

10 May 2016

Christopher Garwood
Pacific Union Homes
675 Hartz Avenue, Suite 300
Danville, CA 94526

Subject: Summary of Acoustical Criteria
Project: Westmont of Harbor Bay
RGDL #: 15-042

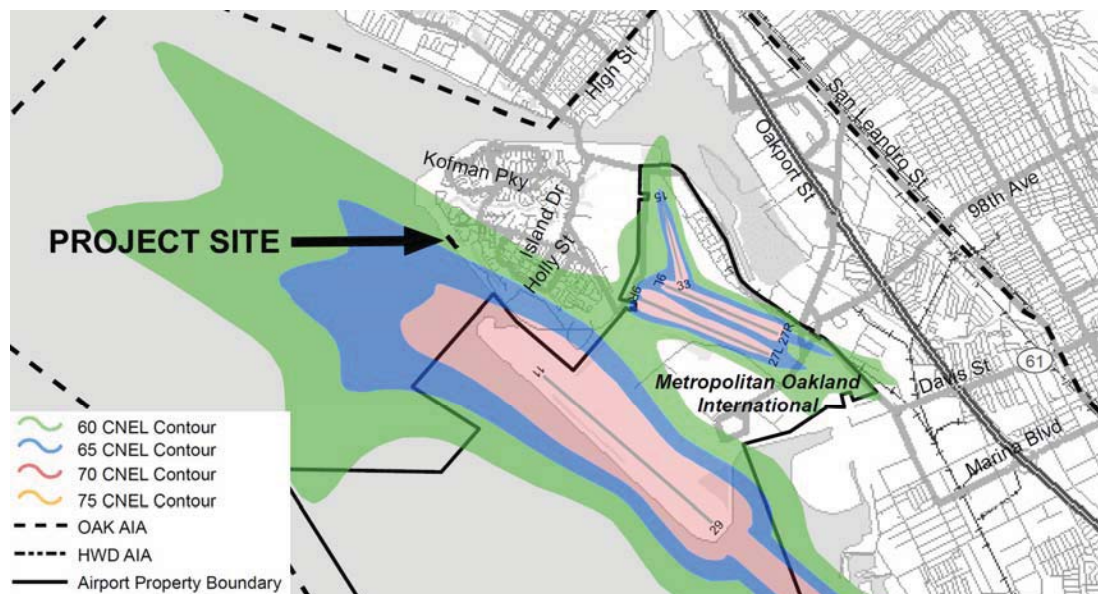
Dear Chris:

At your request we have reviewed the project in light of the noise standards promulgated by the City of Alameda, the Alameda County Airport Land Use Commission (ALUC) and State of California. This letter summarizes our findings.

City of Alameda - General Plan

Implementing policy 8.7.f requires new dwellings to limit intruding noise to 45 dB CNEL in habitable rooms. In new dwellings subject to a noise easement, noise is not to exceed 40 dB CNEL. If this requirement is met by closed window than mechanical ventilation must be provided.

Implementing Policy 8.7.g is to minimize impact of aircraft by requiring that noise levels caused by single events be controlled to 50 dBA in bedrooms and 55 dBA in living areas within the 60 dB contour. The project site is within the 60 dBA contour as shown in the following figure which is a reproduction of Figure 3-3 of the 2010 Oakland International Airport Land Use Compatibility Plan



Alameda County – Oakland International Airport Land Use Compatibility (ALUC) Plan

Indoor Use: Section 3.3.1.6 addresses interior noise levels. Compatibility Policy 3.3.1.5a states that the maximum CNEL considered acceptable for new residential uses in the vicinity of OAK is anything less than 65 CNEL contour as shown in Figure 3.3.

Compatibility Policy 3.3.1.6 states that the maximum aircraft related interior noise level which shall be considered acceptable for land uses within the AIA (airport influence area...and yes, this project is within the AIA), is 45 dB CNEL. This is the same as the least restrictive requirement of the City.

Outdoor Use: Table 3-1 of the Plan says a CNEL of 60-65 is “conditional” meaning outdoor use is acceptable though some noise interference may occur; caution should be exercised with regard to noise sensitive uses.

State of California - Building Code

According to Section 1207.4, interior noise levels attributable to exterior sources shall not exceed 45 dB in any habitable room. The noise metric shall be either the day-night average sound level (L_{dn}) or the community noise equivalent level (CNEL), consistent with the noise element of the local general plan state.

