? ☐ ☐ ☒ ☐

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? ☐ ☐ ☒ ☐

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? ☐ ☐ ☒ ☐

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? ☐ ☐ ☒ ☐

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? ☐ ☐ ☒ ☐

f) Otherwise substantially degrade water quality? ☐ ☐ ☒ ☐

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? ☐ ☐ ☒ ☐

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? ☐ ☐ ☐ ☒

i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding of as a result of the failure of a levee or dam? ☐ ☐ ☐ ☒

j) Inundation by seiche, tsunami, or mudflow? ☐ ☐ ☐ ☒
Discussion

a) Violate any water quality standards or waste discharge requirements?

**Less Than Significant Impact.** The proposed project would involve grading activities that would result in the loosening of topsoil. The impact of wind and water on loosened topsoil could lead to surface erosion and subsequent degradation of downstream water quality. However, an Erosion Control Plan, included in the Construction Management Plan required by the City as a condition of approval, would be prepared prior to any ground disturbance activities to provide the details of the erosion control measures to be applied on the site during the construction period. (See Section VI-b, Geology and Soils). The Construction Management Plan would also include a Stormwater Management Plan with stormwater treatment BMPs that adhere to the Start at the Source Design Guideline Manual for Stormwater Quality Protection prepared by the Bay Area Stormwater Management Agencies Association (1999).

Additionally, wastewater generated at the project site would be served by the City’s existing sanitary sewer system. Project development would conform to all requirements of the Regional Water Quality Control Board, Uniform Building Code, and the City of Piedmont Municipal Code Chapter 30 (Storm Water Management and Discharge Control) and would not result in unpermitted discharges into the sanitary sewer and stormwater systems. Thus, the project would not violate any water quality or waste discharge standards. No further analysis of this specific issue is required.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?

**Less Than Significant Impact.** The project would not result in the construction of large areas of impervious surfaces that would prevent water from infiltrating into the groundwater, nor would it result in direct additions or withdrawals to existing groundwater. Approximately 55 percent of the project site is currently developed with the PG&E substation building and associated impervious areas. The project proposes seven townhouses and associated hardscape surfaces that would cover approximately 60 percent of the project site with impervious surfaces. The proposed project would not significantly alter groundwater infiltration on the site from current conditions. Therefore, project impacts to groundwater and groundwater recharge would be less than significant. No further analysis of this issue is required.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?

**Less Than Significant Impact.** The proposed project would change the drainage patterns on the project site. The Construction Management Plan that would be prepared for the project would include erosion control and stormwater treatment practices. All runoff associated with the proposed project would be either directed to landscaped areas and/or pre-manufactured
stormwater quality BMPs for infiltration and water quality purposes prior to being directed to the City’s storm drain system along Linda Avenue. As such, the alteration of the existing drainage pattern would not result in substantial erosion or siltation on- or off-site. Therefore, project impacts related to this issue would be less than significant, and no further analysis of this issue is required.

d) **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?**

**Less Than Significant Impact.** The project does not propose to alter the course of any stream or river. However, grading of the project site and construction of the townhouses and associated facilities could alter drainage patterns in a manner that could result in flooding onsite or offsite. In addition, construction and operation of the project would include impervious surfaces (i.e., driveways, building pads, and walkways), which could result in an increase in the amount of storm water runoff over existing levels. The City requires that a Stormwater Management Plan be prepared for the project prior to the issuance of a building permit. The Stormwater Management Plan would include site design practices and measures to promote infiltration of stormwater and reduce the amount of impervious surface that could lead to flooding on- or off-site.

The applicant would be required to submit a hydraulic analysis that estimates storm water runoff generated by the project. The City would confirm the ability of the local storm drain system to accommodate the flows from the project (and not back up during storm events and cause localized flooding of the storm drain system). Therefore, the project would not substantially alter the existing drainage patterns of the site or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site. Project impacts related to this issue would be less than significant, and no further analysis of this issue is required.

e) **Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?**

**Less Than Significant Impact.** Construction and operation of the proposed project would include impervious surfaces (i.e., driveways, building pads, and walkways), which could result in an increase in the amount of storm water runoff over existing levels. These pollutants may be released into the storm water runoff and degrade surface and ground water quality. The project would also have the potential to alter existing drainage patterns on the site which could result in an increase in erosion or siltation and an increase in non-point surface pollutants entering the waterways within the project area.

As described above, the project is required to prepare a Stormwater Management Plan and incorporate water quality and erosion control BMPs. Using the hydraulic analysis prepared for the project, the City would also confirm the ability of the local storm drain system to accommodate the flows from the project (and not back up during storm events and cause localized flooding of the storm drain system). Therefore, the project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Project impacts
related to this issue would be less than significant, and no further analysis of this issue is required.

f) **Otherwise substantially degrade water quality?**

**Less Than Significant Impact.** Implementation of the proposed project would not lead to a significant degradation of water quality. Please see the response to item VIII-a above.

As described in Responses VIII-a through VIII-e above, construction and operation of the proposed project has the potential to adversely impact water quality. However, BMPs would be incorporated into the project, as required by the City, to minimize the potential harmful effects on water quality of the proposed project.

g) **Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?**

**No Impact.** The project site is not located within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. Thus, no further analysis of this issue is required.

h) **Place within a 100-year flood hazard area structures which would impede or redirect flood flows?**

**No Impact.** See VIII-g above.

i) **Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding of as a result of the failure of a levee or dam?**

**No Impact.** No dams or levees are located in the project site area. Therefore, the project would not expose people or structures to a significant risk or loss, injury or death involving flooding, as a result of the failure of a levee or dam. No further analysis of this issue is required.

