

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
CITY OF OAKLAND
2004 APR - 30 PM 12: 02

To: Office of the City Manager
Attn: Deborah Edgerly
From: Community and Economic Development Agency
Date: April 20, 2004
Re: **Public Hearing pursuant to Oakland Planning Code Section 17.102.220 to consider the Planning Commission's Recommendation that the City Council adopt a Resolution approving the Reclamation Plan Amendment and Revised Financial Assurances for the Leona Quarry**

SUMMARY

This public hearing concerns an approval necessary to implement the Leona Quarry Residential Project (the "Project"), approved by the City Council on February 17, 2004. In conformity with Section 17.102.220 of the Oakland Planning Code, the Planning Commission held a public hearing on this matter on April 7, 2004 and has recommended that the City Council adopt the attached resolution approving the proposed reclamation plan amendment and revised financial assurances. This action is required to comply with the State Surface Mining and Reclamation Act, the City's Surface Mining Ordinance and a condition of City Council Resolution 78358 (as amended by Resolution 78359), approving the Leona Quarry Residential Project.

FISCAL IMPACT

Adoption of the Reclamation Plan Amendment and Revised Financial Assurances has no fiscal impact. As required through the Conditions of Approval (COA) previously adopted by the City Council, all costs for City staff and professional services to monitor the project, review plans, conduct inspections will be recovered through fees paid by the Project Applicant. The implementation of the project is expected to have a beneficial fiscal impact through increased sales tax and property tax revenues.

BACKGROUND

Background and Purpose of the Reclamation Plan Amendment. This public hearing concerns an approval necessary to implement the Leona Quarry Residential Project (the "Project") that was approved by the City Council on February 17, 2004. The Council has the final jurisdiction regarding reclamation plans. The City Council's approval of the Project was conditioned upon obtaining a Reclamation Plan Amendment consistent with the proposed residential use. Specifically, the Council determined that:

Prior to issuance of a grading permit, the Project Applicant shall obtain an amendment to the current Reclamation Plan that is consistent with the Planned Unit Development, Vesting Tentative Map, these Conditions of Approval and all requirements of the State Mining and Reclamation Act ("SMARA"). This amendment may be obtained from the City.

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SUSTAINABLE OPPORTUNITIES

The Reclamation Plan Amendment would provide for the reclamation and revegetation of the present quarry, resulting in improved visual quality and habitat in this portion of Oakland. In addition, the project includes a comprehensive set of sustainability measures, including:

- *Environmental:* The provision of solar energy, through a large array of photovoltaic panels located on the main, south facing slope, for the complete power needs of fifteen percent of the units in the lower development area.
- *Social Equity:* The project will serve to create a safer environment where the open space and recreational features on the site will be maintained safely and appropriately, with funding assured by the Geological Hazard Abatement District (GHAD).
- *Economic:* The GHAD will assure that required services are provided in a responsible manner for the community where they are needed.

DISABILITY AND SENIOR CITIZEN ACCESS

Through the Conditions of Approval for the project, the Project Applicant must contribute \$500,000 toward a senior citizen housing project located in the Eastmont Town Center. The project, as required by federal and state law, will include accessibility features for disabled citizens.

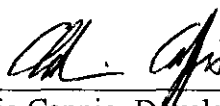
RECOMMENDATION(S) AND RATIONALE

Adopt the attached resolution approving the application of the DeSilva Group LLC for a Reclamation Plan Amendment and Revised Financial Assurances. This action is consistent with prior approvals granted to this project.

ACTION REQUESTED OF THE CITY COUNCIL

1. Open the public hearing and take public testimony concerning this agenda item.
2. Close the public hearing.
3. Adopt the attached resolution making the findings set forth therein and approving the application of the DeSilva Group LLC for a Reclamation Plan Amendment and Revised Financial Assurances for the Leona Quarry.

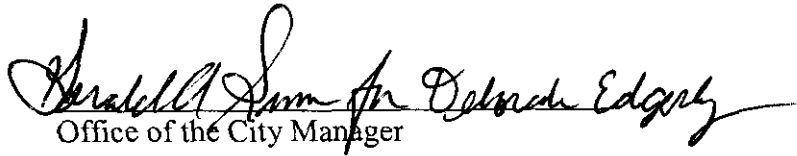
Respectfully submitted,



Claudia Cappio, Development Director

Prepared by: John Truxaw, Project Manager
CEDA - Planning

APPROVED AND FORWARDED TO THE
CITY COUNCIL:


Office of the City Manager

Attachments:

Proposed Resolution

Planning Commission Staff Report including:

- A. Text of Reclamation Plan Amendment
- B. Site Plans for Reclamation Plan Amendment
- C. Financial Assurances Cost Estimate
- D. Approval of the Reclamation Plan Amendment by the California Department of Conservation / Office of Mine Reclamation

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OAKLAND CITY COUNCIL

OFFICE OF THE CLERK
CITY OF OAKLAND

RESOLUTION No. _____ C.M.S. 12496-2 12496 03

RESOLUTION APPROVING THE APPLICATION OF THE DE SILVA GROUP LLC FOR A RECLAMATION PLAN AMENDMENT AND REVISED FINANCIAL ASSURANCES FOR THE LEONA QUARRY

WHEREAS the Leona Quarry is an active surface mine operating in the City of Oakland pursuant to a reclamation plan approved in 1988; and

WHEREAS the current reclamation plan for the Quarry allows for the quarrying of 10 million cubic yards of material in addition to what has been quarried to date; and

WHEREAS the DeSilva Group LLC has sought and obtained permission from the City of Oakland to convert the Leona Quarry site to a residential community consisting of 423 homes (the Residential Project); and

WHEREAS the development of the Residential Project requires that the current mining operations cease and that the current reclamation plan be replaced by one that does not permit the extensive quarrying currently allowed and that requires that the site be left in a safe and stable condition compatible with the approved Residential Project; and

WHEREAS on February 17, 2004 the City Council adopted its Resolutions 78358 and 78359 making certain findings and certifying the Final Environmental Impact Report (the Final EIR) and Final Subsequent Environmental Impact Report (the Final SEIR) prepared for the Residential Project and imposing conditions of approval including conditions requiring the mitigation of environmental impacts of the Residential Project; and

WHEREAS Ordinance 12496 C.M.S. establishes the procedures to be followed in acting on a request to amend a reclamation plan; and

WHEREAS, in compliance with ordinance 12496, on April 7, 2004 the Planning Commission held a public hearing and recommended that the City Council adopt a resolution approving the Reclamation Plan Amendment and the Amended Financial Assurances, and

WHEREAS in further compliance with ordinance 12496, on April 20, 2004 the City Council held a duly noticed public hearing at which all interested members of the public were provided the opportunity to comment on the Reclamation Plan Amendment and Revised Financial Assurances; and

WHEREAS the environmental review for this project is set forth in the Final EIR prepared in September 2002 and the Final SEIR prepared in January 2004; and

WHEREAS, on February 17, 2004, the City Council certified the Final EIR as revised and supplemented by the Final SEIR; and

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WHEREAS the City Council has reviewed the reclamation plan amendment and other information in the record and has determined that no additional environmental review of the Project is warranted because (1) the reclamation plan amendment and its potential environmental effects were fully studied in the Final EIR/Final SEIR; (2) there are no substantial changes proposed for the Project or in the surrounding circumstances that would require major revisions of the Final EIR/Final SEIR; and (3) there is no new information, which could not have been known when the Final EIR/Final SEIR was certified, indicating new or more severe environmental impacts, feasibility of mitigation measures previously found to be infeasible, or considerably different mitigation measures or alternatives the project proponents decline to adopt which would reduce significant impacts;

WHEREAS the City Council finds, for the reasons stated after each of the following findings, as follows:

- (1) That the Reclamation Plan complies with SMARA Sections 2772 and 2773, and any other applicable provisions.

City staff has reviewed the Reclamation Plan Amendment and has found it to comply with SMARA. Moreover, the State Office of Mining Reclamation (OMR) – the expert California agency with authority over SMARA compliance and surface mining activities throughout the state and with specialized knowledge in mining and reclamation – has determined that the Reclamation Plan Amendment complies with SMARA.

- (2) That the Reclamation Plan complies with applicable requirements of State regulations (CCR §3500 – 3505, and § 3700 –2313).

City staff has reviewed the Reclamation Plan Amendment and found it to comply with SMARA’s implementing regulations. Moreover, OMR – the expert California agency with specialized knowledge in mining and reclamation – has determined that the Reclamation Plan Amendment complies with SMARA’s regulations.

- (3) That the Reclamation Plan and potential use of reclaimed land pursuant to the plan are consistent with this Chapter, the City’s General Plan and any applicable resource plan, element or an Approved Plan.