Summary of Criteria

Indoor noise

- CNEL 45 dBA inside new dwelling units (City, County and State)
- CNEL 40 dBA inside new dwelling units if noise easement exists (City)
- L_{max} 55 dBA in living areas (City)
- L_{max} 50 dBA in bedrooms (City)

Outdoor noise

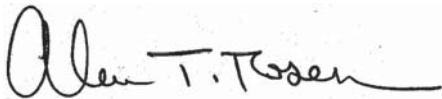
- CNEL of 60 – 65 dBA is conditional meaning outdoor use is acceptable though some interference may occur. (County)

*

*

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Sincerely,



Alan Rosen
Principal
RGD Acoustics, Inc.



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May 6, 2016

Mr. Christopher Garwood
Vice President of Community and Multi Family Development
Pacific Union Land Company
675 Hartz Avenue, Suite 300
Danville, CA 94526

Subject: Comparative Traffic and Parking Analysis for Esplanade Senior Living, Alameda

Dear Mr. Garwood:

At your request, TJKM has conducted a traffic and parking generation study for the proposed Esplanade Senior Living development to be located on Adelphian Way in the City of Alameda. We have determined the trip generation for the proposed site and compared it with other uses that might be developed on the site and analyzed the parking needs.

Traffic Generation

Esplanade Senior Living consists of 87 Assisted Living Suites with 97 beds and a 30-bed Memory Care facility. A 67,000 square foot office complex was previously approved for the site and is compared with the current proposal. Using the Institute of Transportation Engineers (ITE) trip rates from *Trip Generation Manual, 9th Edition*, TJKM calculated the rates shown in the Table below.

Comparative Trip Rates

Land Use & ITE Land Use Code And Number of Units	Daily		A.M. Peak Hour		P.M. Peak Hour	
	Rates	Trips	Rates	Trips	Rates	Trips
Assisted Living (ITE 254) 97 beds	2.66	258	0.12	12	0.22	22
Memory Care (ITE 253) 30 beds	2.02	60	0.06	2	0.17	5
Total Proposed Esplanade Senior Living		318		14		27
Offices (ITE 710) 67,000 square feet	11.03	739	1.56	105	1.49	100

It can be seen that the current Esplanade Senior Living proposal generates considerably fewer trips on a daily basis and especially during both of the a.m. and p.m. peak hours as compared with the previously approved 67,000 square foot office complex.

Based on experience at other locations most of the Esplanade trips, especially in the peak periods, will be for employee travel. Employee shift breaks are typically not conducted during

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the peak hours, as is demonstrated by the fairly low peak hour trip rates for other sites around the country reported by ITE in the *Trip Generation Manual*.

Parking

The facility proposes to supply 60 parking stalls for the site. An additional five stalls are provided for park uses. Section 30-7.6 of the City of Alameda Municipal Code requires one stall for every three beds. The site has a total of 127 beds; the resulting requirement is 43 parking stalls.

In addition, TJKM reviewed the document *Parking Generation, 4th Edition*, also published by ITE. That document shows that the average parking demand for assisted living facilities is 0.41 stalls per dwelling unit. If that ratio were applied to the 87 assisted living suites and 30 memory care beds, the parking demand would be $117 \times 0.41 = 48$ stalls, somewhat similar to the City's requirement of 43 stalls but still fewer than the 60 stalls to be provided.

Conclusions

It can be seen that traffic generated by the proposed site will be about one-half of the traffic generated by the previously approved office development on a daily basis, and will only produce a fraction of the peak hour traffic that would come from an office. The proposed parking fits within City requirements and also will satisfy the parking demand observed at similar facilities elsewhere in the nation.

Please advise if there are any questions on this matter.

Very truly yours,

Chris D. Kinzel, P.E.
Vice President



June 8, 2016

Alameda Planning Board
c/o Andrew Thomas
City of Alameda
2263 Santa Clara Avenue
Alameda, CA 94501

Re: Westmont of Harbor Bay, Alameda CA

Dear Planning Board Members:

On behalf of the San Francisco Bay Area Water Emergency Transportation Authority (WETA) I am writing in support of Westmont Harbor Bay, the proposed assisted living and memory care facility located on Adelphian Way next to the Harbor Bay ferry terminal.

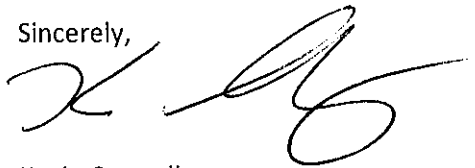
The ferry continues to be a critical part of the Greater Bay Area public transportation network with important connections to employment centers. Over 8,000 trips per day – almost 2.5 million riders annually – use our ferries. Ridership on the WETA system has increased 60 percent since 2012 -- when city services were transitioned to WETA -- and 2015. Individual routes have grown at double digit annualized rates over the last three years. The Harbor Bay service has increased by 65 percent in the same time period.

