

**43-47 BELLEVUE AVENUE PROJECT
CATEGORICAL EXEMPTION**

PIEDMONT, CALIFORNIA

LSA

January 2022

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CATEGORICAL EXEMPTION**

PIEDMONT, CALIFORNIA

Submitted to:

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Project No. CPI2201



January 2022

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LIST OF ABBREVIATIONS AND ACRONYMS

APNs	Assessor's Parcel Numbers
BAAQMD	Bay Area Air Quality Management District's
BMPs	Best Management Practices
CA/T	Central Artery/Tunnel
CCR	California Code of Regulations
CEQA	California Environmental Quality Act
City	City of Piedmont
CNDDB	California Natural Diversity Database
EBMUD	East Bay Municipal Utility District
I-580	Interstate 580
L_{max}	maximum noise levels
mgd	million gallons per day
MRP	Municipal Regional Permit
NPDES	National Pollutant Discharge Elimination System
PFD	Piedmont Fire Department
PPD	Piedmont Police Department
proposed project	43-47 Bellevue Project
RWQCB	Regional Water Quality Control Board's
SMARTS	Stormwater Multiple Application and Report Tracking System
SR-13	State Route 13
State Water Board	California State Water Resources Control Board
SWPPP	Stormwater Pollution Prevention Plan

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1.0 INTRODUCTION

Article 19 of the California Environmental Quality Act (CEQA) Guidelines includes, as required by Public Resources Code Section 21084, a list of classes of projects which have been determined not to have a significant effect on the environment and, as a result, are exempt from review under CEQA. This document has been prepared to serve as the basis for compliance with CEQA as it pertains to the 43-47 Bellevue Avenue Project (proposed project). This document demonstrates that the proposed project qualifies for a CEQA Exemption as an Infill Development Project (Class 32), consistent with the provisions of CEQA Guidelines Sections 15332 and 15300.2 and provides information for City of Piedmont decision-makers regarding a finding that the proposed project is exempt under CEQA.

In summary, this document demonstrates that the proposed project qualifies for an exemption under CEQA Guidelines Section 15332 as an infill development project because: 1) the proposed project is consistent with the applicable General Plan designation and all applicable General Plan policies, as well as the applicable Zoning designations and regulations; 2) the proposed project would occur within the city limits on a site of less than 5 acres in size that is substantially surrounded by urban uses; 3) the project site has no value for endangered, rare or threatened species; 4) the proposed project would not result in any significant effects related to traffic, noise, air quality, or water quality; and 5) the project site can be adequately served by all required utilities and public services. In addition, none of the exceptions to categorical exemptions identified in CEQA Guidelines Section 15300.2 apply; therefore, the proposed project is categorically exempt from CEQA review as a Class 32 In-Fill Development Project pursuant to CEQA Guidelines Sections 15300 and 15332.

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2.0 PROJECT DESCRIPTION

The following describes the proposed 43-47 Bellevue Project (proposed project). This section includes a description of the project's location and existing site characteristics, project components, required approvals, and entitlements. The City of Piedmont (City) is the lead agency for review of the project under the California Environmental Quality Act (CEQA).

2.1 PROJECT SITE

The following section describes the location and characteristics of the project site and provides a brief overview of the existing land uses within and in the vicinity of the site.

2.1.1 Location

The approximately 1.21-acre (53,036-square-foot) project site is located at 43 and 47 Bellevue Avenue in the City of Piedmont in Alameda County (Assessor's Parcel Numbers [APNs] 51-4701-45 and 51-4701-46-3). The project site is bounded by residential uses to the north, south, and west, and Bellevue Avenue to the east, across which are additional single-family residential uses.

Regional vehicular access to the project site is provided State Route 13 (SR-13), an on- and off-ramp for which is located along Mountain Boulevard approximately 2 miles to the east. Figure 2-1 shows the site's regional and local context. Figure 2-2 is an aerial photograph of the project site and surrounding land uses.

2.1.2 Regulatory Setting

The City of Piedmont General Plan Land Use Map designates the project site as Estate Residential. The Estate Residential land use category designates areas suitable for large homes developed at densities of one or two units per gross acre. Single-family homes and related accessory structures (including second units) are permitted.¹

The project site is designated as Zone E – Estate Residential on the City of Piedmont Zoning Map. The intent of the Zone E district was to provide for estate residential homes, which tend to be larger lots. The purposes of Zone A – Single-Family Residential also apply to Zone E, which include preserving, protecting, and enhancing Piedmont's residential character and achieving design compatibility between additions, remodeling, and other new construction, among others.

2.1.3 Existing Site Conditions

As shown in Figure 2-3, the triangular project site is currently developed with an existing single-family residence in the northern corner. A tennis court and two small buildings were previously located in the southeast corner, but were removed as part of a previously approved action. An existing patio and retaining wall separates the existing residence, where the site is generally level, from the southern half of the site, which slopes sharply downward towards the southern boundary. The lowest portion of the project site is the southeast corner, which is approximately 70 feet in

¹ Piedmont, City of. 2009. *City of Piedmont General Plan*. April 6.

elevation below the highest portion of the project site located in the northern corner. Similar slopes on the project site exist along the southern and eastern boundaries of the site, with the high points generally located along the site's frontage with Bellevue Avenue. An existing driveway located near the center of the site along the eastern boundary provides vehicular access to the project site from Bellevue Avenue. A non-contiguous 5-foot public sanitary sewer easement is located in the southern corner and along the southern and eastern boundaries of the project site.

In addition to the buildings, patio, and retaining wall noted above, various pathways, stairs, and walls are present throughout the project site. A metal storage tank and utility room are also located near the existing driveway along the eastern boundary. Vegetation on the project site includes 34 mature trees, as well as ruderal and ornamental landscaping.²

2.2 PROPOSED PROJECT

As described in further detail below, the proposed project would generally consist of grading the site with cuts and fill to create terraces with associated retaining walls ranging up to 12 feet in height, a patio, a new recreational pavilion, a new service road, and the installation of two underground cisterns. Figure 2-4 shows a conceptual site plan for the proposed project.

2.2.1 Landscaping and Grading

The proposed project would include site and landscaping improvements resulting in the construction of a recreation building and covered fireplace terrace, new retaining walls, new fencing, a new access driveway, new paths and terraces, and new planting, irrigation and landscape lighting. The recreation building would be located at the southeast corner of the project site, would be one story in height and approximately 363 square feet in size and would include an immediately adjacent, approximately 300-square-foot covered terrace space. A total of approximately 2,888 square feet of stairs and paths would be constructed throughout the site. A retaining wall would be constructed just north of the existing tennis court that would generally run east to west through the project site. The space north of the retaining wall would then be filled with soil to create a generally-level natural turf lawn area approximately 6,856 square feet in size. Two cisterns would be located under the lawn area at a depth of approximately 10 feet. Approximately 2,919 square feet of decomposed granite and/or mulched patio space would be provided throughout the project site, including a fire pit in the southern corner of the project site, a play area near the western corner, and a patio adjacent to the pavilion.

The proposed project would also include a new curb cut at the southeast corner of the project site and the construction of an approximately 1,074-square-foot access road that would provide vehicular access to the recreational pavilion.

A total of approximately 56 trees would be planted throughout the project site, including along the eastern, southern, and western boundaries of the project site. Additionally, new shrubs and vines would be planted throughout the site, include in terraced gardens and vegetation beds near the center of the site between the lawn and fire pit terrace.