The Reclamation Plan Amendment and the end use of the site are consistent with Chapter 17.102.220 of the City of Oakland’s Zoning Code. The City Council previously found on February 17, 2004, that the overall Leona Quarry Residential Project is consistent with the City’s General Plan.

- (4) That the Reclamation Plan has been reviewed pursuant to CEQA and the City’s environmental review guidelines, and all significant adverse impacts from reclamation of the surface mining operations are mitigated to the maximum extent feasible.

The Reclamation Plan Amendment has been reviewed in accordance with o CEQA, and all significant adverse impacts from reclamation of the surface mining operation are mitigated to the maximum extent feasible. The EIR for the Project expressly included approval of reclamation plan amendment as a component of the CEQA project under review. The City Council certified the Final EIR, as revised and supplemented by the Final Subsequent EIR on February 17, 2004.

(5) That the land and/or resources such as water bodies to be reclaimed will be restored to a condition that is compatible with, and blends in with, the surrounding natural environment, topography, and other resources, or that suitable off-site development will compensate for related disturbance to resource values.

As already found by the City Council, reclamation activities outlined in the Reclamation Plan Amendment are compatible with the surrounding natural environment in that they will create a safe and stable area upon which immediate development may occur.

(6) That the Reclamation Plan will restore the mined lands to a safe, stable and usable condition which is readily adaptable for alternate land uses consistent with the General Plan, and other City Approved Plans, policies, ordinances and regulations.

The City Council on February 17, 2004, found that the reclamation measures are appropriate for the proposed end use for the site (consisting of a residential development project) and that the reclamation measures will "create safe and stable slopes adjacent to the proposed residential development." The City Council's findings specific to reclamation activities for the Project are attached as Attachment E to the attached Planning Commission staff report.

(7) That a written response to the Sate Department of Conservation has been prepared, describing the disposition of major issues raised by that Department. Where the City's position is at variance with the recommendations and objections raised by the State Department of Conservation, said response shall address, in detail, why specific comments and suggestions were not accepted.

Written responses to the State Department of Conservation cannot be prepared because the Department raised no issues with the Reclamation Plan Amendment, and the City's position is not at variance with the State Department of Conservation.

RESOLVED: That the City Council approves the Reclamation Plan Amendment and Financial Assurances, set forth as Attachments A, B and C of the Planning Commission Staff Report, attached.

FURTHER RESOLVED: That the City Council adopts as conditions of approval of the Reclamation Plan Amendment all of the mitigation measures identified in the EIR and the Mitigation Monitoring and Reporting Program (MMRP), as set forth as Exhibit B to Council

Resolution 78358 and directs the City Administrator to ensure that these are duly and diligently implemented and enforced.

FURTHER RESOLVED: That the Council finds and determines that this Resolution complies with CEQA and the Environmental Review Officer is directed to cause to be filed a Notice of Determination with the appropriate agencies.

FURTHER RESOLVED: That the record before this Council relating to this action includes, without limitation, the information set forth in Staff Report including the attached Planning Commission staff report, all final staff reports and final documentation and information produced by or on behalf of the City, including without limitation the Draft and Final EIRs, the Draft and Final SEIRs, and supporting final technical studies and appendices, and all related and supporting material, and all final notices relating to the application and attendant hearings and meetings; all oral and written evidence received by the City Planning Commission and City Council during the public hearings on the Leona Quarry project; all written evidence received by relevant City staff before and during public hearings on the application; and all matters of common knowledge and all official enactments of the City such as the General Plan, Oakland Municipal Code, Oakland Fire Code, Oakland Planning Code, other applicable City policies and regulations and all applicable state and federal laws, rules and regulations.

FURTHER RESOLVED: That the custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council's decision is based are respectively: 1) the Community and Economic Development Agency (CEDA), Planning Division, 250 Frank Ogawa Plaza, suite 3300, Oakland, CA and 2) the Office of the City Clerk, 1 Frank Ogawa Plaza, 1st Floor, Oakland, CA.

FURTHER RESOLVED: That the recitals contained in this Resolution are true and correct and are an integral part of the City Council's decision.

In Council, Oakland, California, April 20, 2004

PASSED BY THE FOLLOWING VOTE:

AYES: BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN, PRESIDENT
DE LA FUENTE

ABSENT:
ABSTENTION:

Attest:

City Clerk and Clerk of the Council of
the City of Oakland, California

Case File No. ER 01-33, TTM 7351, PUD 02-437, VDR 02-439 and RZ 02-438

April 7, 2004

#4	Location: 7100 Mountain Boulevard (Leona Quarry – 128 acres) APNs: 040a-3847-010; 040a-3847-011; 037a-3151-005; 037a-3151-006; 040a-3845-030; 037a-2792-009; 037a-3156-001
	Proposal: Public Hearing pursuant to OPC Section 17.102.220 to consider recommendation to the City Council to adopt a Resolution approving the application of the DeSilva Group LLC for a Reclamation Plan Amendment and Revised Financial Assurances for the Leona Quarry
	Applicant: The DeSilva Group, LLC
	Contact Person/Phone Number: Jim Summers, principal (925) 828-7999
	Owner: Gallagher Properties, Inc.
	Case File Number: ER 01-33, TTM 7351, PUD 02-437, VDR 02-439 and RZ 02-438
	Planning Permits Required: The City has previously approved a Planned Unit Development permit, a zoning boundary line adjustment; a Vesting Tentative Map, Design Review Approval and variances for retaining wall height, garage width, front yard paving and certification of an EIR and Subsequent EIR.
	General Plan: Mixed housing Type and Resource Conservation Area
	Zoning: R-30 and R-50
	Environmental Determination: An Environmental Impact Report and a Subsequent Environmental Impact Report have been completed for the proposed project and approved by the Oakland City Council.
	Historic Status: N/A
	Service Delivery District: IV – Hills Area
	City Council District: 6
	Status:
	Action to be Taken: Recommend to City Council that it adopt a resolution approving a Reclamation Plan Amendment and Revised Financial Assurances for the Leona Quarry
	Finality of Decision: Recommendation to City Council
	For Further Information: Contact John Truxaw at (510) 238-6316 or by email: jtruxaw@oaklandnet.com

SUMMARY

This public hearing concerns an approval necessary to implement the Leona Quarry Residential Project (the "Project"), approved by the City Council on February 17, 2004. In conformity with the Section 17.102.220 of the Oakland Planning Code, before the City Council may consider and act on a request to amend a reclamation plan, the Planning Commission must first hold a public hearing and provide a recommendation to the City Council regarding the proposed reclamation plan amendment and revised financial assurances. This action is required to comply with the State Surface Mining and Reclamation Act, the City's Surface Mining Ordinance and a condition of City Council

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Resolution 78358 (as amended by Resolution 78359), approving the Leona Quarry Residential Project.

ANALYSIS

Background and Purpose of the Reclamation Plan Amendment. This public hearing concerns an approval necessary to implement the Leona Quarry Residential Project (the "Project") that was approved by the City Council on February 17, 2004. The City Council's approval of the Project was conditioned upon obtaining this Reclamation Plan Amendment:

Prior to issuance of a grading permit, the Project Applicant shall obtain an amendment to the current Reclamation Plan that is consistent with the PUD, VTM, these Conditions of Approval and all requirements of the State Mining and Reclamation Act ("SMARA"). This amendment may be obtained from the City . . .

City Council Resolution 78358, Exhibit C, ¶12.

The Project site currently is used for surface mining operations which are regulated by the State Surface Mining and Reclamation Act, Public Resources Code section 2710 et seq. ("SMARA") and the City's Surface Mining Ordinance (contained in Chapter 17.102.220 of the Planning Code). SMARA and the City's Surface Mining Ordinance both require a valid reclamation plan for any site that is used for surface mining operations.

A reclamation plan, in general terms, is a document that describes how an active quarry will be left in a safe and stable condition ready for secondary land uses. The proposed Reclamation Plan Amendment would amend the current Leona Quarry reclamation plan to address the reclamation and site restoration activities to the standard and form necessary for the Project's approved residential land uses.

In addition to a reclamation plan, SMARA requires financial assurances for every active surface mining operation. Usually in the form of a bond, financial assurances provide guaranteed funding for the activities specified in an approved reclamation plan should the mine operator abandon a site prior to completion of surface mining operations. The required financial assurances, described below, will be provided to both the State and the City prior to the commencement of reclamation activities under this Reclamation Plan amendment.

Leona Quarry has been an active surface mining operation since 1904. The current reclamation plan for the site was approved by the City of Oakland in 1988. The financial assurances for the site are currently \$500,000, an amount that was last revised in 2000 (the Existing Reclamation Plan). The final quarry slopes specified in the Existing Reclamation Plan anticipate excavation and offhaul of an additional 10 million cubic

yards of material. The final slopes specified and permitted by the Existing Reclamation Plan are inconsistent with the slopes anticipated by the current Project.