With the increase in ridership there have also been some growing pains such as spillover traffic in residential neighborhoods. As a result, WETA is working with City staff and Harbor Bay homeowners associations to find solutions to parking and traffic. We continue to encourage alternative modes of transportation to the terminal, including bicycling. Wherever possible, we seek to encourage bicyclists to store their bikes at the terminal, freeing up space on the boats and speeding the boarding process. WETA has recently expanded bike rack capacity and installed bicycle lockers at the Harbor Bay Ferry Terminal.

Should Westmont Harbor Bay receive approvals from the City, the project developers have generously offered to contribute up to \$30,000 for either replacement or expansion of bike lockers at the Harbor Bay ferry terminal. As a good neighbor, this contribution demonstrates Westmont's interest in participating in a transportation demand management solution that works for all Alamedans.

WETA believes the proposed project is a good neighbor and encourages the Planning Board's full support.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Connolly', with a stylized, flowing script.

Kevin Connolly
Manager, Planning & Development
Water Emergency Transportation Authority
Pier 9, Suite 111
The Embarcadero San Francisco, CA 94111 WETA

ITEM 7-A

CITY OF ALAMEDA

Memorandum

To: Honorable President and
Members of the Planning Board

From: Andrew Thomas, Assistant Community Development Director

Date: November 9, 2015

Re: **Zoning Conformance Determination – Senior Care Facility - Applicant: Christopher Garwood, Pacific Union.** An application for a zoning conformance determination for a senior care facility on a five acre property located adjacent to the Harbor Bay Ferry Terminal in the Harbor Bay Business Park. The zoning determination is not a project under the California Environmental Quality Act. .

BACKGROUND

On October 8, 2015, the Planning Board received a request for a zoning conformance determination from Mr. Christopher Garwood of Pacific Union. Mr. Garwood is requesting that the Planning Board confirm staff's determination that a state licensed memory care and assisted living facility is consistent with the C-M Commercial Manufacturing District Zoning for the site. (Exhibit 1)

If the Planning Board affirms that staff determination that the proposed use is permitted by the zoning; Pacific Union will proceed with the application process, which will include a Development Plan and Design Review application for the facility. Once the Development Plan and Design Review application is complete, staff will schedule and notice a public hearing before the Planning Board to review the applicant's proposed site and landscape design (development plan) and the proposed architecture (design review) for the facility.

Affirming the zoning determination does not pre-determine an affirmative vote on the development plan and design review application, but it does presuppose that the City will not deny the applications based upon a finding that the use is not consistent with the zoning.

If the Planning Board determines that the proposed use does not comply with the CM zoning designations, then Pacific Union will not proceed with the proposal.

ANALYSIS

Description of Proposed Use

As described in Exhibit 1, Pacific Union is proposing to construct a commercial memory care and assisted living facility on five acres of vacant private property located immediately adjacent to the Harbor Bay Ferry Terminal parking lot.

The facility would serve approximately 100 seniors with memory care needs or assisted living facilities. The facility would be approximately 95,000 square feet in size, two stories in height, and include facilities for the care (feeding, bathing, personal hygiene, laundry, etc.) as well as social programs for the residents. (Exhibit 2 includes a conceptual site and floor plan.) The facility would also include a restaurant-style dining area, library, movie room, café, physical

therapy and common living room for use by the residents. The facility would be fully staffed on a 24 hour, seven day a week basis by approximately 53 full time equivalent employees.

The facility would include a variety of living spaces for the inhabitants ranging from individual private rooms with bathroom facilities for single memory care residents to larger one and two bedroom units for senior couples in need of assisted living. The larger units will include private living, sleeping, bathing, and a small food preparation area. The food storage and preparation area will include sink, counter, microwave, and refrigerator, but it will not include full private cooking facilities.

Because none of the living spaces include fixed cooking facilities (an oven), none of the private living areas are defined as “residential units” under the Uniform Building Code or the City of Alameda Municipal Code.

Description of C-M Commercial Manufacturing Zoning District.

Residential units are not permitted in the C-M Commercial Business District. As described in Section 30-4.10. The C-M District is:

“intended to be applied where general commercial facilities are necessary and desirable for public service and convenience, or where light manufacturing will be a compatible use because of absence of noise, odor, dust, dirt, smoke, vibration, heat, glare, excessive vehicular and rail traffic, radiation, and other hazards incidental to industrial uses.”

Section 30-4.10 b. lists the specific uses that are permitted in the C-M District. Item number 1 on the list references all of the uses permitted by right in the C-1 and C-2 commercial districts. Item number 3 on the list includes, *“Other commercial-manufacturing uses, which are similar to the uses permitted in the district...”*

Both Section 30-4.8.b C-1 Neighborhood Business District, Uses Permitted and Section 30-4.9.b C-2 Central Business District, Uses Permitted list *“Uses permitted in the AP District...”* as uses that are permitted in the C-1 and C-2 Zoning Districts.