² Traverso Tree Service. 2022. *Arborist Report for Phase 2 of 43 & 47 Bellevue Avenue, Piedmont*. January 11.

2.2.2 Construction and Stormwater

To prepare the project site for construction, 25 of the 34 existing trees on the project site would be removed. The proposed project would require a total of 2,900 cubic yards of fill to be imported to the project site, including approximately 2,100 cubic yards of fill soil and 800 cubic yards of landscape topsoil fill. The proposed project would also include the use of geofoam fiber rolls that would be used as tie-backs to support the retaining walls, as shown in Figure 2-5. Project construction is estimated to begin in mid-2022 and would occur over a 14-month period, with initial grading lasting approximately 6 months.

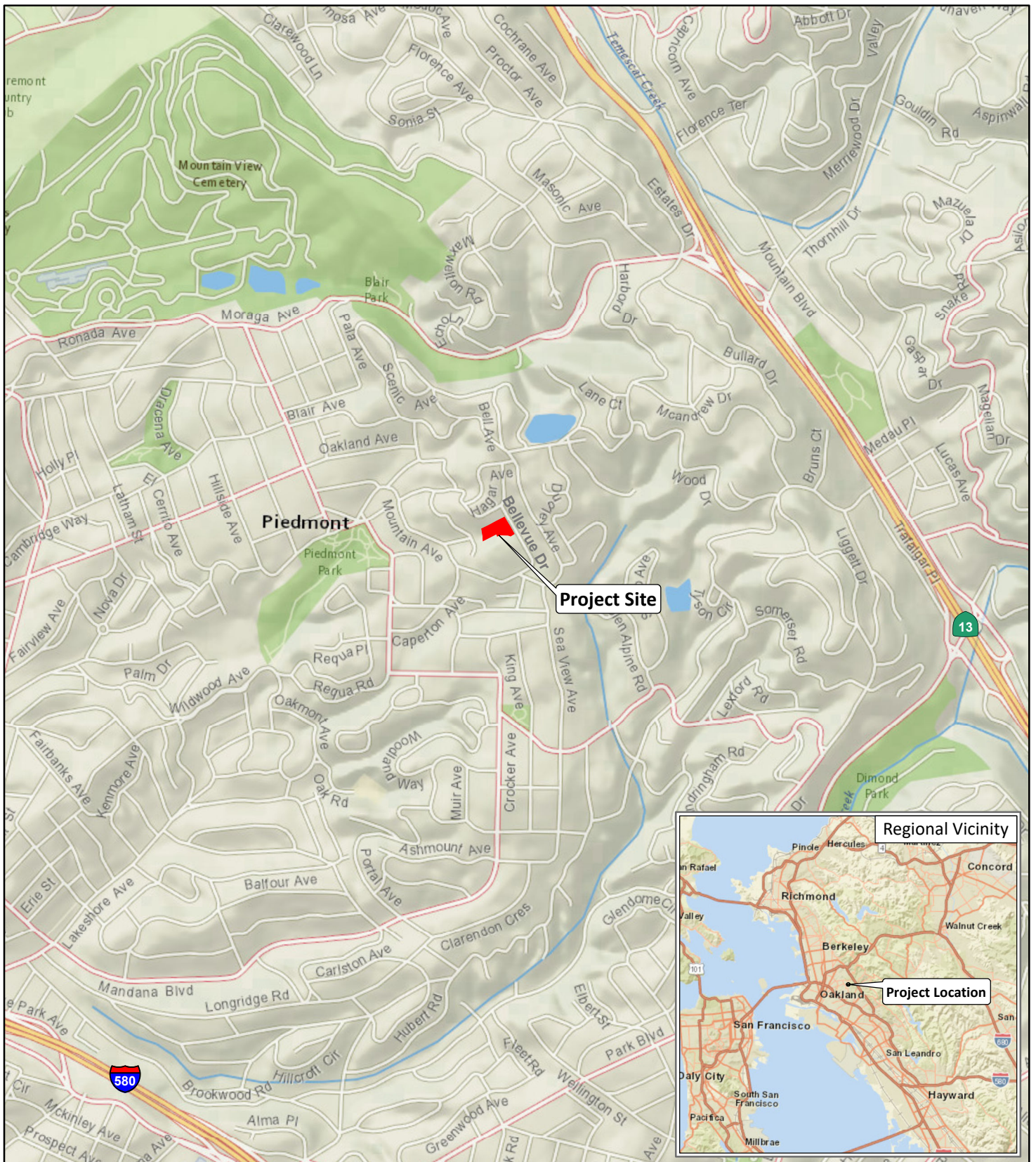
Approximately 7,281 square feet (14 percent) of the 53,036-square-foot site is currently covered with impervious surfaces, and the remaining approximately 45,755 square feet (86 percent) are covered with pervious surfaces. Implementation of the proposed project would result in new impervious surfaces on the project site. Overall, the area of impervious surfaces on the site would be increase to approximately 9,310 square feet (18 percent), and the remaining 43,726 square feet (82 percent) would be covered with pervious surfaces. All stormwater would be treated on-site, either in self-treating areas or by being transported to the approximately 400-square-foot bioretention area located near the western corner of the project site.

2.3 PROJECT APPROVALS

In addition to the approval of this Categorical Exemption, the following permits and approvals from the City would be required:

- Design Review Permit
- Fence Design Review

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LEGEND

■ Project Site



0 750 1500
FEET

SOURCE: National Geographic World Map (2022).

I:\CPI2201\GIS\Maps\CE\Figure 2-1_Project Location and Regional Vicinity.mxd (1/21/2022)

FIGURE 2-1

43-47 Bellevue Drive Project Categorical Exemption
Project Location and Regional Vicinity