In contrast, the currently approved plan calls for a much greater degree of balancing cut and fill, in order to minimize the degree of offhaul required. Given that the lower development area is now designated for the specific residential development, the final slopes reflect the shape and characteristics of this land use, as well as assure proper drainage and slope stability standards.

State Law Requirements. Under State law, reclamation plans and amended reclamation plans are approved either by a local agency pursuant to the authority of a local ordinance approved by the State Board, or in the alternative, by the State Board. At the time the application for the Leona Quarry project was filed, Oakland did not have an approved local ordinance and thus at that time authority to approve an amended reclamation plan for an Oakland mine rested with the State Board. In May, 2003, the City Council adopted its ordinance 12496 C.M.S., thereby adopting, with the consent of the State Board, procedures permitting the City of Oakland to act on and approve applications for amendments to reclamation plans.

Reclamation Plan Amendment Process. On February 17, 2004, the City Council approved the Project, which consists of the construction of 423 units on the property. See Attachment A, text of Reclamation Plan Amendment. Instead of quarrying an additional 10 million cubic yards of material, the Project provides for the reclamation of the existing slopes and transitioning directly to the secondary land use, i.e. residential development. See Attachment B, Site Plans. To implement this plan and accommodate the City's vision of the property's final end use of the site, it is necessary to prepare the Reclamation Plan Amendment because the final slope configuration will differ from the Existing Reclamation Plan.

This Reclamation Plan Amendment therefore results both in proposing final grades that will leave the site in a safe and stable condition after mining operations are complete, in compliance with SMARA, while at the same time resulting in grades and a slope treatment that will allow for the direct transition to the secondary land use of the site: residential development. Consequently, the level of detailed study and design on geological, geotechnical, civil engineering, hydrological and biological issues that was necessary to obtain the underlying land entitlements issued by the City easily satisfy SMARA's standards for reclamation of a surface mining operation.

On November 25, 2003, the Project Applicant submitted the Reclamation Plan Amendment and updated Financial Assurances to the City of Oakland, Engineering Design Division. On December 15, 2003, the City certified the Reclamation Plan Amendment and Revised Financial Assurances (in the amount of \$14,841,618—see, Attachment C) as complete and submitted them to the California Department of Conservation /Office of Mine Reclamation (“OMR”) for a statutorily-mandated review and opportunity to comment. OMR conducted its review of the Reclamation Plan

Amendment and Financial Assurances and found that they both complied with all requirements of SMARA and SMARA's implementing regulations and offered no suggestions for changes or modification to the plans. See Attachment D.

The Reclamation Plan Amendment provides conceptual-level treatment to the existing quarry slopes to restore them to a safe and stable condition ready for immediate development. See Attachments A and B. The main quarry face will be regraded to much gentler slopes than currently exist and will include several benches that will afford opportunities for significant revegetation and hillside tails. The northern slopes will be subject to mitigation measures to ensure slope stability. They will not be regraded so as to preserve the existing vegetation. Reclamation activities also include installing drainage facilities in order to greatly reduce the potential for future erosion or degradation of all slopes. All of the reclamation activities are consistent with the plans that were approved by the City Council for the Leona Quarry Development Project. In compliance with Condition 22 of the Project Conditions of Approval, the reclamation and grading plans, information and analysis have been independently reviewed by a qualified geotechnical engineer hired by the City and have been found to provide required slope stability and to conform with all other applicable conditions of approval.

Additional design-level refinements to the Project will continue throughout the site development process in conformity with the approved design and Reclamation Plan Amendment. Staff has reviewed the proposed Reclamation Plan Amendment and finds that it is consistent with the Planned Unit Development Permit, the Vesting Tentative Map, the adopted Conditions of Approval and the requirements of the State Mining and Reclamation Act as well as ordinance 12496 C.M.S.

The City's Surface Mining Ordinance (Chapter 17.102.220 of the Zoning Code) entitled "Surface Mining and Reclamation In Compliance With State Law" ("Mining Ordinance") outlines the procedures for approval of the Reclamation Plan Amendment. Section 6.0(d) states that the Planning Commission will hold at least one public hearing and shall provide a recommendation to the City Council on whether to approve, deny, or approve with changes the Reclamation Plan Amendment. Upon receipt of the recommendation from the Planning Commission, the City Council shall hold at least one public hearing on whether to approve the Reclamation Plan Amendment and Financial Assurances.

SMARA and Ordinance 12496 Consistency:

The City's Mining Ordinance includes seven mandatory findings necessary to approve any reclamation plan or amendment. The seven mandatory findings are set forth below along with a brief discussion of facts that support each finding for the Project (discussion is set out in bold):

- (1) That the Reclamation Plan complies with SMARA Sections 2772 and 2773, and any other applicable provisions.

City staff has reviewed the Reclamation Plan Amendment and found it to comply with SMARA. Moreover, OMR – the California agency with specialized knowledge in mining and reclamation – has determined that the Reclamation Plan Amendment complies with SMARA.

(2) That the Reclamation Plan complies with applicable requirements of State regulations (CCR §3500 – 3505, and § 3700 –2313).

City staff has reviewed the Reclamation Plan Amendment and found it to comply with SMARA’s implementing regulations. Moreover, OMR – the California agency with specialized knowledge in mining and reclamation – has determined that the Reclamation Plan Amendment complies with SMARA’s regulations.

(3) That the Reclamation Plan and potential use of reclaimed land pursuant to the plan are consistent with this Chapter, the City’s General Plan and any applicable resource plan, element or an Approved Plan.

The Reclamation Plan Amendment and the end use of the site are consistent with Chapter 17.102.220 of the City of Oakland’s Zoning Code. The City Council previously found on February 17, 2004, that the overall Leona Quarry Residential Project is consistent with the City’s General Plan. See City Council Resolution 78358, Exhibit D, ¶¶ 4 – 9.

(4) That the Reclamation Plan has been reviewed pursuant to CEQA and the City’s environmental review guidelines, and all significant adverse impacts from reclamation of the surface mining operations are mitigated to the maximum extent feasible.

The Reclamation Plan Amendment has been reviewed pursuant to CEQA and all significant adverse impacts from reclamation of the surface mining operation are mitigated to the maximum extent feasible. The EIR for the Project expressly included approval of reclamation plan amendment as a component of the CEQA project under review. The City Council certified the Final EIR on December 3, 2002. The City Council certified the Final Subsequent EIR on February 17, 2004.

(5) That the land and/or resources such as water bodies to be reclaimed will be restored to a condition that is compatible with, and blends in with, the surrounding natural environment, topography, and other resources, or that suitable off-site development will compensate for related disturbance to resource values.

As already found by the City Council, reclamation activities outlined in the Reclamation Plan Amendment are compatible with the surrounding natural environment in that they will create a safe and stable area upon which immediate development may occur. See City Council Resolution 78358, Exhibit D, ¶¶ 35, 36.

(6) That the Reclamation Plan will restore the mined lands to a safe, stable and usable condition which is readily adaptable for alternate land uses consistent with the General Plan, and other City Approved Plans, policies, ordinances and regulations.

The City Council on February 17, 2004, found that the reclamation measures are appropriate for the proposed end use for the site (consisting of a residential development project) and that the reclamation measures will “create safe and stable slopes adjacent to the proposed residential development.” Resolution 78358, Exhibit D, ¶¶ 35, 36. The City Council’s findings specific to reclamation activities for the Project are attached as Attachment E.

(7) That a written response to the Sate Department of Conservation has been prepared, describing the disposition of major issues raised by that Department. Where the City’s position is at variance with the recommendations and objections raised by the State Department of Conservation, said response shall address, in detail, why specific comments and suggestions were not accepted.

Written responses to the Sate Department of Conservation have not been prepared, and are not required, because the Department raised no issues with the Reclamation Plan Amendment.

Financial Assurances

Ordinance 12496 requires that “[t]o ensure that reclamation will proceed in accordance with the approved Reclamation Plan, the city shall require as a condition of approval security which will be released upon satisfactory performance.” The Public Works Agency has reviewed the applicant’s estimated costs to fully perform the requirements of the proposed Reclamation Plan Amendment of reclamation and concurs that a bond provided to the City in the amount of \$14,841,618 will satisfy the requirements for financial assurances set forth in the ordinance and in SMARA.

General Plan and Zoning Analysis:

The Project has been the subject of significant Commission and community review. General Plan and Zoning Analysis is fully discussed in the Staff report prepared for the Planning Commission meeting held on October 23, 2002 which can be found at

http://www.oaklandnet.com/government/ceda/revised/planningzoning/Commission/PUD02-437_RZ02-438_VDR02-439_TTM7351_ER01-33.doc beginning at page five of that staff report. The discussion found in that staff report is incorporated herein by this reference.