Section 30-4.7 –AP Administrative Professional District, subsection b. Uses Permitted includes item number 2: “Medical facilities, including but not limited to the following: (e) *Nursing and convalescent homes, and (g) Rest Homes.*

Nursing homes, convalescent homes, and rest homes are not defined in the Zoning Code, but Webster’s Dictionary defines a nursing home as: “a privately operated establishment providing maintenance and personal or nursing care for persons (as the aged or the chronically ill) who are unable to care for themselves properly. A rest home is defined as an “establishment that provides housing and general care for the aged or the convalescent”.

Conclusions:

Based upon the above analysis, staff believes the proposed use is a permitted use in the Harbor Bay Business District and in the CM Zoning District.

Staff also believes that the use could be complementary use for the other businesses and facilities in the district, which include the Ferry Terminal, a private school, and a childcare center. Through the development review process, the applicant could consider:

- Providing amenities to support the Ferry Terminal users, such as bicycle parking and/or a café on the western end of the project adjacent to the Ferry Terminal.
- Partnering with the Harbor Bay shuttle service and/or the recently approved hotel on Harbor Bay Parkway to provide shuttle services for seniors to Park Street shops and services.
- Landscape improvements to improve the interface between the homes to the rear of the business park, the lagoon, and the site.

From a transportation point of view, the use represents a use of 5 acres of land in the Business Park that will generate relatively few peak hour automobile trips. Assisted living facilities generate very few vehicular trips, as most of the seniors don't drive and staff shifts are spread out over a 24 hour period. Based upon an analysis conducted for the 2013 approval of the Cardinal II memory care and assisted living facility, the Harbor Bay facility would generate approximately 10 AM trips and about 10 PM peak period automobile trips. For comparison purposes, five acres developed with commercial office, would include approximately 50,000 square feet of commercial office, which would generate approximately 75 AM and 75 PM peak hour trips.

ENVIRONMENTAL REVIEW

The Development Plan and Design Review applications, if submitted, will be subject to review pursuant to California Environmental Quality Act (CEQA). A determination of conformance with the Zoning Ordinance is not an action subject to CEQA.

RECOMMENDATION

Endorse by motion the staff determination that the proposed use is a permitted use within the CM Zoning District.

Respectfully Submitted,

Andrew Thomas
Assistant Community Development Director

Exhibits:

1. Request for Zoning Determination
2. Conceptual Site Plan, floor plans, and architecture

San Francisco Bay Conservation and Development Commission

455 Golden Gate Avenue, Suite 10600, San Francisco, California 94102 tel 415 352 3600 fax 415 352 3606

June 17, 2016

Chris Garwood, Vice President
Pacific Union Land Company Inc.
675 Hartz Avenue, #300
Danville, CA 94526

SUBJECT: Proposed Westmont Living Senior Residential Facility, Harbor Bay Business Park
BCDC Legal Inquiry File MC.MC.7204.451.6

Dear Mr. Garwood:

We received the Conceptual Site Plan you submitted for the proposed Westmont Living Senior Residential Facility within the Harbor Bay Business Park, on Bay Farm Island, in the City of Alameda, Alameda County. The site plan is entitled "Westmont of Harbor Bay, Alameda, California" ("Conceptual Site Plan"), and is dated May 31, 2016, though the file name of the submitted PDF indicates the plan was updated as of June 7, 2016.

Based on our review of the Conceptual Site Plan, we have determined that the plan, in concept, is generally consistent with the development standards contained in Section 6.B.2 ("Soft-Urban Landscape Area") of the Third Amendment to the Third Supplementary Agreement ("TSA"), Harbor Bay Isle Shoreline, Harbor Bay Business Park — Phase III, Alameda, California, dated March 15, 2013, and with the public access and landscape improvement plans dated November 13, 1990, and with the public access and landscape improvement plans approved for this area, titled "Landscape Improvement Plans, Alameda Shoreline Park, Tract 5905 & Tract 4500 — Phase 3B," dated October 1, 1989 and approved by our office on November 21, 1990.