j) **Inundation by seiche, tsunami, or mudflow?**

**No Impact.** Seiches are standing waves created by seismically induced ground shaking (or volcanic eruptions or explosions) that occur in large, freestanding bodies of water. A tsunami is a series of waves that are caused by earthquakes that occur on the seafloor or in coastal areas. The project site is not located near the open water of the Pacific Ocean, and therefore, would not be subject to inundation by seiche or tsunami. The project area is relatively flat and does not contain any hillside terrain; therefore, there is no potential for the project site to be inundated by a mudflow. Thus, no further analysis of this issue is required.
IX. LAND USE AND PLANNING. Would the project:

a) Physically divide an established community? [ ] Potentially Significant Impact [ ] Potentially Significant Unless Mitigation Incorporated [ ] Less-than-significant Impact [ ] No Impact

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? [ ] Potentially Significant Impact [ ] Potentially Significant Unless Mitigation Incorporated [ ] Less-than-significant Impact [ ] No Impact

c) Conflict with any applicable habitat conservation plan or natural community conservation plan? [ ] Potentially Significant Impact [ ] Potentially Significant Unless Mitigation Incorporated [ ] Less-than-significant Impact [ ] No Impact

Discussion

a) Physically divide an established community?

No Impact. The project site is surrounded by areas that are developed with urban land uses. The proposed project would include the development of residential uses on a lot that is designated for development by the City’s General Plan (2009) and would not create a physical barrier within the community or otherwise divide contiguous land uses. Therefore, the proposed project would not physically divide an established community, and no further analysis of this issue is necessary.

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

No Less Than Significant Impact. The proposed project includes the construction of seven townhouses and associated infrastructure. The land use designation for the site was converted from Public/Quasi Public to Medium Density Residential with the City Council adoption of the updated City of Piedmont General Plan in April 2009. The Medium Density Residential designation allows an average density of between 8 and 20 dwelling units per acre. The density of the proposed project is approximately 17.5 units per acre.

The project is currently zoned as Zone C, Multiple Density Residential, which allows for single-family residences on a minimum lot size of 10,000 square feet or multi-family residences with up to seven dwelling units, at a density not to exceed one dwelling unit per each 2,000 square feet of lot area. With the exception of the variance that may be required for the property setback along Oakland Avenue, the proposed project is consistent with this zoning designation.
The project is compatible with the following goals and policies identified in the City’s General Plan (Land Use Element and Draft Housing Element):

**Policy 1.3: Harmonious Development**
Maintain planning and development review procedures which ensure that new development is harmonious with its surroundings and will not conflict with adjacent properties. New development and home alterations should be consistent with established standards for setbacks, height, and bulk, thereby conserving the low-density, pedestrian-friendly character of the city’s neighborhoods (City of Piedmont General Plan, Land Use Element, 2009).

**GOAL 1: New Housing Construction**
Provide a range of new housing options in Piedmont to meet the needs of all household types in the community (City of Piedmont General Plan, Draft Housing Element, 2009).

**Policy 1.2: Housing Diversity**
Continue to maintain planning, zoning and building regulations that accommodate the development of housing for all income levels (City of Piedmont General Plan, Draft Housing Element, 2009).

The City’s Design Review process and rigorous design review criteria contained in the Municipal Code and the City’s Residential Design Review Guidelines would ensure that the project would not result in a significant impact related to a conflict with plans or policies adopted for the purposes of avoiding or mitigating a significant environmental effect. No further analysis of this issue is required.

c) **Conflict with any applicable habitat conservation plan or natural community conservation plan?**

**No Impact.** The project site is not subject to a Habitat Conservation Plan, Natural Community Conservation Plan, or any other habitat plan. Therefore, development of the proposed project would not conflict with any habitat conversion plan. No further analysis of this issue is required.
X. MINERAL RESOURCES. Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?

Potential Impact

☐ Potentially Significant
☐ Potentially Significant Unless Mitigation Incorporated
☐ Less-than-significant
☐ No Impact

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

Potential Impact

☐ Potentially Significant
☐ Potentially Significant Unless Mitigation Incorporated
☐ Less-than-significant
☐ No Impact

Discussion of Impacts

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?

No Impact. There are no known mineral resources at or near the project site. Thus, the proposed project would not result in the loss or availability of a known mineral resource that would be of value to the region and the residents or the state. No further analysis of this issue is required.

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

No Impact. See Response X-a above.
XI. NOISE. Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

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

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

Setting

Fundamentals of Noise. Noise is usually defined as unwanted sound. Noise consists of any sound that may produce physiological or psychological damage and/or interfere with communication, work, rest, recreation, or sleep. Several noise measurement scales exist that are used to describe noise in a particular location.

Sound intensity is measured through the A-weighted scale to correct for the relative frequency response of the human ear. An A-weighted noise level de-emphasizes low and very high frequencies of sound similar to the human ear’s de-emphasis of these frequencies. Unlike linear units such as inches or pounds, decibels are measured on a logarithmic scale, representing points on a sharply rising curve. Table A shows representative outdoor and indoor A-weighted sound levels.

A decibel (dB) is a unit of measurement which indicates the relative intensity of a sound. The 0 point on the dB scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Changes of 3 dB or less are only perceptible in laboratory environments. Audible increases in noise levels generally refer to a change of 3 dB or more, as this level has been found to be barely perceptible to the human ear in outdoor environments. Sound levels in dB are calculated on a logarithmic basis. An increase of 10 dB represents a 10-fold increase in acoustic energy, while 20 dB
is 100 times more intense, 30 dB is 1,000 times more intense. Each 10-dB increase in sound level is perceived as approximately a doubling of loudness.