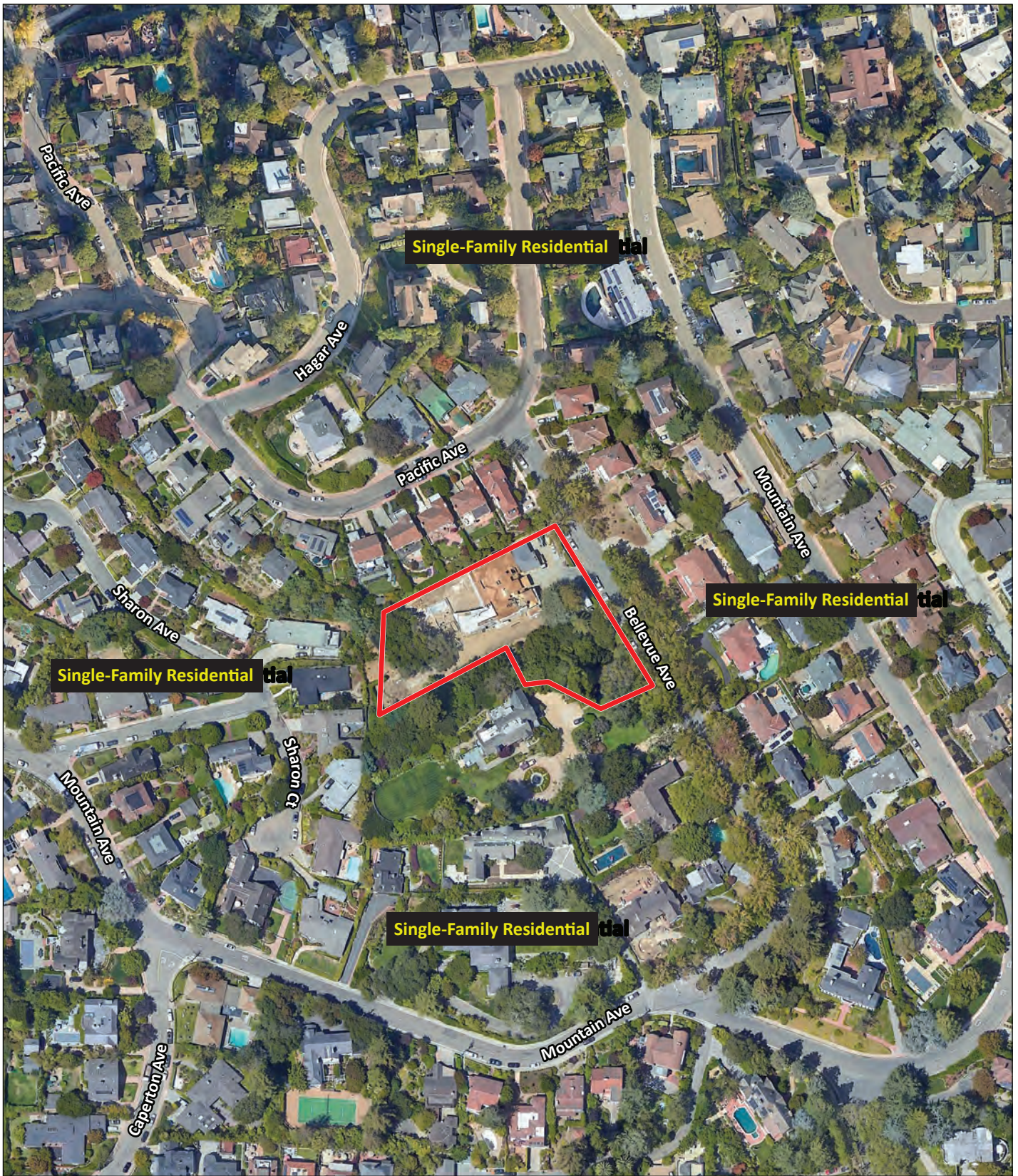
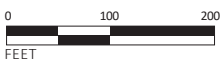



FIGURE 2-2

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 Project Site Boundary (approximate)

43-47 Bellevue Drive Project Categorical Exemption
 Aerial Photograph of the Project Site and Surrounding Land Uses

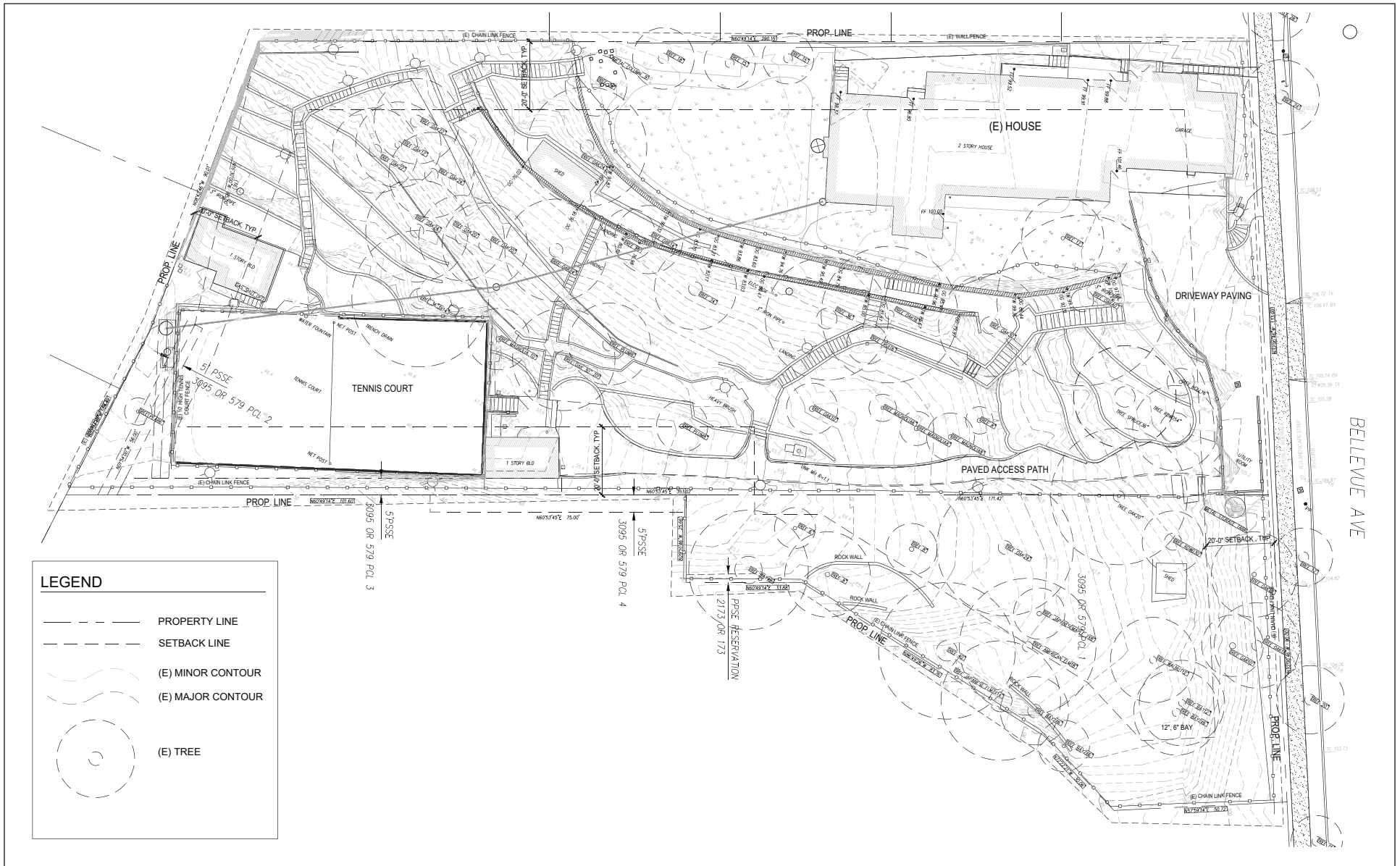


FIGURE 2-3

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43-47 Bellevue Drive Project Categorical Exemption
Existing Conditions