Although, as noted above, we have applied to your project the development standards for the "Soft-Urban Landscape Area" contained in the TSA and in plans approved by the BCDC under the terms of the TSA, it remains a matter of concern to the BCDC that Pacific Union Land Co. is not a party to the TSA. We are allowing Pacific Union to avail itself of the benefit of the TSA (in the form of an exemption from the otherwise applicable permit requirements of the McAteer-Petris Act ("MPA")) and in exchange for that allowance we expect Pacific Union, in lieu to applying for an obtaining a permit under the MPA, to be willing to enter into a contractual arrangement with the BCDC whereby the development standards in the TSA become legally binding on Pacific Union and its successors and which provides for a termination of the

Chris Garwood

June 17, 2016

Page 2

exemption provided by the TSA upon the initial buildout of the property to which the TSA pertains, including but not limited to the property on which you are constructing your project. We are presently engaged in discussions with HBIA and its counsel on a contractual mechanism that will achieve these results. When we have a draft contractual document designed for these purposes we will forward it to you for your consideration and eventual execution. Again, execution of such an agreement is necessary in order for Pacific Union to enjoy the benefit of the exemption from the permit requirements of the MPA which the TSA affords.

If you have any questions, please do not hesitate to contact me at 415-352-3618 or ethan.lavine@bcdca.gov.

Sincerely,



ETHAN LAVINE

Principal Permit Analyst

EL/ra

cc: HBIA, c/o Dr. Daniel Reidy

May 6, 2016

Pacific Union Land Company
675 Hartz Avenue, Suite 300
Danville, California 94526

Attention: Mr. Christopher Garwood

**RE: Preconstruction Surveys for Nesting Birds, including Western Snowy Plover,
California Least Tern, Western Burrowing Owl, and other Raptors
Westmont Harbor Bay Project, Alameda, California**

Dear Mr. Garwood:

1. INTRODUCTION

This letter- report has been prepared to present the results of Monk & Associates' (M&A) nesting bird survey. The survey was completed for all nesting birds including passerines (small perching birds), western snowy plover (*Charadrius alexandrinus nivosus*), California least tern (*Sterna antillarum brownii*), western burrowing owls (*Athene cunicularia hypugaea*) and other raptors (birds of prey) on the proposed Westmont Harbor Bay project site (herein referred to as the project site) in Alameda, California (Figures 1, 2 and 3). California Natural Diversity Database (CNDDB) records for the western snowy plover and the California least tern occur within a two-mile radius of the project site. Surveys for these federally listed species were therefore necessary to confirm their presence or absence on the project site. In this report we discuss the legal status of nesting birds/raptors, our field survey methods, the results of our nesting bird surveys, and our recommendations.

2. PROJECT SITE DESCRIPTION

The 5.4-acre project site is located at Adelphian Way, Alameda, California (Figures 1 and 2). The project site is a vacant, ruderal (weedy) field that parallels the Bay Farm Islands Shoreline Trail and the Alameda Harbor.

Immediately to the north of the project site is the Alameda Ferry Terminal with an associated paved parking lot. To the east of the project site are high-density, single-family homes and multi-family apartments which are separated from the project site by Adelphian Way and a man-made lagoon. To the west of the project site is the Bay Farm Shoreline trail that parallels Alameda Harbor. To the south of the project site is a commercial business park with an associated paved parking lot. Figure 3 shows this property as a ruderal field, similar to the project site; however, since the time that aerial photograph was taken, construction of a second building in the commercial business park was underway.

Ruderal vegetation is present throughout the project site, and includes perennial pepperweed (*Lepidium latifolium*), black mustard (*Brassica nigra*), slender wild oat (*Avena barbata*), scarlet pimpernel (*Lysimachia arvensis*), and winter vetch (*Vicia villosa*). At the time of M&A's May survey this vegetation was approximately two feet tall.

3. PROPOSED PROJECT

The applicant proposes to build an assisted living and memory care facility for seniors on the 5.4- acre project site.

4. LEGAL PROTECTION FOR NESTING BIRDS

4.1 Federal Migratory Bird Treaty Act

The Migratory Bird Treaty Act of 1918 (16 U.S.C. §§ 703-712, July 3, 1918, as amended 1936, 1960, 1968, 1969, 1974, 1978, 1986 and 1989) makes it unlawful to “take” (kill, harm, harass, shoot, etc.) any migratory bird listed in Title 50 of the Code of Federal Regulations, Section 10.13, including their nests, eggs, or young. Migratory birds include geese, ducks, shorebirds, raptors, songbirds, wading birds, seabirds, and passerine birds (such as warblers, flycatchers, swallows, etc.).

4.2 California Fish and Game Code § 3503, 3503.5, 3511, and 3513

California Fish and Game Code §3503, 3503.5, 3511, and 3513 prohibit the “take, possession, or destruction of birds, their nests or eggs.” Disturbance that causes nest abandonment and/or loss of reproductive effort (killing or abandonment of eggs or young) is considered “take.” Such a take would also violate federal law protecting migratory birds (Migratory Bird Treaty Act).