### Table A: Typical A-Weighted Sound Levels

<table>
<thead>
<tr>
<th>Noise Source</th>
<th>A-Weighted Sound Level in Decibels</th>
<th>Noise Environments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Near Jet Engine</td>
<td>140</td>
<td>Deafening</td>
</tr>
<tr>
<td>Civil Defense Siren</td>
<td>130</td>
<td>Threshold of pain</td>
</tr>
<tr>
<td>Hard Rock Band</td>
<td>120</td>
<td>Threshold of feeling</td>
</tr>
<tr>
<td>Accelerating Motorcycle at a Few Feet Away</td>
<td>110</td>
<td>Very loud</td>
</tr>
<tr>
<td>Pile Driver; Noisy Urban Street/Heavy City Traffic</td>
<td>100</td>
<td>Very loud</td>
</tr>
<tr>
<td>Ambulance Siren; Food Blender</td>
<td>95</td>
<td>Very loud</td>
</tr>
<tr>
<td>Garbage Disposal</td>
<td>90</td>
<td>Very loud</td>
</tr>
<tr>
<td>Freight Cars; Living Room Music</td>
<td>85</td>
<td>Loud</td>
</tr>
<tr>
<td>Pneumatic Drill; Vacuum Cleaner</td>
<td>80</td>
<td>Loud</td>
</tr>
<tr>
<td>Busy Restaurant</td>
<td>75</td>
<td>Moderately loud</td>
</tr>
<tr>
<td>Near Freeway Auto Traffic</td>
<td>70</td>
<td>Moderately loud</td>
</tr>
<tr>
<td>Average Office</td>
<td>60</td>
<td>Moderate</td>
</tr>
<tr>
<td>Suburban Street</td>
<td>55</td>
<td>Moderate</td>
</tr>
<tr>
<td>Light Traffic; Soft Radio Music in Apartment</td>
<td>50</td>
<td>Quiet</td>
</tr>
<tr>
<td>Large Transformer</td>
<td>45</td>
<td>Quiet</td>
</tr>
<tr>
<td>Average Residence Without Stereo Playing</td>
<td>40</td>
<td>Faint</td>
</tr>
<tr>
<td>Soft Whisper</td>
<td>30</td>
<td>Faint</td>
</tr>
<tr>
<td>Rustling Leaves</td>
<td>20</td>
<td>Very faint</td>
</tr>
<tr>
<td>Human Breathing</td>
<td>10</td>
<td>Very faint</td>
</tr>
</tbody>
</table>


As noise spreads from a source, it loses energy so that the farther away the noise receiver is from the noise source, the lower the perceived noise level would be. Geometric spreading causes the sound level to attenuate or be reduced, resulting in a 6 dB(A) reduction in the noise level for each doubling of distance from a single point source of noise to the noise sensitive receptor of concern.

There are many ways to rate noise for various time periods, but an appropriate rating of ambient noise affecting humans also accounts for the annoying effects of sound. The predominant rating scales for human communities in the State of California are the equivalent continuous sound level (L_{eq}), the community noise equivalent level (CNEL), and the day-night average level (L_{dn}) based on A-weighted decibels (dBA). L_{eq} is the total sound energy of time varying noise over a sample period. CNEL is the time varying noise over a 24-hour period, with a 5 dBA weighting factor applied to the hourly L_{eq} for noises occurring from 7:00 p.m. to 10:00 p.m. (defined as relaxation hours) and 10 dBA weighting factor applied to noise occurring from 10:00 p.m. to 7:00 a.m. (defined as sleeping hours). L_{dn} is similar to the CNEL scale, but without the adjustment for events occurring during the evening hours. CNEL and L_{dn} are within one dBA of each other and are normally exchangeable. The noise adjustments are added to the noise events occurring during the more sensitive hours.

Other noise rating scales of importance include the maximum noise level (L_{max}), which is the highest exponential time averaged sound level that occurs during a stated time period. The noise environments discussed in this analysis are specified in terms of maximum levels denoted by L_{max} for short-term noise impacts. L_{max} reflects peak operating conditions, and addresses the annoying aspects of intermittent noise.
Noise impacts can be described in three categories. The first is audible impacts that refer to increases in noise levels noticeable to humans. Audible increases in noise levels generally refer to a change of 3 dBA or greater, since, as described earlier, this level has been found to be barely perceptible in exterior environments. The second category, potentially audible, refers to a change in the noise level between 1 and 3 dBA. This range of noise levels has been found to be noticeable only in laboratory environments. The last category is changes in noise level of less than 1 dBA that are inaudible to the human ear. Only audible changes in existing ambient or background noise levels are considered potentially significant.

**Fundamentals of Groundborne Vibration.** Vibrating objects in contact with the ground radiate vibration waves through various soil and rock strata to the foundations of nearby buildings. When assessing annoyance from groundborne noise, vibration is typically expressed as root mean square (rms) velocity in units of decibels of 1 micro-inch per second. To distinguish vibration levels from noise levels, the unit is written as “VdB.” Human perception to vibration starts at levels as low as 67 VdB and sometimes lower. Annoyance due to vibration in residential settings starts at approximately 70 VdB. Groundborne vibration is almost never annoying to people who are outdoors. In extreme cases, excessive groundborne vibration has the potential to cause structural damage to buildings. The damage threshold for buildings considered of particular historical significance or that are particularly fragile structures is approximately 96 VdB; the damage threshold for other structures is 100 VdB. Common sources of groundborne vibration include trains and construction activities such as blasting, pile driving and operating heavy earthmoving equipment.

**Ambient Noise Conditions.** The City of Piedmont encompasses approximately 1.8 square miles and does not have any major freeways, airports, railways, or rapid transit systems within its boundaries. The major transportation facilities, Interstate 580, and State Highways 24 and 13 are outside of the City limits at a relative distance related to noise. Because of this, the studies of noise levels within the City have been directed at noise originating locally, within the City’s boundaries, or the adjacent areas in the City of Oakland. With the exception of Interstate 580, which affects some portions of the west end of the City of Piedmont, local vehicle traffic is the primary source of noise within the City. Exposure to noise in the City of Piedmont depends almost directly upon proximity to one of the local main traffic arterials, which include Grand Avenue, Highland Avenue, Moraga Avenue, Oakland Avenue, and Park Boulevard. Residences or locations facing these roads experience the greatest noise levels while the noise levels at only half a block away are significantly lower. The lower levels are due both to the normal loss in noise level with distance from the source, and the noise barrier provided by the first row of housing or buildings adjacent to these roads.