SOURCE: JG|LA, January 12, 2022

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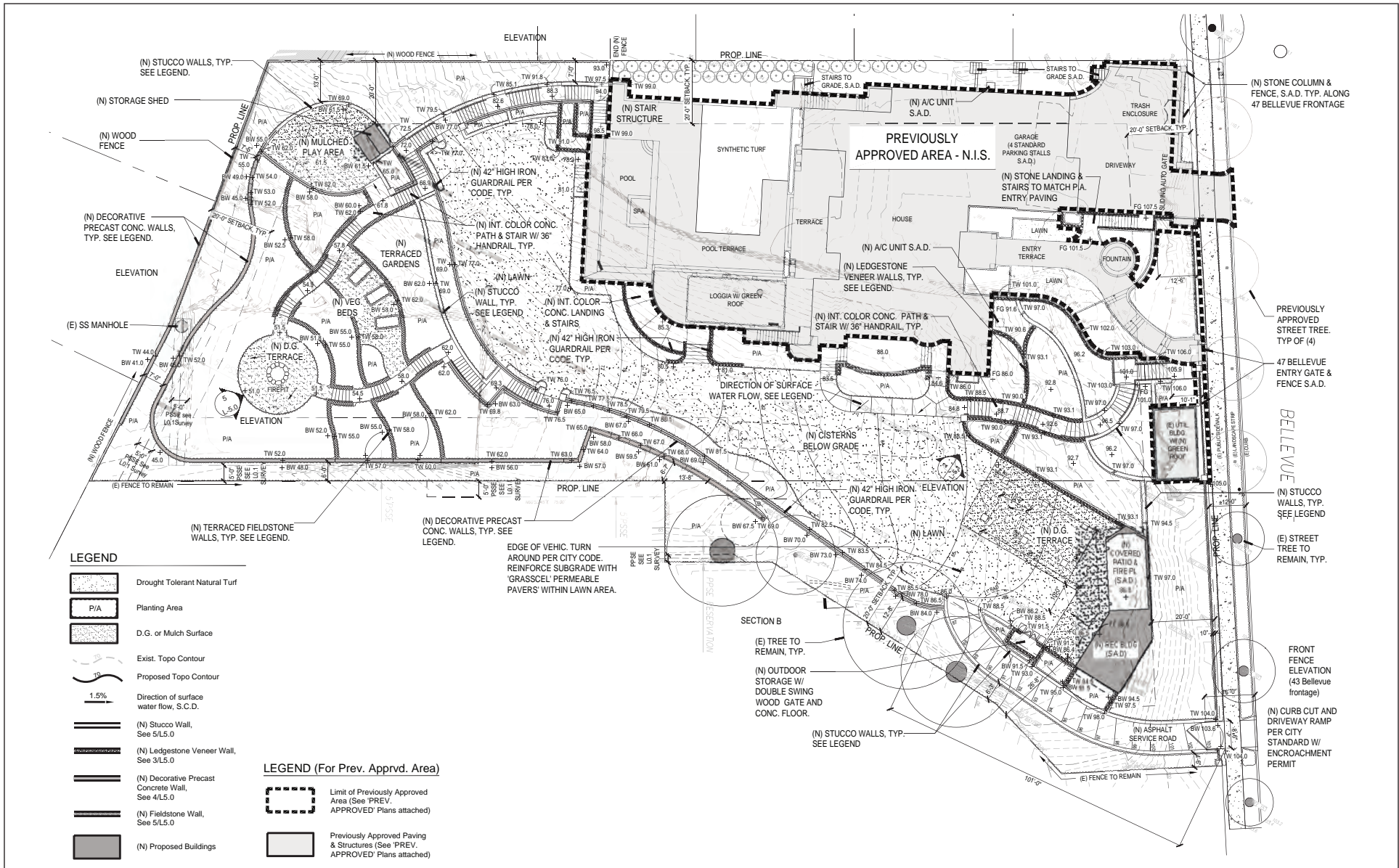
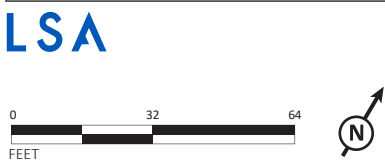
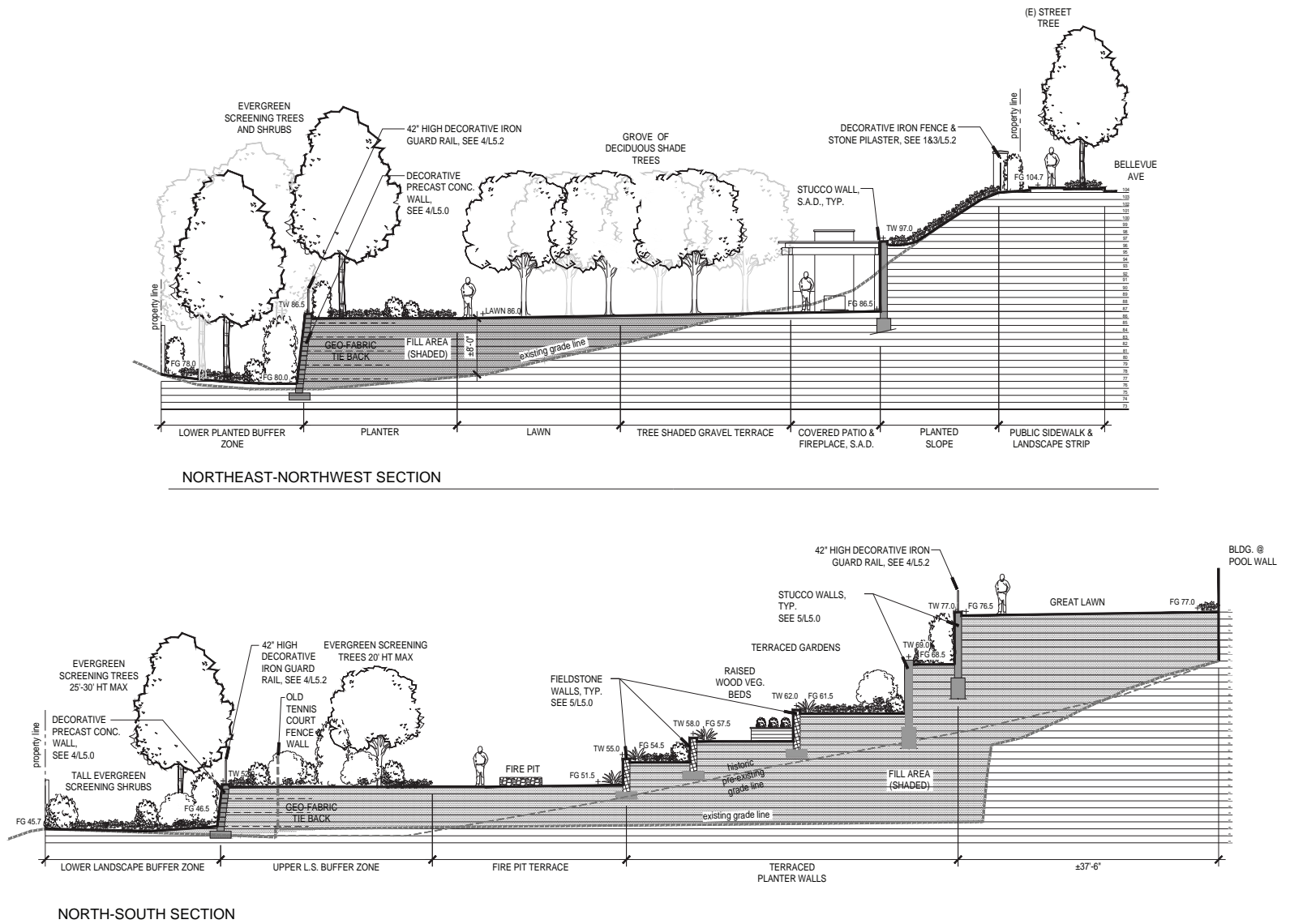


FIGURE 2-4





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FIGURE 2-5

NOT TO SCALE

SOURCE: JG|LA, January 12, 2022

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3.0 EXEMPTIONS

Article 19 of the CEQA Guidelines includes, as required by Public Resources Code Section 21084, a list of classes of projects which have been determined not to have a significant effect on the environment and, as a result, are exempt from review under CEQA. This document has been prepared to serve as the basis for compliance with CEQA as it pertains to the proposed project, and to demonstrate that the project qualifies for a CEQA Exemption as an Infill Development Project, consistent with the provisions of CEQA Guidelines Sections 15332 and 15300.2. Specifically, the information provided herein shows that:

- a. The project qualifies for an exemption under CEQA Guidelines Section 15332 (i.e., Class 32) and, as a result, would not have a significant effect on the environment;
- b. No exceptions to the infill exemption, as identified in CEQA Guidelines Section 15300.2, apply to the proposed project.