4.3 Legal Protection for Western Burrowing Owl

Western burrowing owls are classified in the State of California as a “species of special concern.” This designation provides protection for these species pursuant to the California Environmental Quality Act (CEQA). Burrowing owls are also protected under the federal Migratory Bird Treaty Act (16 U.S.C. 703-711 and 50 CFR 10.13), and their nests, eggs, and/or young are protected by California Fish and Game Code §3505, §3503.5, and §3800. The Migratory Bird Treaty Act as amended makes it unlawful to kill, harm, or harass any migratory bird listed in Title 50 of the Code of Federal Regulations, Section 10.13, including their nests, eggs, or young.

4.4 Legal Protection for Western Snowy Plover

The western snowy plover is a federally listed threatened species (March 5, 1993) and a California species of special concern (1978). The Pacific coast populations of the western snowy plover breed primarily on coastal beaches from southern Washington to southern Baja California, Mexico. Sand spits, dune-backed beaches, unvegetated strands, open area around estuaries and beaches at river mouths are the preferred coastal habitats for nesting (USFWS 1993)¹. Snowy plovers breed in loose colonies with the number of adults at coastal breeding sites ranging from 2 to 318. On the Pacific coast, larger concentrations of breeding birds occur in the south than in the north, suggesting that the center of the plovers’ coastal distribution lies closer to

¹ USFWS (U.S. Fish & Wildlife Service). 1993. Endangered and threatened wildlife and plants; determination of threatened status for the Pacific Coast population of the western snowy plover. Federal register, Vol. 58, No. 42. pps. 12864-12874.

the southern boundary of California (USFWS 1993)¹. The breeding season extends from early March to late-September. In winter, snowy plovers are found on many of the beaches used for nesting but also on beaches not used for nesting. They also visit manmade salt ponds and estuarine sand and mud flats (USFWS 1999)². The wintering season generally extends roughly from October to February but often overlaps the nesting season with birds arriving on wintering areas as early as midsummer. The closest known CNDDDB record for the western snowy plover was recorded in 1974 when one adult and one chick were observed approximately 0.2-mile north of the project site (CNDDDB Occurrence No. 90). There are no records for western snowy plover on the project site.

4.5 Legal Protection for California Least Tern

The California least tern was federally listed as endangered in its entire range on June 2, 1970 (Federal Register 35: 16047). Critical habitat has not been designated for this species. It is also a state listed endangered species. The California least tern is a small gray and white seabird with long, narrow, black-tipped wings and a black cap. It is the smallest of the North American terns. Typically, these terns forage in shallow estuaries and lagoons, diving head first into the water after a wide variety of small fish. Today, the breeding range of these terns is limited to San Francisco Bay and a few areas along the coast from San Luis Obispo County to San Diego County. It nests on coastal, sandy, open areas usually around bays, estuaries, and creek and river mouths. Nests are scrapes or depressions in the sand that the birds often adorn with small fragments of shell or pebbles; a typical clutch size is 2 eggs. The California least tern nests in colonies of approximately 25 pairs. The California least tern is a migratory species, it arrives in California by late April and departs by August. During the winter months, they head south to the Pacific coast of Central America (Zeiner et al. 1990³, Shuford 1993⁴). The closest known CNDDDB record for the California least tern was recorded in 1969, when a large colony of individuals was observed nesting on large, sandy flats approximately 0.5-mile northeast of the project site (CNDDDB Occurrence No. 2). There are no records for California least tern on the project site.

5. SURVEY METHODS

On May 4, 2016, M&A biologist Ms. Caitlyn Bishop conducted a western burrowing owl and other raptor, snowy plover, California least tern, and passerine (perching bird) nesting bird survey on the project site and within a zone of influence. Survey methods for nesting passerine

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USFWS (U.S. Fish & Wildlife Service). 1999. Endangered and threatened wildlife and plants; designation of critical habitat for the Pacific Coast population of the western snowy plover; final rule. Federal register, Vol. 64, No. 234. pps. 68507-68544.

³ Zeiner, D.C., W.F. Laudenslayer, Jr., K.E. Mayer, and M. White. 1990a. California's wildlife, volume II, birds. State of California, the Resources Agency, Department of Fish and Game, Sacramento, California.

⁴ Shuford, W.D. 1993. The Marin County breeding bird atlas: A distributional and natural history of coastal California birds. California Avifauna Series 1. Bushtit Books, Bolinas, California.

birds included examining all trees and bushes on and adjacent to the project site for active nests. Survey methods for western snowy plovers and California least terns included scanning the project site with a high-powered Nikon scope for nesting individuals on the ground before walking meandering transects throughout the site to look for direct and indirect evidence of plover and tern presence. Survey methods for western burrowing owls included scanning the project site with binoculars ahead of walking meandering transects throughout the site to look for direct and indirect evidence of burrowing owl presence. Any California ground squirrel (*Otospermophilus beecheyi*) burrow encountered on these transects was inspected for evidence of use by a western burrowing owl. Evidence of occupation includes a visual sighting of this owl species or the presence of its molt feathers, white wash, pellets, or prey remains. High-powered binoculars and the spotting scope were also used to scan ahead and look for burrowing owls that may be perched near a burrow or on top of a fence or earthen mound.