The project site is located adjacent to the Oakland Avenue viaduct and less than 0.1 mile from Grand Avenue. Noise level measurements conducted throughout the City in 2007 by Illingworth and Rodkin, Inc. for the City’s General Plan Update indicate that noise levels on Oakland Avenue near Linda Avenue are approximately 60 dBA $L_{dn}$ 24 Figure 6.4 in the General Plan shows the project site located between a 60 dBA $L_{dn}$ and 70 dBA $L_{dn}$ noise contour.

23 Ibid.
24 Ibid.
Discussion of Impacts

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Potentially Significant Unless Mitigation Incorporated. The proposed project involves construction of seven townhouses. This land use would not generate high ambient noise levels. As described in Section XV, Transportation/Traffic, the proposed project is not anticipated to generate a significant increase in the number of car trips to/from the project site. Thus, changes to ambient noise levels along local streets leading to the site are not expected. Section 5.2.20 of the City’s Municipal Code (Building Code) requires that mechanically generated noise from stationary equipment on the site (e.g., air conditioning units) not exceed 50 dBA beyond property perimeters. The project would be required to adhere to this City requirement. Therefore, no substantial long-term increase in ambient noise levels is expected as a result of project implementation.

Construction of the proposed project would require excavation and earthwork activities that could generate noise levels that exceed established thresholds. In addition, construction of the project would require boring for foundation piers. Demolition and construction activities associated with the proposed project, particularly the use of heavy machinery, could generate temporary ground borne vibration or ground borne noise levels. Pile driving can generate noise levels above 90 dBA L_{max}. Noise associated with pile driving is a very loud and impulsive sound, resulting from a large hammer that drops on steel or reinforced concrete piles. Individual noise impacts are of short duration (under one second), but the noise is repetitive, occurring about once every two seconds. Pile driving also generates ground borne vibration that can be perceptible at a distance of 100 feet. Pile driving activities also have the potential to damage buildings near the project site. Maximum ground-borne vibration levels associated with potential pile driving within the site could range from approximately 104 VdB for structures 25 feet away and approximately 90 VdB for structures 75 feet away.25 As noted in the setting discussion above, the damage threshold for buildings considered of particular historical significance or that are particularly fragile structures is approximately 96 VdB; the damage threshold for other structures is 100 VdB.26 None of the existing structures located off site and within 90 feet of project potential pile driving locations are considered fragile structures or structures of historical significance.

Although these activities could result in infrequent periods of high noise, this noise would not be sustained and would occur only during the temporary construction period. Short-term noise levels would be reduced to a less than significant level with the implementation of Mitigation Measures NOISE-1 and NOISE-2, described below.

Mitigation Measure NOISE-1: The project shall comply with the following noise reduction measures:

26 Harris, C.M. 1998. Handbook of Acoustical Measurements and Noise Control.
• As required in Section 12.8 of the City Code, operating or causing the operation of any tools or equipment used in construction, drilling, repair, alteration or demolition activities shall not only may occur between the hours of 6:00 p.m. and 8:00 a.m. to 6:00 p.m. each day, Sunday evening through Saturday morning weekdays and Saturdays, and between the hours of 6:00 p.m. and 9:00 a.m. Saturday evening through 5:00 p.m. Sundays.

• All heavy construction equipment used on the project site shall be maintained in good operating condition, with all internal combustion, engine-driven equipment fitted with intake and exhaust mufflers that are in good condition.

• All stationary noise-generating equipment shall be located as far away as possible from neighboring property lines.

• Post signs prohibiting unnecessary idling of internal combustion engines.

• The construction manager shall identify and designate a “noise disturbance coordinator” who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints and institute reasonable measures warranted to correct the problem. The noise disturbance coordinator shall report all complaints and resolution thereof to the City via monthly reports. A telephone number for the disturbance coordinator shall be posted conspicuously at the construction site.

Mitigation Measure NOISE-2: The project shall comply with the following measures to address ground borne vibration and noise:

• In the event that pile driving would be required within the project area, all residents within 200 feet of the project site shall be notified of the schedule for its use a minimum of one week prior to its commencement.

• In the event that pile driving would be required within the project area, the contractor shall implement “quiet” pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration, or the use of portable acoustical barriers) where feasible, in consideration of geotechnical and structural requirements and conditions.

The project includes development of noise-sensitive, residential land uses adjacent to Oakland Avenue, a main traffic arterial. The State of California has established regulations that help prevent adverse impacts to occupants of buildings located near noise sources. Referred to as the “State Noise Insulation Standard,” it requires buildings to meet performance standards through design and/or building materials that would offset any noise source in the vicinity of the receptor. These requirements are found in the California Code of Regulations, Title 24 (known as the Building Standards Administrative Code), Part 2 (known as the California Building Code), Appendix Chapters 12 and 12A. For limiting noise transmitted between adjacent dwelling units, the noise insulation standards specify the extent to which walls, doors, and floor ceiling assemblies must block or absorb sound. For limiting noise from exterior noise sources, the noise insulation standards set an interior standard of 45 dBA community noise equivalent level (CNEL) in any habitable room with all doors and windows closed.
Noise level measurements conducted throughout the City in 2007 by Illingworth and Rodkin, Inc. for the City’s General Plan Update indicate that noise levels on Oakland Avenue near Linda Avenue are approximately 60 dBA L_{dn}.\textsuperscript{27} Figure 6.4 in the General Plan shows the project site located between a 60 dBA L_{dn} and 70 dBA L_{dn} noise contour.