CEQA Guidelines Section 15332 is applicable to projects characterized as infill development meeting the following conditions:

- a. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- c. The project site has no value as habitat for endangered, rare or threatened species.
- d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- e. The site can be adequately served by all required utilities and public services.

The analysis below concludes, based on substantial evidence, that the project qualifies for a categorical exemption under CEQA Guidelines Section 15332 (e.g., Class 32) and, as a result, would not have a significant effect on the environment. In addition, the analysis shows that none of the exceptions identified in CEQA Guidelines Section 15300.2 apply; therefore, the proposed project is categorically exempt from CEQA review.

3.1 CRITERION SECTION 15332(A): GENERAL PLAN AND ZONING CONSISTENCY

The proposed project is consistent with the applicable general plan designation and all applicable general plan policies, as well as with the applicable zoning designations and regulations, as discussed below.

3.1.1 General Plan

The project site is designated Estate Residential in the City of Piedmont General Plan. The Estate Residential land use category designates areas suitable for large homes developed at densities of one or two units per gross acre. Single-family homes and related accessory structures (including second units) are permitted.³

The proposed project would consist of grading the site with cuts and fill to create terraces with associated retaining walls ranging up to 12 feet in height, a patio, a new recreational pavilion, a new service road, and the installation of two underground cisterns on a site with an existing single-family residence. The proposed project would not result in a change in use on the project site and would not result in any new additional residential uses. The Estate Residential land use designation allows a density of one to two units per acre. The approximately 1.21-acre site project site is already developed with one residential unit and the proposed improvements are associated with this existing use; therefore, the proposed project would be consistent with the site's General Plan designation.

3.1.2 Zoning

The project site is designated as Zone E – Estate Residential on the City of Piedmont Zoning Map. The intent of the Zone E district is to provide for estate residential homes, which tend to consist of larger lots. The purposes of Zone A – Single-Family Residential also apply to Zone E, which include preserving, protecting, and enhancing Piedmont's residential character and achieving design compatibility between additions, remodeling, and other new construction, among others.

Permitted uses within Zone E include single-family residences and accessory structures. Lot coverage by primary and accessory structures is limited to 40 percent, and a minimum of 40 percent of the site is required to be covered with landscaping. Structures within Zone E are limited to a maximum of 35 feet in height and must be set back a minimum of 20 feet from the street, side, and rear yards.

As described above, the proposed project would consist of landscaping and site improvements at an existing single-family residential site. Approximately 60 percent of the project site would be covered with landscaping and the proposed project would include a one-story recreational pavilion that would not exceed 35 feet in height and would be located more than 20 feet from the site boundaries. Therefore, the proposed project would be consistent with the site's zoning designation.

3.2 CRITERION SECTION 15332(B): PROJECT LOCATION, SIZE, AND CONTEXT

The approximately 1.21-acre project site is located within city limits on a site of less than 5 acres and the site is substantially surrounded by urban uses, including single-family residences as well as public streets (see Figure 2-2). Therefore, the proposed project meets the criteria of CEQA Guidelines Section 15332(b).

³ Piedmont, City of. 2009, op. cit.

3.3 CRITERION SECTION 15332(C): ENDANGERED, RARE, OR THREATENED SPECIES

The project site has no value as habitat for any species of special concern or species listed as candidate, endangered, or threatened. A total of 30 special-status plant species and 34 special-status wildlife species have California Natural Diversity Database (CNDDDB) occurrences within 5 miles of the project site. However, due to the lack of suitable vegetation communities or soil substrates (e.g., salt marsh, open water, chaparral, alkaline substrates), prior disturbance (e.g., grading, construction) at the site, and lack of suitable nesting and foraging habitat, no special-status species are likely to occur at the site. In addition, landscaping improvements included in the proposed project, particularly the proposed native plantings, would replace habitat for common wildlife and insect species.

The project site is currently developed with an existing single-family residence in the northern corner and a tennis court and two small buildings in the southeast corner. No existing buildings that could potentially provide habitat for special-status bats would be removed as a part of the proposed project.

Migratory birds, which are protected under the Migratory Bird Treaty Act, may use vegetation, including existing trees, on or near the project site for nesting. Implementation of the following standard construction-period condition of approval and compliance with regulatory requirements would ensure that potential impacts to nesting birds and raptors during construction would be less than significant:

- a. Construction and tree removal/pruning activities shall be scheduled to avoid the nesting season to the extent feasible. If feasible, tree removal and/or pruning shall be completed before the start of the nesting season to help preclude nesting. The nesting season for most birds and raptors in the San Francisco Bay area extends from February 1 through August 31.
- b. If it is not possible to schedule construction activities between September 1 and January 31, then a qualified ornithologist shall conduct a preconstruction survey to identify active bird nests that may be disturbed during project construction. This survey shall be completed no more than seven days prior to the initiation of demolition/construction activities (including tree removal and pruning). During this survey, the ornithologist shall inspect all trees and other possible nesting habitats in and immediately adjacent to the construction areas for nests.
- c. If the survey does not identify any nesting birds that would be affected by construction activities, no further action is required. If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist (in consultation with the California Department of Fish and Wildlife) shall designate a construction-free buffer zone (typically 300 feet for raptors and 100 feet for non-raptors) to be established around the nest to ensure that no nests of species protected by the MBTA and California Fish and Game Code will be disturbed during construction activities. The buffer shall remain in place until a qualified ornithologist has determined that the nest is no longer active.
- d. A final report on nesting birds and raptors, including survey methodology, survey date(s), map of identified active nests (if any), and protection measures (if required), shall be submitted to

the Planning Manager, through the building permit review process, and be completed to the satisfaction of the Community Development Director prior to the start of tree removal and/or grading.

For the reasons stated above, and with compliance with the standard condition of approval protecting nesting birds listed above, the proposed project meets the criteria of CEQA Guidelines Section 15332(c).

3.4 CRITERION SECTION 15332(D): TRAFFIC, NOISE, AIR QUALITY OR WATER QUALITY

Relative to CEQA Guidelines Section 15332(d), the following provides a discussion demonstrating that the proposed project would not result in a significant effect on traffic, noise, air quality, or water quality, and that the project adheres to the CEQA Guidelines Section 15332(d) criterion.

3.4.1 Traffic

The proposed project would consist of landscaping and site improvements on the project site. The proposed project would not include any new residential uses, any modifications to the existing residential use on the project site, or any other features that would change the use or population on the project site. Therefore, the proposed project would not result in an increase in vehicle miles traveled or an increase in vehicle trips to and from the project site.

The proposed project would include a new curb cut and service roadway along the southern boundary of the project site, but would not result in any modifications to the existing transportation network in the vicinity of the project site, and therefore would not conflict with any program, plan, ordinance, or policy addressing the circulation system. The proposed project would be required to be reviewed and approved by the applicable emergency services providers (i.e., fire and police) and the City's Public Works Department, which would ensure adequate emergency access would be provided to the project site, and maintained to the areas surrounding the project site. Therefore, the proposed project would not result in adverse effects related to transportation.