The survey also included examinations for direct and indirect evidence of raptor nesting. Indirect evidence includes the presence of fresh white-wash (i.e., excrement) in a tree or on the ground below a nest, adult molt feathers, down or feathers from young and/or adults located in relatively high concentrations in the vicinity of a nest, and evidence of kills (i.e., plucking posts and solitary kills) or pellet piles may indicate use of a tree or locality by nesting raptors.

Finally, when raptors or passerine birds were observed, their behavior was interpreted to determine if they might be nesting in the vicinity of the project site. Behaviors that would indicate nesting in the vicinity would include any exhibit of defensive behavior, territorial behavior, or other behavior indicating that a nesting bird was unusually interested in our presence in the area. Other observations that would likely indicate nesting would include observation of adult birds carrying food to the nest, adults exchanging food, or adults feeding young that had recently fledged from the nest.

6. SURVEY RESULTS

No western burrowing owls, snowy plovers, California least terns or any other active bird nests were observed on or within a zone of influence of the project site during the May 4, 2016 survey. Bird species observed during surveys included black phoebe (*Sayornis nigricans*), mourning dove (*Zenaida macroura*), northern mockingbird (*Mimus polyglottos*), house finch (*Carpodacus mexicanus*), American crow (*Corvus brachyrhynchos*), California towhee (*Pipilo crissalis*), chestnut-backed chickadee (*Poecile rufescens*), Anna's hummingbird (*Calypte anna*), and snowy egret (*Egretta thula*). No defensive behavior was exhibited by any bird observed that would indicate it was being protective over a nesting attempt or young.

During the survey, four black-tailed jackrabbits (*Lepus californicus*) were observed on the project site. No young were present on the site at the time of the survey and no burrows or rabbit dens were detected. These rabbits were observed foraging and roaming the project site's open field. The black-tailed jackrabbit is not a protected species in California as they are quite common in ruderal areas, grasslands, and crop fields. In fact, black-tailed jackrabbits are

considered “harvest species” in the California Code of Regulations⁵. Harvest species are defined by the California Fish and Game Code as animals that can be hunted or “taken” for personal use with no limit with a hunting or fishing license. The black-tailed jackrabbit’s highly adaptable nature to anthropogenic communities and highly disturbed areas make them a robust species and they successfully relocate to nearby open spaces when necessary. The lawn associated with the residential homes that occur directly east of the project site and Shoreline Park that occurs approximately 0.1 mile north of the project site may provide suitable habitat for jackrabbits once construction on the project site commences.

According to the University of California Agricultural and Natural Resources Statewide Integrated Pest Management Program⁶, black tailed jackrabbits have been found to be detrimental to gardens and landscaped areas, and cause damage including chewing through irrigation lines. Wild, fallow habitats, such as those found on the project site provide suitable cover for rabbits during the day. At dawn and dusk, jackrabbits have been known to travel typically between 1 and 2 miles to feed on herbaceous vegetation commonly found in private gardens and open, landscaped areas, such as those found in the vicinity of the project site. Therefore, no mitigation is warranted for impacts to black-tailed jackrabbits on the project site.

7. CONCLUSIONS AND RECOMMENDATIONS

No nesting birds were found on the project site or within a zone of influence during M&A’s nesting bird survey conducted on May 4, 2016. M&A believes that no considerations for nesting birds/raptors, western burrowing owls, western snowy plovers, or California least terns are warranted for commencement of construction on the project site provided construction commences within the next 14 days. If construction is postponed greater than 14 days it would be necessary for a follow up nesting survey to ensure that no nesting activity has commenced on the project site.

Should you have any questions, or wish to discuss any other aspect of this survey or report, please do not hesitate to call me at (925) 947-4867 extension 208.