Project Approval Conditions:

In addition to findings required by the City's Mining Ordinance, the Planning Commission must also make a finding that the Reclamation Plan Amendment and Financial Assurances satisfy Condition 12 of City Council Resolution 78358 relating to reclamation of the site. Proposed findings that will satisfy all of these requirements are attached as Attachment F.

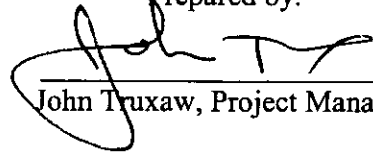
ENVIRONMENTAL REVIEW

Approval of the Reclamation Plan Amendment was subject to environmental review under the California Environmental Quality Act, Public Resources section 21000 et seq. ("CEQA"). The EIR for the Project expressly included approval of reclamation plan amendment as a component of the CEQA project under review. The City Council certified the Final EIR on December 3, 2002. The City Council certified the Final Subsequent EIR on February 17, 2004.


RECOMMENDED PLANNING COMMISSION ACTIONS:

1. Take public testimony concerning the agenda item.
2. Close the public hearing.
3. Review and consider the Final EIR and Final SEIR for the project, making the findings contained in Attachment F, attached to this staff report, including rejecting the alternatives to the project as being infeasible, adopting a Statement of Overriding Considerations, finding that the benefits of the proposed project outweigh the significant, unavoidable impacts and reaffirming the Mitigation Monitoring and Reporting Program approved by the City Council on February 17, 2004).
4. **Move** that staff be directed to forward a recommendation to the City Council that the City Council adopt a Resolution making the findings set for the above in this staff report and approving the application of the DeSilva Group LLC for a Reclamation Plan Amendment and Revised Financial Assurances for the Leona Quarry.

Prepared by:


John Truxaw, Project Manager

Approved for forwarding to the
City Planning Commission:



CLAUDIA CAPPIO
Director of Development

Attachments:

- A. Text of Reclamation Plan Amendment
- B. Site Plans for Reclamation Plan Amendment
- C. Financial Assurances Cost Estimate
- D. Approval of the Reclamation Plan Amendment by the California Department of Conservation / Office of Mine Reclamation
- E. Proposed Findings to Recommend to City Council
- F. Prior Findings of the City Council for the Leona Quarry Residential Project, including CEQA findings (City Council Resolutions 78358 and 78359, both dated February 17, 2004)

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ATTACHMENT A
TEXT OF RECLAMATION PLAN AMENDMENT

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RECLAMATION PLAN AMENDMENT

Mining Operation and Closure

1. **California Mine ID #:** 91-01-008
2. **Name of mine:** Leona Quarry
3. **Location of mine:** 7100 Mountain Boulevard
Oakland, CA 94605
4. **Ownership/Operation Information:**
 - Owner and Operator:** The DeSilva Group
11555 Dublin Boulevard
Dublin, CA 94568
(925) 828-7999
 - Operator's contact:** David Chapman
5. **Mined mineral commodity:** Construction grade aggregate
6. **Description of reclamation activities:**

Leona Quarry has been an active surface mining operation since 1904. It is currently operating with a reclamation plan that was approved by the City of Oakland in 1988. The final quarry slopes specified in the existing reclamation plan anticipate extraction and offhaul of an additional 10 million cubic yards of material.

The Operator proposes to construct a 423-unit residential development project ("Project") for the site. Instead of quarrying an additional 10 million cubic yards of material, the Project provides for the reclamation of the existing slopes and transitioning directly to the secondary land use. To implement this plan and accommodate the City's vision of the Property's final end use of the site, it is necessary to prepare this reclamation plan amendment because the final slope configuration will differ from the existing reclamation plan

This reclamation plan amendment therefore presents a unique situation wherein reclamation activities also represent preliminary grading and development activities for the direct transition to the secondary land use of the site. The entire development Project, i.e. construction of the structures, etc., is not considered reclamation activities. Rather, reclamation includes the grading, revegetation, and hydrologic work necessary to put the site in a safe and stable condition ready for immediate construction activities.

Obtaining the City's approval of the Project requires the Operator to prepare detailed site-specific studies and reports on a variety of issues such as geology, seismology, slope stability, hydrology, and biological resources. These reports provide information that is directly relevant to this reclamation plan amendment and are consequently incorporated into this reclamation plan amendment by reference where so stated. *Pub. Resources Code § 2772(d)*.

7. Environmental review:

The Project - including the grading and site improvement activities that constitute final reclamation and are a necessary component of the overall Project - was subject to environmental review pursuant to the California Environmental Quality Act, Public Resources Code section 21000 et seq. A draft Environmental Impact Report ("EIR") was circulated for environmental review on June 10, 2002 (State Clearinghouse Number 1999042052). The public comment period closed on July 29, 2002. The final EIR was certified by the City Council on December 3, 2002.

Pursuant to court order, a draft Subsequent EIR addressing hydrology issues was circulated for public comment on October 23, 2003. See *Attachment C*. The final Subsequent EIR was released on January 14, 2004. See *Attachment C*. On February 17, 2003, the City Council certified the EIR as supplemented by the Subsequent EIR.

8. Estimated total production:

The term "production" only loosely applies to the Quarry because immediate reclamation is anticipated upon approval of this reclamation plan amendment and the issuance of a grading permit from the City. Approximately 2.637 million cubic yards of material will be moved to create the final slopes. Nearly all of this amount (2.582 million cubic yards) will be used onsite as fill to create the gentler slopes specified in this reclamation plan amendment. Approximately 55,000 cubic yards of material may be offhauled from the site.

9. Estimated annual production:

Subject to the discussion in Section 8 above, approximately 55,500 cubic yards of material will be offhauled during the anticipated 12 to 25 month reclamation period.

10. Total number of acres to be disturbed by surface mining operation: 89

11. Total number of acres to be reclaimed: 94

12. Maximum anticipated depth of mining:

No uniform depth is specified. Rather, quarry activities will result in specified slopes. See *Exhibit 1*.

13. Access to site:

The Quarry is currently accessed from Highway 580 at the Edwards Avenue exit. The entrance to the Quarry is at the intersection of Edwards Avenue and Mountain Boulevard.

14. Start-up date:

Quarrying operations commenced in approximately 1904. This amendment becomes effective when all development entitlements approved by the City are finally and conclusively upheld against any and all challenges, or at such time that the Operator obtains a grading permit to commence work, whichever is later. The Operator anticipates obtaining this grading permit on or before April 2004.

15. Time schedule for reclamation of each area disturbed by mining:

It is anticipated that all major reclamation activities will occur within approximately 12 to 25 months after issuance of a grading permit.

16. Use permit number:

The underlying entitlement to mine arises from the Quarry's status as a legal non-conforming use. The use of relocated buildings on the site is permitted by Extension of Non-conforming Use CM 87-32.

17. Approval and expiration dates for permit:

Per section 17.114.040 of the City's Planning Code, a non-conforming use may continue indefinitely. The permit for the relocated structures on the site (CM 87-32) expires in 2008.

18. Site maps:

(i) Exhibit 1: Contour map showing existing and final grades, drainage facilities, geotechnical treatments, and the locations of cross-sections. This exhibit consists of five different sheets:

Sheet 1: Final grading and locations of cross-sections

Sheet 2: Drainage features for main quarry face and eastern portion of north slope.

Sheet 3: Geotechnical treatment and drainage facilities for the western portion of the north slope.

Sheet 4: Geotechnical treatment and drainage facilities for the far western portion of the north slope.

Sheet 5: Existing topography of the Project site showing the location of the storage area.

- (ii) Exhibit 2: Cross-Sections. This exhibit includes 2 sheets: 2a and 2b.
- (iii) Attachment A, Figure IV.B-2: Aerial photograph of the Project site with overlay showing existing vegetation communities.
- (iv) Attachment E, Plate 3: Preliminary Geologic Map for Project Site.
- (v) Attachment I, Plate 1: Geologic Map for North Slope.
- (vi) Attachment M: Landscaping plan for developed areas of the Project.

19. Impact of reclamation on future mining:

Implementation of the reclamation plan amendment will prohibit future mining because it will create a site ready for immediate residential development.

20. Public health and safety:

- a. **All portals, shafts, or openings are gated from the public but preserve access for wildlife:**

No portals, shafts or other openings exist on the site.

- b. **Disposition of old equipment:**

Old equipment will be removed from the site.

- c. **Equipment stored in designated area:**

Equipment will be stored in the staging area. *See Exhibit 1, sheet 5.*

- d. **Disposal of waste products:**

No waste will be generated by reclamation activities. The only by-product from reclamation activities may consist of approximately 55,500 cubic yards of construction grade aggregate. The Operator will export this material for use at its other sites. Thus, there will be no creation or disposal of mine waste.

- e. **Structures and equipment dismantled and removed:**

All aggregate processing equipment and structures will be removed when final slopes are achieved. However, equipment such as bulldozers and backhoes will remain on site to support later phases of the Project. This equipment will ultimately be removed when the Project is completed.