3.4.2 Noise

The following section describes the short-term construction and long-term operational noise impacts of the proposed project.

3.4.2.1 Short-Term (Construction) Noise Impacts The closest sensitive receptors to the project site include single-family residences located immediately north, west, and south of the project site along Bellevue Avenue, Pacific Avenue, and Sharon Court. Project construction would result in short-term noise impacts on the nearby sensitive receptors. However, maximum construction noise would be short-term, generally intermittent depending on the construction phase, and variable depending on receiver distance from the active construction zone. The duration of noise impacts generally would be from one day to several days depending on the phase of construction. The level and types of noise impacts that would occur during construction are described below.

Short-term noise impacts would occur during grading and site preparation activities. Table 3.A lists typical construction equipment noise levels (L_{max}) recommended for noise impact assessments,

based on a distance of 50 feet between the equipment and a noise receptor, obtained from the FHWA Roadway Construction Noise Model. Construction-related short-term noise levels would be higher than existing ambient noise levels currently in the project area but would no longer occur once construction of the project is completed.

Two types of short-term noise impacts could occur during construction of the proposed project. The first type involves construction crew commutes and the transport of construction equipment and materials to the site, which would incrementally increase noise levels on roads leading to the site. As shown in Table 3.A, there would be a relatively high single-event noise exposure potential at a maximum level of 84 dBA L_{max} with trucks passing at 50 feet.

Table 3.A: Typical Construction Equipment Noise Levels

Equipment Description	Acoustical Usage Factor (%)	Maximum Noise Level (L_{max}) at 50 Feet ¹
Backhoes	40	80
Compactor (ground)	20	80
Compressor	40	80
Cranes	16	85
Dozers	40	85
Dump Trucks	40	84
Excavators	40	85
Flat Bed Trucks	40	84
Forklift	20	85
Front-end Loaders	40	80
Graders	40	85
Impact Pile Drivers	20	95
Jackhammers	20	85
Pick-up Truck	40	55
Pneumatic Tools	50	85
Pumps	50	77
Rock Drills	20	85
Rollers	20	85
Scrapers	40	85
Tractors	40	84
Welder	40	73

Source: Roadway Construction Noise Model (FHWA 2006).

Note: Noise levels reported in this table are rounded to the nearest whole number.

¹ Maximum noise levels were developed based on Spec 721.560 from the Central Artery/Tunnel (CA/T) program to be consistent with the City of Boston’s Noise Code for the “Big Dig” project.

L_{max} = maximum instantaneous sound level

The second type of short-term noise impact is related to noise generated during grading and construction on the project site. Construction is performed in discrete steps, or phases, each with its own mix of equipment and, consequently, its own noise characteristics. These various sequential phases would change the character of the noise generated on site. Therefore, the noise levels vary as construction progresses. Despite the variety in the type and size of construction equipment, similarities in the dominant noise sources and patterns of operation allow construction-related noise ranges to be categorized by work phase.

Table 3.A lists maximum noise levels recommended for noise impact assessments for typical construction equipment, based on a distance of 50 feet between the equipment and a noise receptor. Typical maximum noise levels range up to 87 dBA L_{max} at 50 feet during the noisiest construction phases. The site preparation phase, including excavation and grading of the site, tends to generate the highest noise levels because earthmoving machinery is the noisiest construction equipment. Earthmoving equipment includes excavating machinery such as backfillers, bulldozers, draglines, and front loaders. Earthmoving and compacting equipment includes compactors, scrapers, and graders. Typical operating cycles for these types of construction equipment may involve 1 or 2 minutes of full-power operation followed by 3 or 4 minutes at lower power settings.

Construction details (e.g., construction fleet activities) are not yet known; therefore, this analysis assumes that scrapers, bulldozers, and water trucks/pickup trucks would be operating simultaneously during construction of the proposed project. As discussed above, noise levels associated with this equipment operating simultaneously would be approximately 88 dBA L_{max} at 50 feet.

Construction activities associated with the proposed project would be required to comply with Chapter 12.8 of the Piedmont City Code, which limits construction to 8:00 a.m. to 6:00 p.m. Monday through Friday, and 9:00 a.m. to 6:00 p.m. on weekends. Additionally, Chapter 8.02.020 of the Piedmont City Code requires machinery that generates perceptible noise to include mitigating equipment which reduces the sound at the edge of the property to no more than 50 decibels. Therefore, because the proposed project would be required to comply with the limitations in the City Code, as all construction projects within the City are required to do, the proposed project would not result in an adverse effect related to construction noise.

3.4.2.2 Operational Noise Impacts As described in Section 3.4.1, the proposed project is not expected to result in any increase in the generation of vehicle trips, and therefore would not result in the increase of traffic volumes on surrounding roadways. As such, the proposed project would not result in a perceptible increase in traffic noise levels at receptors in the project vicinity. In addition, implementation of the proposed project would not result in an increase in activity at the project site, as it would not result in a change of use or any new residential uses. Therefore, the proposed project would not result in the exposure of people residing or working in the project area to excessive noise levels.

3.4.3 Air Quality

The Bay Area Air Quality Management District's (BAAQMD) CEQA Guidelines include screening criteria for land use projects. If all of the screening criteria are met by the proposed project, then a detailed air quality assessment would not be required, and it can be assumed that impacts related to air quality would be less than significant.

As previously described, the proposed project would include landscaping and site improvements. The proposed project would not include any new uses or changes to the existing residential use on the project site, and would not result in the generation of any new vehicle trips. Therefore, the proposed project would not result in any operational-period air quality impacts.

For construction-related the proposed project would not result in adverse effects related to criteria air pollutants and precursor emissions if all of the following conditions are met.

1. The project is below the applicable screening level size shown in Table 3-1 [of the BAAQMD's CEQA Guidelines]; and
2. All Basic Construction Mitigation Measures identified by the BAAQMD would be included in the project design and implemented during construction; and
3. Construction-related activities would not include any of the following:
 - a. Demolition;
 - b. Simultaneous occurrence of more than two construction phases (e.g., paving and building construction would occur simultaneously);
 - c. Simultaneous construction of more than one land use type (e.g., project would develop residential and commercial uses on the same site) (not applicable to high density infill development);
 - d. Extensive site preparation (i.e., greater than default assumptions used by the Urban Land Use Emissions Model [URBEMIS] for grading, cut/fill, or earth movement); or
 - e. Extensive material transport (e.g., greater than 10,000 cubic yards of soil import/export) requiring a considerable amount of haul truck activity.

The construction-related screening size for single-family residential uses in Table 3-1 of BAAQMD's CEQA Guidelines is 114 dwelling units. Therefore, the proposed project would be below the applicable screening level, because no new residential dwelling units or other new land uses would be constructed.

The BAAQMD requires the implementation of the BAAQMD Basic Construction Mitigation Measures to reduce construction fugitive dust impacts as follows; these measures would be incorporated into the project through standard conditions of approval that are applied to all construction projects subject to City approval:

- 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 tracked-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.
- A publicly visible sign shall be posted with the telephone number and person to contact at the City of Piedmont regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD phone number shall also be visible to ensure compliance with applicable regulations.