Based on the EPA’s Protective Noise Levels (EPA 550/9-79-100, November 1978), with a combination of walls, doors, and windows, standard construction for northern California residential buildings would provide more than 25 dBA in exterior to interior noise reduction with windows closed and 15 dBA or more with windows open. Therefore, with standard residential building construction, noise in the interior of the townhouses, attributable to the traffic along Oakland Avenue and Linda Avenue, would be reduced to a less than significant level. No further analysis of this issue is required.

b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?

**Potentially Significant Unless Mitigation Incorporated.** Construction of the project would require boring for foundation piers. This activity is not expected to generate excessive ground borne vibration or noise due to its short duration, limited scope, and the implementation of Mitigation Measures NOISE-1 and NOISE-2, listed above. No further analysis of this issue is required.

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

**Less Than Significant Impact.** The long-term use of the project would be residential, which is consistent with neighboring land uses. The proposed land use of seven townhouses would not generate high ambient noise levels or result in a significant increase in vehicle noise in the project area. Future occupants would be required to comply with the applicable requirements of the City’s noise ordinance. Additionally, Section 5.2.20 of the City’s Municipal Code (Building Code) requires that mechanically generated noise from stationary equipment on the site (e.g., air conditioning units) not exceed 50 dBA beyond property perimeters. The project would be required to adhere to this City requirement. Therefore, no long-term increase in ambient noise levels is expected as a result of project implementation. No further analysis of this issue is required.

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

**Potentially Significant Unless Mitigation Incorporated.** See Response XI-a above. No further analysis of this issue is required.

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

\textsuperscript{27} Ibid.
No Impact. The project site is not located within an airport land use plan or within 2 miles of an airport. Therefore, implementation of the proposed project would not expose persons within the project site to high levels of airport-related noise. No further analysis of this issue is required.

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The proposed project is not located within the vicinity of a private airstrip. Therefore, implementation of the proposed project would not expose site visitors to high levels of airstrip-related noise. No further analysis of this issue is required.
XII. POPULATION AND HOUSING. Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

Discussion

a) *Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?*

**No Impact.** The proposed project would develop the site with seven residential units. At the time of the 2000 U.S. Census, the City of Piedmont had an average household population of 2.88. The proposed project would increase the net population of the site by approximately 20.16 persons (7 x 2.88 = 20.16). The projected additional 20 residents represent less than 0.5% of the City’s existing population, which was 10,952 in 2000 according to the U.S. Census. Thus, project impacts related to population growth would be less than significant. No further analysis of this issue is required.

b) *Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*

**No Impact.** There are no existing housing units on the project site. Therefore, the proposed project would not displace substantial numbers of existing housing, and no further discussion of this issue is required.

c) *Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?*

**No Impact.** See Response XII-b above.
XIII. PUBLIC SERVICES.

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

<table>
<thead>
<tr>
<th>Service</th>
<th>Potentially Significant Impact</th>
<th>Potentially Significant Unless Mitigation Incorporated</th>
<th>Less-than-significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire protection?</td>
<td>✑</td>
<td>✑</td>
<td>✐</td>
<td>✑</td>
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<tr>
<td>Police protection?</td>
<td>✑</td>
<td>✑</td>
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<td>Schools?</td>
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<td>Parks?</td>
<td>✑</td>
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<tr>
<td>Other public facilities?</td>
<td>✑</td>
<td>✑</td>
<td>✐</td>
<td>✑</td>
</tr>
</tbody>
</table>

Setting

The proposed project would be located in an area that is already served by public service systems, as described below.

**Police Protection.** Law enforcement services for the project would be provided by the City of Piedmont Police Department. The Piedmont Police Department employs 20 sworn personnel (the police chief, two captains, four sergeants and thirteen patrol officers), 8 non-sworn personnel (five dispatchers, two animal control officers and one administrative assistant). The department also has specially trained canines who perform patrol services, searches and provide back-up for their officers. The City Police Department is located at 403 Highland Avenue.

**Fire Protection.** The City of Piedmont Fire Department provides fire prevention and protection and emergency medical services to Piedmont citizens. The Fire Department consists of eight personnel per day in addition to the fire chief and responds to approximately 1,100 calls for service each year. The City Fire Department is located at 120 Vista Avenue.

**Schools.** The Piedmont Unified School District (PUSD) serves approximately 2,600 students within the City of Piedmont. The PUSD consists of six school sites: three elementary schools (Wildwood Elementary School, Beach Elementary School, and Havens Elementary School); one middle school (Piedmont Middle School), one traditional high school (Piedmont High School), and one alternative high school (Millennium High School). The district also includes an adult school that shares space with the district schools for evening and weekend classes.
Beach Elementary School is located at 100 Lake Avenue, approximately 0.20 mile northwest of the project site. The school served 285 students in the 2007-08 school year.

Parks. There are various kinds of parks located in Oakland and Piedmont that are utilized by Piedmont residents, including regional, community, and neighborhood parks that cater to particular activities. Within the 1.8 square miles comprising the City, there are approximately 60 acres of parks and playgrounds that are operated by the City of Piedmont, the Piedmont Unified School District, and the City of Oakland. In the project area, Linda Park is a linear strip park located north of Oakland Avenue that serves as a pathway for jogging, walking, and similar activities. Beach Playfield is located immediately northwest of the project site on the other side of the Oakland Avenue viaduct and consists of two play areas, a large grass field, and two tennis courts.

Discussion

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection, police protection, schools, parks, other public facilities?