End Land Use

21. Description of proposed end use:

The proposed end use will consist of a 423 unit residential development located within the boundaries of the existing Quarry. The residential units will consist of a mix of single-family homes, condominiums, and town homes. More detailed descriptions of the proposed development and housing products are incorporated by reference from the attached documents. *Attachment D*, Oakland City Planning Commission Staff Report dated October 23, 2002, pp. 3-4; *Attachment A*, Leona Quarry Draft EIR, Chapter 3; *Attachment B*, Leona Quarry Final EIR, Chapter 3. All as revised or affected by the Settlement Agreement in the matter of *Maureen Dorsey et al v. City of Oakland et al.*

22. Description of reclamation measures adequate for proposed end use:

Under this reclamation plan amendment, much less material is removed from the Quarry than anticipated under the existing approved reclamation plan. This reduced excavation does not therefore create distinct “east” and “southern” faces. Instead, the slopes blend together and are simply referred to as the main quarry face. *See Exhibit 1*, Grading Plan and *Exhibit 2*, Cross-Sections. The reclamation plan amendment includes a significantly less steep slope on the main quarry face. There will be eight benches total. Five of the benches will be 10 feet wide and three will be 30 feet wide. These wider benches are intended to afford hillside trail opportunities. The slope face angle will be much more moderate at only 22.5 degrees (2H:1V). These slopes are contrasted with the existing plan, which includes slopes ranging from 34 to 48 degrees. Several tiers of residential development will occupy the main quarry floor and step gently down to the level of Highway 580. *See Exhibit 2a*. A row of residential lots will occupy a large bench at the top of the main quarry face, adjacent to Campus Drive.

The north face, unlike the main quarry face, will not receive significant regrading. Extensive geologic mapping and geotechnical analysis was undertaken by Berlogar Associates to ensure that the north slope is stable in its current state. *Attachment I*, Geotechnical Analysis of North Slope, Leona Quarry, pp. 2 - 5. This geotechnical analysis reveals that the north slope has an overall factor of safety ranging from 1.546 to 2.787. *Attachment I*, pp. 5 - 8. Therefore, the north slope is stable in its current state.

Additional protection measures are proposed for the north slope that are consistent with those specified by the SMGB in *Special Bulletin 117: Guidelines for Evaluation and Mitigating Seismic Hazards in California*, 1997 (last update May 28, 2002). Special Publication 117 specifies the use of “removing the unstable soil and rock materials, or applying one or more appropriate slope stabilization methods (such as buttress fills, subdrains, soil nailing, crib walls, etc.)” Consistent with SMGB recommendations, proposed added protections for the eastern portion of the north slope include removal of unconsolidated fill, manual removal of unstable outcroppings, rock bolting, and rehabilitation of existing degraded benches. *Attachment I*. Special Publication 117 also recommends protection devices such as “catchment and/or

protective structures such as basins, embankments, diversion or barrier walls, and fences.” Following SMGB recommendations, catchment basins, catchment walls and a barrier fence will be installed as added protection. These structures will be maintained by a Geologic Hazard Abatement District (“GHAD”) for the Project site. *Attachment I.*

The earth-moving required for the Project is necessary to reclaim the Quarry site and replace its adverse appearance with a visually appealing, geologically stable and improved site. The reclamation of the site, and development of the Project will replace the hillside scar created by quarrying activities with an attractive project that will not be visually obtrusive, will harmonize with surrounding areas and facilities, will improve views for surrounding residents, and will provide sufficient buffering between different areas of the site in the form of spatial separation, revegetation of the Quarry site, repair of topographic features in the site, and other means as explained in detail in the EIR, the staff reports and the administrative record for the Project.

As an additional layer of protection, a GHAD has been created for the Project. A GHAD is a special government district in a specific geographic area created to address potential geologic hazards. *Pub. Resources Code § 26500.* The purpose of a GHAD is to prevent, mitigate, control or abate defined geologic hazards through maintenance, improvements, or other means. The Operator is required to fund the GHAD for the first two years of the Project. Subsequently, assessments on property owners within the Project’s boundaries will continue funding. The Oakland City Council will act as the governing board of the GHAD.

23. Prime agricultural land:

No prime agricultural lands are affected. Further, the proposed end use is not agricultural.

Geotechnical Issues

24. Geology of area surrounding site:

The geology of the general area has been extensively studied. For a more detailed description, see the discussion contained in the EIR that is incorporated by reference. *Attachment A*, pages IV.D-2, 3.

The Project site is situated on the western flank of the Oakland Hills, between I-580 and the first ridge crest to the east. Natural slopes within this area range from 30 to 50 percent gradient.

The City of Oakland lies within the geologic region of California referred to as the Coast Ranges geomorphic province. Discontinuous northwest-trending mountain ranges, ridges, and intervening valleys composed of ancient seafloor rocks characterize this province. The Franciscan Assemblage in this region of California is Jurassic - to Cretaceous - age (approximately 65 to 150 million years old) and consists primarily of

greenstone (altered volcanic rocks), basalt, chert (ancient silica-rich ocean deposits), and sandstone that originated as ancient seafloor sediments.

Contained within the Coast Ranges province is the Diablo Range, which extends from the Carquinez Straits south 170 miles to Coalinga. The Diablo Range includes Mount Diablo, the Oakland-Berkeley Hills, Mount Hamilton, and the mountains that form the eastern boundary of the Santa Clara Valley. Bedrock in this range includes the Franciscan Assemblage and other ancient marine sedimentary rocks.

25. Geology of area to be mined:

Detailed site-specific geologic mapping for this site has been conducted and is included by reference. *Attachment E*, Preliminary Geotechnical Investigation, Leona Quarry; *Attachment I*.

Bedrock at the Leona Quarry consists primarily of Leona Rhyolite and Knoxville Formation Shale. Rhyolite is a fine-grained volcanic rock formed as a molten mass that flows away from a volcanic source area. Deposition of the Leona Rhyolite occurred during the Jurassic Period (136 million to 190 million years ago). The Knoxville Formation shale was formed through alteration of mudstone originally deposited in a low-energy, shallow marine environment and then subjected to extreme pressure and heat. The Knoxville Formation dates from the Jurassic and Cretaceous Periods (65 million to 190 million years ago). Younger deposits in Leona Quarry include landslide debris, colluvium (sand and gravel material eroded from the side of the Quarry), and artificial fill materials.

Preliminary geologic study at Leona Quarry (Berlogar, 2002) subdivided the Leona Rhyolite into four units consisting of a white and red-brown rhyolite (Unit Rh-1); blue, gray, and brown rhyolite (Unit Rh-2); a tuff; and mixed rhyolite/tuff breccia. The Unit Rh-1 rhyolite is moderately fractured and underlies most of the lower portion of the Quarry (Lower Development Area) and the Restored Slope Area. Unit Rh-2 rhyolite is similar to Unit Rh-1 but darker in color and located in the central Quarry pit (upper portion of the Lower Development Area). The tuff occurs as a band on the high Quarry slope in the Restored Slope Area and is also exposed on the ridge on the lower part of the site in the Lower Development Area. The rhyolite/tuff breccia is scattered throughout the site. The Knoxville Formation is exposed on the ridge in the lower part of the Quarry and on the slope in the north-central part of the Quarry in the Undeveloped Area and consists of dark brown and black, highly fractured shale.

26. Final cut slopes:

Final grading is shown in *Exhibit 1*. Cross-sections are shown in *Exhibit 2*. These final quarry slopes were designed pursuant to site-specific geological mapping and geotechnical analyses by licensed geotechnical engineers. The specified final slopes constitute stable slopes with factors of safety that are appropriate for the Project.

Attachment F, Evaluation of Selected Geologic and Geotechnical Concerns; *Attachment I*.

Slope stability analyses by Berlogar & Associates show that the slopes are stable. The static factor of safety for the main quarry face ranges from 1.63 to 6.33. *Attachment F*, Table 2. The static factor of safety for the western portion of the north slope ranges from approximately 2.2 to 2.7. *Attachment I*, p. 5. The eastern portion of the north slope has an overall static factor of safety of approximately 1.5 - 1.6. *Attachment I*, p. 6. As discussed in paragraph 22 above, mitigation measures will be used to address small pockets of localized instability on the north slope. *Attachment I*, pp. 6 - 8.

27. Final fill slopes:

Fill is generally used in the lower development area and at the base of the slopes to create gentler grades. All un-reinforced fill slopes are 2:1 or less. Further, all fill slopes are to be compacted to standards greater than required by the Uniform Building Code. *See Attachment G*, Laboratory Testing Results, Engineered Fill, Leona Quarry.

Hydrology and Water Quality

28. Describe the drainage and erosion control plans for the site:

Site-specific drainage plans have been prepared for the Quarry that will reduce erosion as well as improve slope stability and downstream water quality. *See Exhibit 1*, sheet 4 and 5.