The proposed project would not include any demolition activities. The proposed project would include the removal of a fence and two rock walls; however, removal of these improvements would not require a demolition permit from the City or require submittal of a Demolition Notification to BAAQMD. The proposed project would only consist of one construction phase (i.e., grading) and one land use type (site and landscaping improvements at a single-family residence). The Urban Land Use Emissions Model default assumptions for grading assume that up to one quarter of a project site is graded on a daily basis. As described in Section 2.0, Project Description, grading on the project site would last approximately 6 months, and therefore would not result in grading more than one quarter of the site on any given day. In addition, the proposed project would only require 2,900 cubic yards of soil to be imported to the project site, and therefore would be below the 10,000 cubic yard threshold.

Therefore, the proposed project would meet the construction-related screening criteria, and would have not result in adverse effects related to air quality.

3.4.4 Water Quality

The City, as a participant in the Alameda County Stormwater Quality Management Plan, which is regulated by the National Pollutant Discharge Elimination System (NPDES) Program, is committed to reducing the amount of pollutants entering waterways. Below is a discussion of the project's compliance with applicable water quality standards.

3.4.4.1 Construction-Related Water Quality Impacts

During construction, the total disturbed soil area on the project site would be greater than 1 acre, and therefore the proposed project would be subject to the requirements of the State Water Board's NPDES General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ, NPDES No. CAS000002, as amended by Orders

No. 2010-0014-DWQ and 2012-0006-DWQ) (Construction General Permit). A Notice of Intent would be filed with the California State Water Resources Control Board (State Water Board) via the Stormwater Multiple Application and Report Tracking System (SMARTS) in order to obtain coverage under the Construction General Permit for the proposed project. In compliance with the requirements of the Construction General Permit, a Stormwater Pollution Prevention Plan (SWPPP) would be required to be implemented during construction activities.

As described in the Construction General Permit, construction Best Management Practices (BMPs) would include, but not be limited to, Erosion Control and Sediment Control BMPs designed to minimize erosion and retain sediment on site; and “Good Housekeeping” BMPs to prevent spills, leaks, and discharge of construction debris and waste into receiving waters. In addition, provision C.6 of the Regional Water Quality Control Board’s (RWQCB) Municipal Regional Permit (MRP) requires the City to implement a construction site inspection and control program at all construction sites, with follow-up and enforcement, to prevent construction site discharges of pollutants and impacts on beneficial uses of receiving waters. Inspections must confirm implementation of appropriate and effective erosion and other construction pollutant controls by construction site operators/developers; and reporting must demonstrate the effectiveness erosion and other construction pollutant controls identified by this inspection. Compliance with the requirements of the Construction General Permit, including incorporation of construction BMPs to target and reduce pollutants of concern in stormwater runoff, would ensure that construction impacts related to violation of waste discharge requirements and water quality standards and degradation of water quality would not occur.

3.4.4.2 Operation Period Water Quality Impacts

As previously described in Section 2.0, Project Description, approximately 7,281 square feet, or approximately 14 percent, of the approximately 52,798-square-foot (1.21-acre) project site is currently covered by impervious surfaces. Development of the proposed project would result in an increase in impervious surfaces on the project site to approximately 9,310 square feet, or approximately 18 percent of the project site. In addition, the proposed project would increase the potential for pollutants of concern, such as residual pesticides and nutrients used for landscape maintenance, to be generated on the project site and discharged into surface waters during storm events.

Project operation and maintenance would be subject to the RWQCB’s MRP, Order R2-2015-0049, NPDES Permit No CAS612008. Provision C.3 of the MRP sets forth appropriate and site specific source control, site design, and stormwater treatment measures for new and redevelopment projects to address both soluble and insoluble stormwater runoff pollutant discharges and prevent increases in runoff flows from new projects. Therefore, stormwater treatment systems would be required to be designed and sized to treat stormwater runoff from the entire project site by implementing BMPs pursuant to the requirements of Provision C.3 of the MRP.⁴

⁴ San Francisco Bay Regional Water Quality Control Board. 2015. San Francisco Bay Region Municipal Regional Stormwater NPDES Permit, Order No. R2-2015-0049, NPDES Permit No. CAS612008. November 19.

Source control BMPs are preventative measures that are implemented to prevent the introduction of pollutants into stormwater. Site design BMPs are stormwater management strategies that emphasize conservation and use of existing site features to reduce the amount of runoff and pollutant loading generated from a project site. Treatment BMPs are structural BMPs designed to treat and reduce pollutants in stormwater runoff prior to releasing it to receiving waters. The Treatment BMPs would include biotreatment areas (bioretention basins). The Treatment BMPs would treat 8,048 square feet of the project area in compliance with the requirements of Provision C.3 of the MRP. The remaining surfaces on the project site would either consist of self-treating or self-retaining areas, or drain to a self-treating or self-retaining area. The proposed BMPs would target and reduce pollutants of concern in stormwater runoff from the project site in compliance with the MRP requirements prior to discharge to receiving waters, which would minimize impacts to surface water quality.

Infiltration of stormwater could affect groundwater quality in areas of shallow groundwater. Stormwater may infiltrate during project operation, potentially affecting groundwater quality given the direct path for pollutants to reach the groundwater table. The proposed project would be required to implement operational BMPs (including source control, site design, and treatment BMPs) to treat stormwater before it could reach groundwater. These proposed BMPs would treat stormwater runoff onsite, and would reduce the volume of stormwater and the infiltration of pollutants into groundwater during operation. Additionally, the proposed project would increase impervious surface area compared to existing conditions which would reduce infiltration, and the proposed project would not include infiltration BMPs. Therefore, minimal infiltration would occur onsite during operation, and project operation would not substantially degrade groundwater quality.

3.5 CRITERION SECTION 15332(E): UTILITIES AND PUBLIC SERVICES

The project site is located in an urban area already served by all necessary municipal utilities (i.e., stormwater, water, wastewater, solid waste) and public services (i.e., police and fire). The following analysis reviews whether the project can, as required by CEQA Guidelines Section 15332(e), be “adequately served by all required utilities and public services.” As discussed, the site can be adequately served by all required utilities and public services.

3.5.1 Stormwater

The City of Piedmont Public Works Department is responsible for the engineering and maintenance of the stormwater drainage system for the project site and the surrounding area. Stormwater runoff from the project site is channeled into storm drains located along Bellevue Avenue. As noted above, the City participates in the Alameda County Stormwater Quality Management Plan, which implements the NPDES program throughout the county.

As described previously, the proposed project would increase the amount of impervious surface area on the project site, which has the potential to increase the volume and rate of stormwater runoff discharged from the project site. The proposed project includes onsite systems to convey stormwater to the proposed biotreatment areas (bioretention areas) and two underground cisterns. The onsite stormwater system would not include any connections to the City’s existing off-site

stormdrain system as all stormwater would be treated and retained onsite. Therefore, there would be no increase in contributions to the municipal stormwater system once the proposed project is in operation.

3.5.2 Water

The project site is served by existing water supply and distribution systems operated and managed by the East Bay Municipal Utility District (EBMUD). The proposed project would connect to existing water delivery systems within the site. EBMUD obtains approximately 90 percent of its water from the Mokelumne River watershed, and transports it through pipe aqueducts to temporary storage reservoirs in the East Bay hills. EBMUD has water rights and facilities to divert up to a daily maximum of 325 mgd from the Mokelumne River.⁵ Average daily water demand within the entire EBMUD service area is projected to be 267 million gallons per day (mgd) in 2020, and 312 mgd in 2040.⁶

The proposed project would result in an increase in water use on the project site related to landscape maintenance. Implementation of the proposed project would result in an additional water demand of 0.73-acre feet per year (AFY), or approximately 0.0007 mgd. This accounts for less than 0.001 percent of EBMUD's current projected service-wide daily water demand. During drought years, water use for landscape maintenance could be subject to rationing, which is applicable to all residential uses within EBMUD's service boundary. The project would not result in increased water demand due to a change in land use or increase in development intensity. Therefore, there would be sufficient water supplies to serve the proposed project.