Less Than Significant Impact. As described in the Population and Housing section above, the proposed project would not result in substantial growth in the area that would require additional fire protection or emergency medical services. The proposed project would be designed to meet City fire department standards and would not adversely impact the City’s ability to provide fire protection and emergency response services. The City’s fire marshal confirmed that the fire department would be able to provide fire protection and emergency response services to the project site. The fire department has also been engaged in the design review process and continues to review and comment on the project design plans.

The Piedmont Police Department would provide law enforcement services for the proposed project. Construction of the additional seven townhouses would not require additional law enforcement personnel or equipment.

The project would result in a slight increase in demand for school or related services in the area. The Piedmont Unified School District (PUSD) confirmed that a potential increase in enrollment as a result of project implementation could be accommodated.

Implementation of the proposed project would result in a slight increase in the demand for existing park facilities, but it is not expected to require the development of new park facilities.

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The project would not result in substantial adverse physical impacts associated with the provision of public service. Therefore, public services will not be addressed in the EIR. No further analysis of this issue is required.
XIV. RECREATION.

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

Less Than Significant Impact. No new parks or expansion of any existing recreation facilities are proposed as part of the proposed project. The proposed project, with seven townhouses, would not result in substantial population growth. The increased use of existing neighborhood and regional parks or other recreational facilities as a result of the proposed project would not be such that substantial physical deterioration of these facilities would occur or be accelerated. Therefore, the proposed project would not significantly increase demand on existing neighborhood and regional parks or other recreation facilities or related services in the area. No further analysis of this issue is required.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Setting

There are various kinds of parks located in Oakland and Piedmont that are utilized by Piedmont residents, including regional, community, and neighborhood parks that cater to particular activities. Within the 1.8 square miles comprising the City, there are approximately 60 acres of parks and playgrounds that are operated by the City of Piedmont, the Piedmont Unified School District, and the City of Oakland. In the project area, Linda Park is a linear strip park located north of Oakland Avenue that serves as a pathway for jogging, walking, and similar activities. Beach Playfield is located immediately northwest of the project site on the other side of the Oakland Avenue viaduct and consists of two play areas, a large grass field, and two tennis courts.

Discussion

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Less Than Significant Impact. The proposed project does not include construction of recreational facilities nor require the construction or expansion of recreational facilities. No further analysis of this issue is required.
XV. TRANSPORTATION/TRAFFIC. Would the project:

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

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

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

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

e) Result in inadequate emergency access?

f) Result in inadequate parking capacity?

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

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Setting

The project site is located at 408 Linda Avenue approximately 300 feet northwest of the intersection of Grand Avenue and Linda Avenue. The site is bound on the south and west by Linda Avenue, on the north by Oakland Avenue, on the northeast by a three-story apartment complex, and on the east by a single-family residence (420 Linda Avenue). Oakland Avenue, a main traffic arterial within the City, crosses Linda Avenue via a viaduct approximately 40 feet above the ground. The bridge abutments are located immediately adjacent to the northwest boundary of the site.

Oakland Avenue and Grand Avenue are identified as arterial roadways within the City and each carry more than 8,000 vehicles per day.30 Linda Avenue is a major collector that links Grand Avenue to the Piedmont Avenue shopping district in Oakland. The portion of Linda Avenue located between Grand Avenue and Oakland Avenue, where the project site is located, was measured to have approximately

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3,500 daily traffic counts in 2007, which demonstrates a decline in traffic on this roadway segment from 1994 by approximately 8 percent.

**Discussion**

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

**Less Than Significant Impact.** Implementation of the proposed project would create new vehicle trips traveling to and from the project site. However, the addition of seven new townhouses would not add a significant number of vehicle trips to the surrounding roadway system. Using equations and average rates contained in the Institute of Transportation Engineers (ITE), Trip Generation, 7th Edition, the project is expected to generate approximately 41 new daily vehicle trips (approximately half being inbound trips and half being outbound trips), with approximately three a.m. peak hour trips and four p.m. peak hour trips. The project would not result in an appreciable increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system. This impact is considered less than significant, and no further analysis of this issue is required.

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

**Less Than Significant Impact.** Linda Avenue is classified as a Major Collector which, according to the Piedmont General Plan Transportation Element (2009), is a two-lane roadway with a parking lane or a four-lane roadway with or without a parking lane. According to the General Plan, a Major Collector has a capacity of approximately 8,000 daily trips. Based on 2007 traffic counts included in the City’s General Plan (2009), the existing daily traffic volume on Linda Avenue between Grand Avenue and Oakland Avenue is approximately 3,508 vehicles. A daily volume of 3,508 vehicles is approximately 44 percent of the total daily capacity of the roadway. When the traffic volume is less than 60 percent of the capacity of a roadway, as is the case with Linda Avenue, then a roadway is considered to be operating at Level of Service (LOS) A. As discussed previously, the addition of 41 daily, three a.m. and four p.m. peak hour trips would not add an appreciable number of trips to the roadway and would not cause a change in the level of service. Implementation of the project would not cause the roadway to exceed any level of service standard. This impact is considered less than significant and no further analysis is required.

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31 Institute of Transportation Engineers (ITE), Trip Generation, 7th Edition (2003) -- Residential Condominium/Townhouse Rates, Code 230: Daily – 5.86/Dwelling Unit (DU)/50% inbound, 50% outbound; AM Peak – 0.44/DU; PM Peak – 0.52/DU.


33 Traffic operations are typically quantified through the determination of “Level of Service” (LOS). Level of Service is a qualitative measure of traffic operating conditions, whereby a letter grade is assigned to an intersection or roadway segment, representing progressively worsening traffic operations. LOS ranges from LOS A (indicating free-flow traffic conditions with little or no delay) to LOS F (representing oversaturated conditions in which traffic flows exceed design capacity, resulting in long queues and delays).
c) **Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?**

   **No Impact.** The project site is not located in the vicinity of a public airport or private airstrip. The proposed project would not affect air traffic patterns since the project would not intrude into air space. No further analysis of this issue is required.