On the main quarry face, all eight benches will include concrete lined v-ditches that will channel surface runoff from the inter-bench slopes into one of several subsurface storm drain inlets. Each bench will contain several storm drain inlets. The inlets are connected to subsurface lines that run down the face of the slopes. Proposed revegetation activities along with the gentler reconstructed slopes will further prevent erosion and reduce the velocity of surface runoff on the main quarry face.

The drainage plan for the north slope, found on sheets 2-4 of Exhibit 1, is based upon site-specific geotechnical analysis and recommendations by Berlogar Associates. The plan calls for improving drainage opportunities for the existing features rather than relying upon significant grading activities. More specifically, the plan includes installing several subsurface storm drain lines that discharge into a detention basin. Existing benches and access roads will be fine graded to improve drainage. Concrete lined v-ditches will be installed along the improved benches to channel surface flow into the subsurface lines. Loose soil in erosion gullies will be removed and replaced with rip-rap to the plane of the slope. *Exhibit 1*, sheets 2, 3, 4.

Surface runoff from the Quarry's slopes will discharge from the subsurface storm drain lines into the Quarry's detention basin. The detention basin will contain surface

flow from a 25 year / 24 hour event, thus exceeding SMARA's requirement to detain a 20 year / 1 hour event.

Use of the above-described reconstruction of slopes, surface drainage facilities, and revegetation activities described below, will successfully minimize sedimentation and erosion from the Quarry's slopes as well as protect downstream properties from surface flows.

More detailed discussions of hydrology and water quality, if necessary, are incorporated by reference. *Attachment C*, chapter IV and appendices C, D, E, F, G, H.

29. Describe how surface runoff and groundwater will be protected in accordance with Porter-Cologne and Clean Water Acts:

The Operator will incorporate into the grading and construction specifications provisions requiring that all phases of construction implement best management practices (BMPs) to reduce and eliminate soil erosion. The contractor will implement these BMPs, and the contractor shall be responsible for the inspection and maintenance of the BMPs through all phases of construction.

The Operator will comply with all National Pollutant Discharge Elimination System (NPDES) requirements, including the preparation of a SWPPP prior to construction activities, as required by the State Water Resource Control Board's (SWRCB) General Permit for Construction Activities. Implementation of the plan starts with the commencement of construction and continues through the completion of the project. Upon completion of the project, the Operator will submit a Notice of Termination to the SWRCB to indicate that construction is completed. The SWPPP will include at a minimum:

- Excavation and grading activities will be scheduled for the dry season only (April 15 to October 15), to the extent possible. This will reduce the chance of severe erosion from intense rainfall surface runoff, as well as the potential for soil saturation in swale areas.
- If excavation occurs during the rainy season, storm water runoff from the construction area will be regulated through a stormwater management/erosion control plan that may include temporary on-site silt traps and/or basins with multiple discharge points to natural drainages and energy dissipaters. Stockpiles of loose material will be covered and runoff diverted away from exposed soil material. If work is stopped due to rain, a positive grading away from slopes will be provided to carry the surface runoff to areas where flow can be controlled, such as the temporary silt basins. Sediment basin/traps will be located and operated to minimize the amount of offsite sediment transport. Any trapped sediment will be removed from the basin or trap and placed at a suitable location on-site, away from concentrated flows, or removed to an approved disposal site.

- Temporary erosion control measures will be provided until perennial revegetation or landscaping is established and can minimize discharge of sediment into nearby waterways. For construction within 500 feet of a water body, straw bales will be placed upstream adjacent to the water body.
- After completion of grading, erosion protection will be provided on all cut-and-fill slopes. Revegetation will be facilitated by mulching, hydroseeding, or other methods and should be initiated as soon as possible after completion of grading and prior to the onset of the rainy season (by November 1).
- Permanent revegetation/landscaping will emphasize drought-tolerant perennial ground coverings, shrubs, and trees to improve the probability of slope and soil stabilization without adverse impacts to slope stability due to irrigation infiltration.
- BMPs selected and implemented for the project will be in place and operational prior to the onset of major earthwork on the site. The construction phase facilities will be maintained regularly and cleared of accumulated sediment as necessary.

The Operator will prepare and implement a SWPPP for the Project as required by the San Francisco Bay RWQCB under its NPDES General Permit. The SWPPP will be updated as needed to reflect changes in the project design and site conditions.

- Berms will be constructed in the project area with sediment catchment basins in depressions and stormwater collection areas in the construction zone, using hay bales or other structures suitable to minimize sediment from being transported and deposited outside of the construction zone. Catchment basins and berms will be incorporated into the final project design.
- The SWPPP will outline interim and permanent stabilization practices, including a schedule for implementation, to ensure that disturbed portions of the project site are stabilized as quickly as practicable.
- The use of sediment control basins, sediment traps, silt fences, vegetative buffer strips, or equivalent control measures will be taken to rescue sediment and pollutant loads into sensitive riparian and wetland habitats.

30. Ground water accessed by others will not be impacted:

Implementation of the reclamation plan amendment will have no negative impact on groundwater in and surrounding the Quarry. See *Attachment A*, p. IV.D-29.

Groundwater recharge is not affected. Hills naturally have limited recharge capability. Creating the proposed gentler slopes will actually improve the possibility for groundwater recharge at the site.

Groundwater storage capacity is not negatively impacted. The material removed from the Quarry is bedrock, which is not a natural aquifer. Further, applying significant amounts of engineered fill to reduce the slopes will potentially increase the groundwater storage capacity.

The quality of the ground water will not be impacted. Sedimentation will be controlled through the use of the above-described stormwater drainage facilities. There will be no other contaminants onsite that have the possibility for impacting groundwater.

A more thorough discussion of groundwater impacts is contained in the EIR for the Project. See *Attachment A*, p. IV.D-29 – 30.

31. Discuss how contaminants will be controlled and mine waste will be disposed:

Hazardous materials such as fuels and solvents used on the construction sites will be stored in covered containers and protected from rainfall, runoff, and vandalism. A stockpile of spill cleanup materials will be readily available at all construction sites. Employees will be trained in spill prevention and cleanup, and individuals will be designated as responsible for prevention and cleanup activities.

No mine waste will be created.

Environmental Setting and Protection of Fish and Wildlife Habitat

32. Environmental setting, including vegetation:

The site is located in the San Francisco Bay Area, which has a Mediterranean climate and supports a broad range of habitats including mosaics of oak and mixed evergreen forests, native and non-native grasslands, chaparral, upland scrubs, marsh and wetland communities, and riparian scrubs and forests.

33. Conservation and mitigation of sensitive species and habitats:

Detailed biological inventories were prepared for the Quarry that identified specific vegetative communities present at the Quarry as well as special-status species that are potentially impacted by reclamation activities. These studies are incorporated by

reference. *See Attachment A*, Chapter IV-B; *Attachment B*, pp. V-1 – 4; *Attachment D*, pp. 24-26.

Three separate site-specific analyses, including on-site visits, were conducted to determine the presence of the Alameda Whipsnake (“AWS”). The AWS is a species that is listed on the federal and state Endangered Species Acts. The AWS inhabits primarily chaparral, Diablan sage scrub, northern coyote brush scrub, and riparian scrub communities.

No AWS were found during any of the on-site visits and the site-specific analyses indicated that the site contains potential AWS habitat although it is highly unlikely that any AWS actually use or occupy the site. Reclamation activities will remove 18.3 acres of potential low-quality AWS habitat and replace it with 37 acres of higher quality AWS habitat. The 37 acres of created habitat will also provide a wildlife movement corridor between currently separated habitat north and south of the Quarry. Thus, reclamation activities will improve wildlife habitat at the Quarry.

Reclamation activities could also adversely affect nonlisted special-status nesting raptors and other nesting birds during the breeding season. The Operator will conduct conservation activities to minimize potential impact on these species from reclamation activities:

The Operator will ensure that construction activities avoid disturbing nests of raptors or other special-status birds through implementation of the Special-Status Species Mitigation and Monitoring Plan.

The Operator will confine construction activities to the Lower Development Area, Campus Drive Area, Restored Slope Area, and revegetation areas of the Undeveloped Area through fencing, markers, signs, or other means as approved prior to construction activity.

The Operator will avoid disturbance to the roosts of special-status bats during the breeding season through the implementation of the Special-Status Species Mitigation and Monitoring Plan.

34. Discuss wildlife protection and habitat protection measures:

Reclamation activities will create a wildlife movement corridor for species that inhabit chaparral and coastal scrub habitat areas north and south of the Quarry.