Sincerely,



Caitlyn Bishop
Staff Biologist

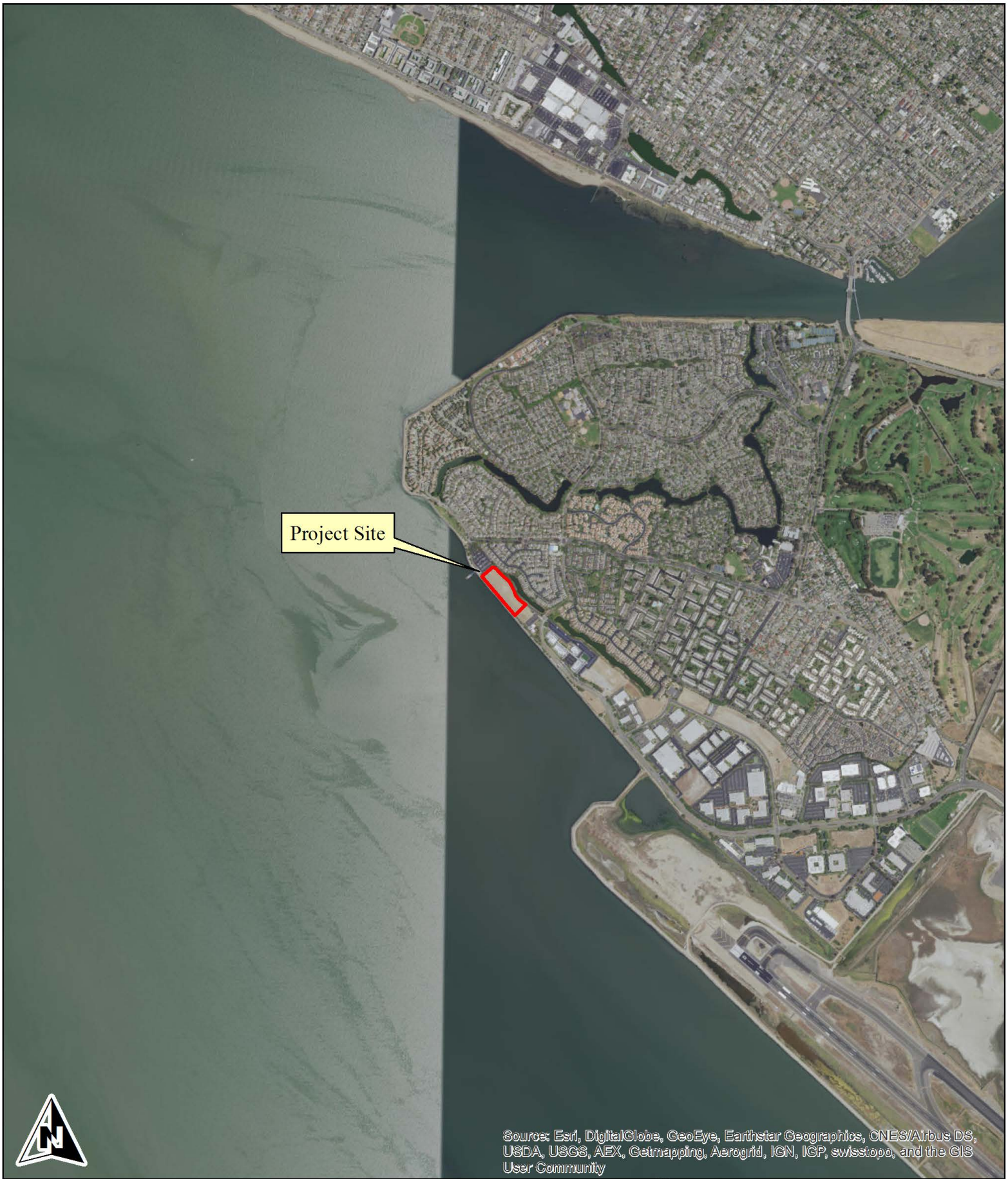
Attachments: Figures 1-3

⁵ Harvest species are defined as Game Birds (Fish and Game Code § 3500), Game Mammals (Fish and Game Code § 3950), and Fur-bearing Mammals and Nongame Animals as designated in the [California Code of Regulations. Definition taken from the CDFW’s Complete List of Amphibian, Reptile, Bird and Mammal Species in California. July 2014.](#)

⁶ University of California Agricultural and Natural Resources Statewide Integrated Pest Management Program <http://www.ipm.ucdavis.edu/PMG/PESTNOTES/pn7447.html>

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County: Alameda
Map Preparation Date: March 4, 2016



Project Site



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Figure 2. Adelphian Way Project Site
Location Map
Alameda, California

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS,
USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS
User Community

0 0.1 0.2 0.4 0.6 0.8 1 Miles

Section: 25;T2S R3W
37°44'9.13"N 122°15'9.48"W
7.5-Minute Hunters Point quadrangle
Aerial Photograph Source: ESRI
Map Preparation Date: March 4, 2016



 Project Site

Adelphian Way



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Sources: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

0 25 50 100 150 200 250 Feet

Figure 3. Aerial Photograph of the
Adelphian Way Project Site
Alameda, California

Section: 25;T2S R3W
37°44'9.13"N 122°15'9.48"W
7.5-Minute Hunters Point quadrangle
Aerial Photograph Source: ESRI
Map Preparation Date: March 4, 2016