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

   **Less Than Significant Impact.** Vehicular access to the project would be from a single 12-foot-wide gated and covered driveway at Linda Avenue. In the existing condition, there are residential driveways on each side of Linda Avenue that provide access to each residence. Without proper design, the project could result in traffic hazards. However, the proposed driveway is required to comply with City engineering and/or design standards that are verified through the City’s design review process, and would not be incompatible with the existing conditions on Linda Avenue. In addition, the City of Piedmont Fire Department has also been engaged in the design review process and continues to review and comment on the project design plans to ensure that emergency access requirements are met. As a result, no new significant hazards would be introduced as a result of the proposed project driveway. This impact is less than significant. No further analysis of this issue is required.

   **e) Result in inadequate emergency access?**

   **Less Than Significant Impact.** The proposed project would include an ingress/egress driveway off of Linda Avenue that would be designed to accommodate emergency access vehicles. This access route is being designed to meet City of Piedmont Fire Department standards and would not adversely impact the City’s ability to provide fire protection and emergency response services. Adequate emergency access would also be ensured through the City’s design review process. This impact is less than significant. No further analysis of this issue is required.

   **f) Result in inadequate parking capacity?**

   **No Impact.** The Piedmont City Code requires that, for Zone C developments, there shall be a minimum of two covered nontandem parking spaces per dwelling unit on the lot, each of which must be located outside the front setback area. The proposed project would supply, at a minimum, two covered parking spaces for each townhouse. Therefore, the proposed project would provide the required parking per City code and would not result in inadequate parking capacity.

   Traffic and pedestrian safety improvements have recently been implemented by the City on Linda Avenue at the Beach Playfield and Beach Elementary School, located to the northwest of the project site. Specifically, the existing drop off/pick up zone in front of the school has been expanded, a mid-block crosswalk has been created on Linda Avenue north of the Oakland Avenue viaduct, and the 25 mph speed limit adjacent to the school has been reduced to 15 mph. As a result of these improvements, the number of on-street parking spaces has been reduced on Linda Avenue between Oakland Avenue and Lake Avenue. Existing on-street parking along
Linda Avenue in front of the project site between Oakland Avenue and Grand Avenue has not been affected. However, based on public comments received during the NOP comment period, neighborhood residents feel that other recent nearby development projects, such as the expansion of the Kehilla Synagogue have increased the demand for on-street parking in the vicinity of the project site.

It should be noted that lack of parking, in and of itself, is not considered a significant impact for the purposes of CEQA unless it results in significant impacts in other areas, such as air quality impacts or traffic congestion resulting from vehicles searching for parking. In the court case known as San Franciscans Upholding the Downtown Plan v. City and County of San Francisco, 102 Cal.App.4th 656 (2002), the court ruled that the loss of parking is not in and of itself a physical environmental impact: “...there is no statutory or case authority requiring an EIR to identify specific measures to provide additional parking spaces in order to meet an anticipated shortfall in parking availability. The social inconvenience of having to hunt for scarce parking spaces is not an environmental impact; the secondary effect of scarce parking on traffic and air quality is.”

The project is consistent with the parking requirements specified by the City Code. However, on-street parking on Linda Avenue or adjacent streets may be utilized by the townhouse residents and visitors on occasions when the on-site parking is fully occupied. Although the safety improvements associated with the Beach Playfield and Elementary School have reduced available on-street parking in the project vicinity, secondary environmental effects, such as significantly increased traffic or air pollution, are not anticipated due to the fact that the project would provide the number of parking spaces required by City Code. Furthermore, the small scale of the project (i.e., seven townhouse units), the projected level of service on Linda Avenue with the implementation of the project (see responses XV-a and XV-b above), and the availability of on-street residential parking zones on neighboring streets such as Grand Avenue, Oakland Avenue, and Howard Avenue would mitigate any occasional overflow of parking beyond the project site.

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

Less Than Significant Impact. Alameda County Transit (AC Transit) operates the Line 12 bus route along Linda Avenue in the project area. The proposed project would not adversely impact the operation of this route. Pedestrian access would be enhanced with the addition of a new pathway along the northern project boundary and two pedestrian access points into the side and rear portions of the development. The project would not result in a significant increase in vehicle trips within the project area that would impact alternative transportation methods. The proposed project would not conflict with adopted policies supporting alternative transportation. No further analysis of this issue is required.
XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? ☐ ☐ ☒ ☐

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? ☐ ☐ ☒ ☐

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? ☐ ☐ ☒ ☐

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? ☐ ☐ ☒ ☐

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments? ☐ ☐ ☒ ☐

f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs? ☐ ☐ ☒ ☐

g) Comply with federal, State, and local statutes and regulations related to solid waste? ☐ ☐ ☒ ☐

Setting

Utilities and service systems for the project site are described below.

Water Supply. The East Bay Municipal Utility District (EBMUD) owns and maintains the water distribution system in the City of Piedmont. EBMUD supplies water and provides wastewater treatment for parts of Alameda and Contra Costa counties. Approximately 1.3 million people are served by the EBMUD’s water system in a 331-square-mile area extending from Crockett on the north, southward to San Lorenzo (encompassing the major cities of Oakland and Berkeley), eastward from San Francisco Bay to Walnut Creek, and south through the San Ramon Valley. The City of Piedmont is supplied through a distribution system consisting of 6-inch to 8-inch diameter steel pipes which are underground and generally in the street right-of-ways.

Wastewater Collection and Treatment. The City of Piedmont owns and maintains the sewage collection system. The treatment is contracted with EBMUD. The regional treatment plant is located in West Oakland with ultimate disposal to San Francisco Bay. The wastewater system serves
approximately 642,000 people in an 88-square-mile area of Alameda and Contra Costa counties along the Bay’s east shore, extending from Richmond on the north, southward to San Leandro. The sewage treatment plant capacity was designed and constructed for population and employment growth well above current levels. Portions of the City’s 47-mile sewage collection system have been or are scheduled for replacement in the near-term.