In addition to mitigating for the disruption of potential low-quality AWS habitat, the Operator will conduct detailed conservation efforts to ensure no harm to any AWS individuals. The efforts include:

(i) The Operator will ensure that construction-related impacts to individual Alameda whipsnakes are avoided through the development and implementation of a

Special-Status Species Mitigation and Monitoring Plan. This Mitigation and Monitoring Plan includes the following elements:

- A description of the species habitat requirements and movement patterns applicable to the project area;
- A procedure for conducting preconstruction surveys before the onset of either initial ground-disturbing activity or restoration of the disturbed slopes each day that these activities will occur. The plan shall require a qualified wildlife biologist to conduct pre-construction surveys by carefully probing and hand-excavating all burrows and rock outcrops in the construction footprint/Restored Slope Area that are shown as potential “low quality habitat.” In addition, the biologist will supervise the hand removal of all vegetation in the construction footprint. After the area has been searched for snakes, a barrier fence or “herp fence” will be installed between the areas of potential habitat and the construction zone, to ensure that any AWS do not stray into the area during the course of development. Specifically, the area along the northern portion of the Lower Development Area that will abut the Undeveloped Area will be fenced. The fence will be installed to prevent snake movement (if any are present) under or over the fencing;
- A protocol for the selection of qualified wildlife biologist staff the project for the duration of construction;
- Up to 3 full-time construction “monitors” will be on-site to perform regular inspections of potential AWS habitat and ensure that the “herp” exclusion fence is maintained appropriately. These monitors will also expedite species identification should construction personnel observe snake species within the development area. Construction monitors will be on-site during all times that grading is occurring in low potential habitat areas. After the grading is completed, monitors will make regular inspections on a weekly basis and as needed for specific work near potential habitat;
- Worker education materials and procedures for informing construction crews about the potential presence of Alameda whipsnake, responsibilities of project personnel, and authority of the monitoring staff; and
- Clear direction and other procedures as required to (1) identify a potential threat to an individual Alameda whipsnake; and (2) eliminate threatening activities in the vicinity of the snake, including notification of the USFWS within 24 hours. Monitors shall have the authority to halt construction activities, but will not be allowed to relocate whipsnakes.

(ii) The Operator will develop and distribute educational materials for all new homeowners describing the sensitive natural resources of the site and urging control of domestic pets. The Covenants, Conditions & Restrictions (CC&R) will stipulate that there will be no feeding of feral cats. Signage will be installed along the perimeter of open space area at intervals of not more than 300 feet describing the open space as natural habitat to be protected and prohibiting destruction of vegetation, wheeled vehicles, and uncontrolled animals.

(iii) As part of the Project, 37 acres of suitable habitat will be created. In addition, Restored Slope areas and any undeveloped areas mapped as “Alameda Whipsnake Potential Habitat” in Figure IV.B-4 of the EIR will not be used for recreational trails and will be fenced with split-rail, post-and-cable or other symbolic fencing. Permanent signs will be placed at 100-foot intervals along the fence specifically excluding wheeled vehicles and off-leash dogs.

(iv) The Operator will ensure that construction activities avoid disturbing nests of raptors or other special-status birds through implementation of the Special-Status Species Mitigation and Monitoring Plan.

(v) The Operator will confine construction activities to the Lower Development Area, Campus Drive Area, Restored Slope Area, and revegetation areas of the Undeveloped Area through fencing, markers, signs, or other means as approved prior to construction activity.

(vi) The Operator will avoid disturbance to the roosts of special-status bats during the breeding season through the implementation of the Special-Status Species Mitigation and Monitoring Plan.

The Operator will also mitigate for the removal of trees protected by a City Ordinance through the following measures:

(i) The project applicant shall implement a revegetation plan approved by the City and consistent with the City Tree Protection Ordinance. Implementation of this plan will mitigate for the removal of protected trees. The elements of the Plan include:

- A diverse planting of coast live oak, valley oak, blue elderberry, California buckeye, and California bay;
- Installation of trees from pot containers that are 4 inches wide by 14 inches long that are grown from propagules of local origin, collected from the project site and immediately adjacent areas;
- Replacement of protected trees either on-site in a planting regime that allows for post-planting mortality and assures an eventual replacement at a ratio of at least 1:1, or the substitution of an in lieu fee if

replacement trees cannot be planted on-site due to site constraints, as indicated by the City Tree Protection Ordinance;

- Installation of foliage protectors (cages and tree shelters) to protect the planted trees from wildlife browse;

- Regular maintenance of the planted trees during a minimum three-year establishment period, after which time the native tree plantings are typically capable of survival and growth without supplemental irrigation, and weed control (maintenance during the plant establishment period will include irrigation, as needed, weed control, plant protection measures, and plant replacement);

- Annual monitoring one, two, three, and five years after installation by a qualified restoration ecologist/botanist. Plant survival shall be evaluated with field surveys. Individual trees shall be tagged during the first year of implementation, catalogued in a data base, and surveyed for survival, growth, and vigor. Monitoring reports will be prepared annually and submitted to the City of Oakland. If at any point during the five-year monitoring period, the mitigation plan is judged to have not been successful, the mitigation action shall be re-initiated, after modification as necessary, and monitored for a succeeding five-year period; and

(ii) Additional revegetation measures consistent with the City Tree Protection Ordinance.

More exhaustive discussions of wildlife and habitat protection measures are incorporated by reference. *Attachment A*, pp. IV(B)-23 through IV(B)-35; *Attachment B*, pp. V-1 - 4.

35. Discuss impact on wetlands:

No wetlands will be impacted by reclamation activities. *See Attachment A*, DEIR pp. IV.B-10 - 12.

Resoiling and Revegetation

36. General discussion of revegetation activities:

Revegetation activities for the Project are divided into three general areas: (1) the graded main quarry face; (2) the ungraded north slope; and (3) the lower development area. The first two areas are collectively referred to as "open space" areas and are addressed by revegetation plans prepared by H.T. Harvey & Associates. *Attachment J*, Leona Quarry Conceptual Revegetation Plan for Reconstructed Slopes; *Attachment K*, Leona Quarry North Slope Conceptual Revegetation Plan. These attached plans are incorporated by reference. A plan by Bradanini & Associates outlines landscaping

activities in connection with the residential construction in the lower development area. *See Attachment M, Landscape Plan Leona Quarry.* This landscaping plan is provided for reference only. Landscaping in the development area is not considered a portion of the reclamation activities set forth in this reclamation plan amendment as such landscaping will occur with the final phases of the development of the Project, well after the other aspects of reclamation are complete.

a. **Restored Slope:**

The revegetation plan calls for the restoration of three locally native habitat types including a California sagebrush plant association, a chamise plant association, and an oak woodland plant association. A conceptual plan showing the locations of the habitat types has been prepared. *See Attachment J, Figure 8* (plan view layout of trees and shrubs to be planted). Monitoring and maintenance activities are specified including irrigation, maintenance of foliage protectors, removal of invasive species, and replanting dead plants if survival rates drop below 80%. On-site test plots have been installed to determine vegetation response and cost-effectiveness of several different revegetation techniques.

b. **North Slope:**

Only a portion of the north slope (approximately 10.2 acres) will receive revegetation treatment because a majority of the area is currently covered by suitable vegetation including potential AWS habitat. *See Attachment K, figure 2.* Superbenches, fill areas, and gully repair areas will receive soil and mechanically applied soil amendments. *Attachment K, section 3.0.* Container-grown trees and shrubs will be planted of the scrub and oak woodland associations. Specific species are specified in the revegetation plan. *Attachment K, Table 3.* Hydroseeding with a mix of native herbaceous and shrub species will also occur in less accessible portions of the north slope. *Attachment K, section 4.1 and Table 2.* Maintenance activities may include irrigation, weed control, maintenance of foliage protectors, and dead plant replacement.

c. **Development Area:**

The landscaping plan will address revegetation in the developed portion of the Project site. The landscaping plan will not address “open space” areas but rather developed areas such as arterial roadsides, residential roadsides, open space areas between building clusters, parks and play areas. Landscaping will also be used to screen the detention basin and highway 580.

Plant species are selected based upon where and how they will be used in the development area. A mix of larger trees such as oaks, cedars, poplars and eucalyptus species will be used for major arterial roads. The open areas between building clusters will be planted with moderately scaled native/naturalized species including oaks, toyon, manzanita, coyote brush and redbuds, planted within a native grass and wildflower groundplane. Trees planted along residential street will form a strong shaded streetscape

and include flowering pear, cherry, crabapple, loquat, and laurel. Finally, trees used to screen highway 580 include a mix of fast growing evergreen trees such as olive, carob, oleander, and eucalyptus species.