3.5.3 Wastewater

The City of Piedmont Public Works Department is responsible for the engineering and maintenance of the sanitary sewer system within the City. As previously described, the proposed project would not include a change in use or any new residential uses on the project site. Therefore, the proposed project would not result in an increase in the generation of wastewater.

3.5.4 Solid Waste

As previously described, the proposed project would include landscaping and site improvements. The proposed project would not include any new uses or changes to the existing residential use on the project site. Therefore, the proposed project would not result in an increase in the generation of solid waste and would not require the expansion or construction of new solid waste facilities.

3.5.5 Police Services

The Piedmont Police Department (PPD) provides law enforcement services in the City of Piedmont. The proposed project would not result in an increase in the daytime population at the project site,

⁵ Ibid.

⁶ The planning level of demand differs from actual 2015 demand, as the planning level does not reflect the effects of implementing measures to reduce water use. After a drought, a rebound effect is expected wherein demand rises back to projected levels, thus, the projected demand reflects the total planning level demand.

and therefore would not result in an increase in residential population within the City. The project site is in an area already served by the PPD. The proposed project would not result in the need for any new physical facilities to maintain acceptable service ratios, response time, or other performance objectives. Therefore, the project site would continue to be adequately served by existing police services.

3.5.6 Fire Protection Services

The Piedmont Fire Department (PFD) provides fire protection and emergency medical services in the City of Piedmont. The proposed project would not result in an increase in the daytime population at the project site, and therefore would not result in an increase in residential population within the City. The project site is in an area already served by the PFD. It is not anticipated that the proposed project would result in the need for any new physical facilities to maintain acceptable service ratios, response time, or other performance objectives. Therefore, the project site would continue to be adequately served by existing fire services.

3.5.7 Schools

As previously described, the proposed project would include landscaping and site improvements. The proposed project would not include any new uses or changes to the existing residential use on the project site. Therefore, the proposed project would not result in any increase the school-age population in the area. Therefore, the proposed project would not have an impact on school capacity or related services.

4.0 EXCEPTIONS TO CATEGORICAL EXEMPTIONS

In addition to analyzing the applicability of CEQA Guidelines Section 15332 (Class 32), this technical report assesses whether any of the exceptions to categorical exemptions identified in CEQA Guidelines Section 15300.2 (Exceptions) apply to the proposed project. The following analysis compares the criteria in CEQA Guidelines Section 15300.2 (Exceptions) to the project, and concludes, based on substantial evidence, that none of the exceptions are applicable to the project, and that the project is categorically exempt from CEQA pursuant to CEQA Guidelines Sections 15300 and 15332.

4.1 CRITERION SECTION 15300.2(A): LOCATION

- a. *Location. Classes 3,4,5,6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.*

The proposed project qualifies for an exemption under Class 32, and does not qualify for an exemption under Classes 3, 4, 5, 6, or 11. The project site is located within an urban developed area and is not located within a sensitive environment. In addition, the proposed project would not result in any impacts on an environmental resource of hazardous or critical concern. Therefore, the exception under CEQA Guidelines Section 15300.2(a) does not apply to the proposed project.

4.2 CRITERION SECTION 15300.2(B): CUMULATIVE IMPACT

- b. *Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.*

No significant effects would occur with implementation of the project, as described more fully above, as the proposed project would result in site improvements at an existing single-family residence. The proposed project would not result in any change to the use on the project site or any new residential uses. Any construction effects would be temporary, confined to the project vicinity, and reduced to the extent feasible by implementing specific applicable regulatory requirements. No successive project of the same type in the same place are known or expected to occur over time that would result in cumulatively considerable impacts. Therefore, the exception under CEQA Guidelines Section 15300.2(b) does not apply to the proposed project.

4.3 CRITERION SECTION 15300.2(C): SIGNIFICANT EFFECT

- c. *Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.*

There are no known unusual circumstances that are applicable to the project and which may result in a significant effect on the environment. The proposed project includes landscaping and site improvements within an existing single-family residential site. The project site is steeply sloped and would require grading and the installation of retaining walls to support level areas of the site. A review of a previous geotechnical report prepared for the project site indicated that no unusual subsurface conditions are present, and that standard geotechnical recommendations would be sufficient to construct the proposed project.⁷ As previously mentioned, geofoam fiber rolls would be used as tie-backs to support retaining walls throughout the site, and would ensure that no additional measures would be required. The proposed project would not result in a change in the existing use or introduce a new activity to the area that could result in a significant effect on the environment. Therefore, the exception under CEQA Guidelines Section 15003.2(b) does not apply to the proposed project.

4.4 CRITERION SECTION 15300.2(D): SCENIC HIGHWAY

d. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a State Scenic Highway. This criterion does not apply to improvements required as mitigation by an adopted Negative Declaration or certified EIR.

The proposed project would not affect a resource within a State Scenic Highway. The nearest scenic highway, Interstate 580 (I-580), is located approximately 2 miles west of the project site.⁸ Therefore, no scenic resources within view of a State Scenic Highway would be altered as part of the project.

4.5 CRITERION SECTION 15300.2(E): HAZARDOUS WASTE SITES

e. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

The project site is not on any list pursuant to Section 65962.5 of the Government Code or any other list compiled for purposes related to identifying the prior release of hazardous materials.⁹ The project site is currently used as a self-storage site. Therefore, the exception under CEQA Guidelines Section 15300.2(e) does not apply to the project.

4.6 CRITERION SECTION 15300.2(F): HISTORIC RESOURCES

f. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

⁷ Quantum Geotechnical, Inc. 2022. *Proposed Site Landscape Improvements, 47 Bellevue Avenue, Piedmont, California. Response to City Review.* January 11.

⁸ California, State of. 2022. *California Scenic Highway Mapping System.* Website: <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways> (accessed January 2022).

⁹ California Environmental Protection Agency. 2022. *Cortese List Data Resources.* Website: <https://calepa.ca.gov/sitecleanup/corteselist/> (accessed January 2022).

No historic resources exist in the vicinity of the project site. The proposed project would comply with Design and Preservation Element Policy 30.1 in the General Plan which would require compliance with City, State, and federal historic preservation laws, regulations, and Codes, including laws related to archaeological resources. In particular, the proposed project would be required to comply with CEQA Guidelines Section 15064.5(e), which specifies procedures to be used in the event of a discovery of Native American human remains on non-federal land. Adherence to CEQA Guidelines Section 15064.5(e) would ensure that impacts to cultural resources would not occur.

4.7 CONCLUSION

On the basis of substantial evidence, as discussed above, the project is eligible for a Class 32 Categorical Exemption in accordance with CEQA Guidelines Section 15332, In-Fill Development Projects. Because the proposed project meets the criteria for categorically exempt in-fill development projects in CEQA Guidelines Section 15332 and none of the exceptions to the categorical exemptions in CEQA Guidelines Section 15300.2 apply, and it would not have a significant effect on the environment, and this analysis finds that a Notice of Exemption may be prepared for the project.

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5.0 REFERENCES

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