**Storm Sewer System.** The storm sewer system is owned and maintained by the City of Piedmont. The storm sewer system relies on natural drainage courses to connect various sections. Streets (curbs and gutters) also function as part of the drainage system.

**Natural Gas and Electricity.** PG&E is the supplier of natural gas and electricity to the City of Piedmont under a franchise agreement with the City. The City is supplied with natural gas through a loop network of underground lines, which are normally in the street right-of-way. The lines vary in size from 2 inches to 10 inches. PG&E installs and maintains the electrical transmission lines and subsequent distribution lines throughout the City.

**Solid Waste Disposal and Recycling.** Richmond Sanitary Services/Republic Services, Inc. is the City’s provider of garbage, green waste and recycling services, including e-waste. Richmond Sanitary Services/Republic Services, Inc. maintains a transfer station in the City of Richmond that accepts recyclable and non-recyclable waste where it is sorted and forwarded for treatment or disposal as appropriate. Non-recyclable trash is hauled to the Potrero Hills Landfill near Suisun City. On January 1, 2008, the City of Piedmont approved a new Garbage, Recycling and Green Waste contract with Republic Services Inc., which requires that the hauler divert a minimum of 65 percent of the materials they handle from the landfill. In May 2008, the City Council adopted a goal of 75 percent reduction of waste going to landfills by 2010 in accordance with the Alameda County 75 percent waste reduction goal.

For the proposed project, each townhouse would be separately metered for gas, electric and water. In addition, it is anticipated that there will be a separate electrical meter and water meter for the common area. Utilities would be undergrounded. Water meters would be embedded in the sidewalk. Space for ganged electric and gas meters would be incorporated along the driveway on the street side of the gate.

**Discussion**

a) *Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?*

**Less Than Significant Impact.** The implementation of the proposed project would not lead to an exceedance of wastewater treatment requirements of the applicable Regional Water Quality Control Board. As described in Section VIII, Hydrology, the City would require that the project applicant prepare a Stormwater Management Plan and incorporate water quality and erosion control BMPs.

b) *Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*
**Less Than Significant Impact.** The proposed project would not result in the construction of new water or wastewater treatment facilities or expansion of existing facilities. The amount of additional water demand and wastewater generation would be proportionally small and would not exceed the capacity of existing facilities. This impact is considered less than significant, and no further analysis of this issue is required.

c) *Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?*

**Less Than Significant Impact.** Approximately 55 percent of the project site is currently developed with the PG&E substation building and associated impervious areas. Construction and operation of the project would include impervious surfaces (i.e., driveways, building pads, and walkways), which could result in an increase in the amount of storm water runoff over existing levels. The project proposes seven townhouses and associated hardscape surfaces that would cover approximately 60 percent of the project site with impervious surfaces. The project would result in a slight increase in impervious surface area over the existing condition.

The City requires that a Stormwater Management Plan be prepared for the project prior to the issuance of a building permit. The Stormwater Management Plan would include site design practices and measures to promote infiltration of stormwater and reduce the amount of impervious surface that could lead to flooding on- or off-site. The project would not require the construction of new or expansion of existing drainage facilities. Project impacts related to this issue would be less than significant, and no further analysis of this issue is required.

d) *Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?*

**Less Than Significant Impact.** The proposed project would be located on a suburban infill site that is already served by public service systems. The proposed project would include seven new residences on the project site. The proposed project would not significantly increase demand on existing water entitlements. No new or expanded water entitlements are needed. As part of the building permit review process, all departments and agencies responsible for providing services would be consulted to determine their ability to provide services to proposed development projects. This impact is considered less than significant, and no further analysis of this issue is required.

e) *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments?*

**Less Than Significant Impact.** The projected wastewater generation resulting from implementation of the proposed project would be proportionally small and would not exceed the current capacity of existing facilities. As part of the building permit review process, all departments and agencies responsible for providing services would be consulted to determine their ability to provide services to proposed development projects. This impact is considered less than significant, and no further analysis of this issue is required.
f) **Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?**

**Less Than Significant Impact.** The proposed project is not expected to generate substantial amounts of solid waste. On January 1, 2008, the City of Piedmont approved a new Garbage, Recycling and Green Waste contract with Republic Services Inc., which requires that the hauler divert a minimum of 65 percent of the materials they handle from the landfill. In May 2008, the City Council adopted a goal of 75 percent reduction of waste going to landfills by 2010 in accordance with the Alameda County 75 percent waste reduction goal. The project would also be subject to a standard condition of approval requiring submittal of a construction and demolition recycling plan. Therefore, solid waste impacts are considered less than significant, and no further analysis of this issue is required.

g) **Comply with federal, State, and local statutes and regulations related to solid waste?**

**Less Than Significant Impact.** Recycling receptacles would be provided within the common area of the project site, in accordance with all statutes and regulations related to solid waste. This impact is considered less than significant, and no further analysis of this issue is required.
XVII. MANDATORY FINDINGS OF SIGNIFICANCE.

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?


b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)


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


Discussion

a-c. As discussed in Section IV, Biological Resources, the project would not substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or reduce the number or restrict the range of a rare or endangered plant or animal. The potential for the project to eliminate important examples of the major periods of California history or prehistory is potentially significant and will be discussed in the EIR. In addition, the EIR will discuss the following required CEQA sections: growth inducement, significant irreversible environmental changes, cumulative impacts, significant unavoidable impacts, effects found not to be significant, and alternatives to the project.

With the mitigation measures included in this Initial Study, the project would not cause substantial adverse effects on human beings, either directly or indirectly.
REFERENCES


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