The landscaping plan for the developed area will include the following elements:

- (i) Complete soils information, including soil preparation and amendment specifications, soil particle size for existing site soils and imported soils, representative soils and water table tests confirming the suitability of the site for the plant materials selected.
- (ii) Detailed plans for the corner of Mountain Boulevard and "A" Street to assure adequate buffering and screening of the parking area.
- (iii) Details for transitions between natural and more cultivated areas.
- (iv) Details and specifications for other landscaping features such as street furniture, rocks, and, in accordance with subsection (h), any water feature along "A" Street.
- (v) Design and specifications for the public pathways throughout the site.
- (vi) Design of the park, tot lots and other recreational features, as follows:
 - Leona Park: approximately 2 acres including a 15,000 square foot open lawn area providing play space for volleyball, Frisbee and a small soccer field; a 1,600 square foot active play area for 6 to 10 year olds. The play equipment will include climbing structures, slides and tire swings. A tree shaded gathering place, including picnic tables will also be included near the tot lot.
 - All play surfaces and play structures throughout the development will comply with ADA standards.
 - Village Green: This feature in the center of the Phase One Condominiums will include low, 30 inch stone walls that will form two, 10 foot wide terraces stepping up to "C" Street, planted with shaded trees. The stone terraces, along with the 28,000 square foot open lawn area will provide an informal gathering place. Adjacent to the lawn area is a 2,500 square foot tot lot play area for children 1-5 years old, including interactive play equipment promoting gross motor skills. A pathway will encircle the play area with a 5 foot stone wall along one edge; this feature will also include a built in fort-like structure with sculptural elements for climbing and play.

- “J” Street Play Area: This 2,800 square foot area is crescent shaped and will be cut into the uphill slope of the site. A rock climbing wall approximately 6 feet high will be included in the design, along with a bicycle and mini-skateboard ramp for active recreation for ages 10 – 18.
- “K” Street Greenway Park: This feature is an approximately 1,050 square foot linear greenway along upper “K” Street. It will include a lawn and tree shaded area for passive activities, along with a series of par-course exercise stations along a 5 foot wide meandering pathway, with periodic bench seating areas.
- “K” Street Open Space: This feature is an area of approximately 2,500 square feet within two level terrace spaces for passive recreation. An overhead shade trellis with bench stations will be included in the design.

37. Discuss how topsoil will be salvaged, maintained and redistributed:

Little topsoil remains onsite due to the nearly 100-year history of operations at the Quarry. This fact notwithstanding, H.T. Harvey and Associates has prepared a site-specific assessment of topsoil salvage and reuse opportunities. This discussion specifies salvage techniques, topsoil stockpiling, soil analysis, soil amendments, soil preparation, and topsoil application. The discussion is incorporated by reference. *See Attachment J, pp. 13 - 23; Attachment K, section 3.1.* All salvageable topsoil will be used.

38. Monitoring and maintenance activities:

H.T. Harvey’s revegetation plans specify ongoing maintenance activities including irrigation, weed management, plant protection measures and replanting if necessary to compensate for plant mortality. *Attachment J, sections 5.5 - 5.7; Attachment K, sections 4.3 - 4.5.*

Irrigation should not be necessary after two years due to the use of drought-tolerant target plant species; however, additional irrigation will be provided if subsequent conditions require. *Attachment J, section 5.5; Attachment K, section 4.3.*

39. Plant during correct season:

All planting shall occur during the correct planting season (October – March). This requirement is included in the Project’s conditions of approval:

Prior to the issuance of a certificate of occupancy for any unit within the Project (except for model homes) all of the reclamation work will be completed; provided, however, that the revegetation work must be commenced at the earliest feasible time in accordance with season planting requirements and may be completed after the first

certificate of occupancy is issued, so long as the Operator continues to diligently complete such work in accordance with seasonal planting requirements.

40. Test plots:

A pilot revegetation plan, using on-site test plots, has been prepared to test and analyze the vegetation response and cost-effectiveness of several different revegetation techniques. The attached pilot revegetation plan is incorporated by reference. *Attachment L.* An update on the results of the pilot plan has also been prepared. *See Attachment K, section 1.0.*

Administrative Requirements

41. Lead Agency Information:

Lead Agency: City of Oakland
Staff Contact: Marcel Uzegbu
Public Works Agency, Engineering Design Division
Telephone Number: (510) 238-6257
Address: 250 Frank H. Ogawa Plaza, Suite 4314
Oakland, California 94612-2032

42. Attach Copy of Financial Assurance: *See Exhibit 3.*

Statement of Responsibilities:

I, the undersigned, hereby agree to accept full responsibility for reclamation of all mined lands as described and submitted herein and in conformance with the applicable requirements of Articles 1 and 9 (commencing with Sections 3500 et seq. and 3700 et seq., respectively) of Chapter 8 of Division 2 of Title 14 of the California Code of Regulations, the Surface Mining and Reclamation Act commencing with Section 2710 et seq., and with any modifications requested by the administering agency as conditions of approval.

Mine Operator's Agent: _____ Date: _____

List of exhibits to the reclamation plan amendment:

1. Final and existing slope configurations and drainage facilities (5 sheets)
2. Cross-sections (2 sheets)
3. Financial assurances cost estimate

List of attached documents that are incorporated by reference into the Reclamation Plan Amendment:

- A. Environmental Science Associates, *Leona Quarry DEIR*, dated June 10, 2002 [SCH No. 1999042052]
- B. Environmental Science Associates, *Leona Quarry FEIR*, Vol. I - III, dated September 23, 2002
- C. Environmental Sciences Associates, *Leona Quarry Supplemental DEIR*, dated October 22, 2003 and *Leona Quarry Supplemental FEIR*, dated January 14, 2004
- D. *Oakland City Planning Commission Staff Report*, dated October 23, 2002 [Case file Numbers: PUD 02-437, RZ 02-437, VDR 02-439, TTM 7351 and ER 01-33]
- E. Berlogar Geotechnical Consultants, *Preliminary Geotechnical Investigation, Leona Quarry*, dated September 26, 2000
- F. Berlogar Geotechnical Consultants, *Evaluation of Selected Geologic and Geotechnical Concerns, Leona Quarry*, dated February 11, 2002
- G. Berlogar Geotechnical Consultants, *Laboratory Testing Results, Engineered Fill, Leona Quarry*, dated May 22, 2002
- H. Berlogar Geotechnical Consultants, *Investigation of Shear Previously Inferred by Golder Associates, Leona Quarry*, dated August 28, 2002
- I. Berlogar Geotechnical Consultants, *Geotechnical Analysis of North Slope, Leona Quarry*, dated December 18, 2002
- J. H.T. Harvey & Assoc., *Leona Quarry Conceptual Revegetation Plan for Reconstructed Slopes*, dated August 23, 2001 (figures 2 and 8 updated May 9, 2002)
- K. H.T. Harvey & Assoc., *Leona Quarry North Slope Conceptual Revegetation Plan*, dated December 18, 2002
- L. H.T. Harvey & Assoc., *Leona Quarry Pilot Revegetation Plan*, dated September 24, 2001
- M. Bradanini & Assoc., *Landscape Plan Leona Quarry*, dated October 2, 2002

ATTACHMENT B
SITE PLANS FOR RECLAMATION PLAN AMENDMENT

14.1

ORA/COUNCIL

ATTACHMENT B APR 20 2004

EXHIBIT 1 TRACT 7351 AMENDED RECLAMATION PLAN LEONA QUARRY A PLANNED UNIT DEVELOPMENT CITY OF DALLAM ALAMEDA COUNTY CALIFORNIA

THE DeSILVA GROUP



SCALE: 1" = 100'
DATE: DECEMBER 10, 2003
REVISED: MARCH 2, 2004

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DATE: DECEMBER 10, 2003
REVISED: MARCH 2, 2004

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DATE: DECEMBER 10, 2003
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DATE: DECEMBER 10, 2003
REVISED: MARCH 2, 2004

NOTES:

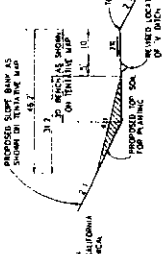
- OWNER: THE DeSILVA GROUP, 11555 BURNBURY DRIVE, DUBLIN, CALIFORNIA 94568
- DEVELOPER: CARLSON BARRE AND OGDEN, INC., 10000 SAN RAMON, CALIFORNIA 94583
- CIVIL ENGINEER: BERTRAND CONSULTING, 587 JAVELIN BOLLINGWOOD, ALAMEDA, CALIFORNIA 94604
- REFERENCE: LEONA QUARRY, LOCAL OFFICIAL RECORDS, DALLAM COUNTY, CALIFORNIA
- CONTRIBUTOR: THE DeSILVA GROUP, 11555 BURNBURY DRIVE, DUBLIN, CALIFORNIA 94568

SHEET INDEX

- PROJECT AND INDEX MAP (1" = 100')
- RECLAMATION PLAN (1" = 50')
- RECLAMATION PLAN (1" = 50')
- RECLAMATION PLAN (1" = 50')
- EXISTING TOPOGRAPHY (1" = 100')

TYPICAL SECTION PROPOSED 'SUPER' BENCH

SCALE: 1" = 10' H. AND V.



SUMMARY

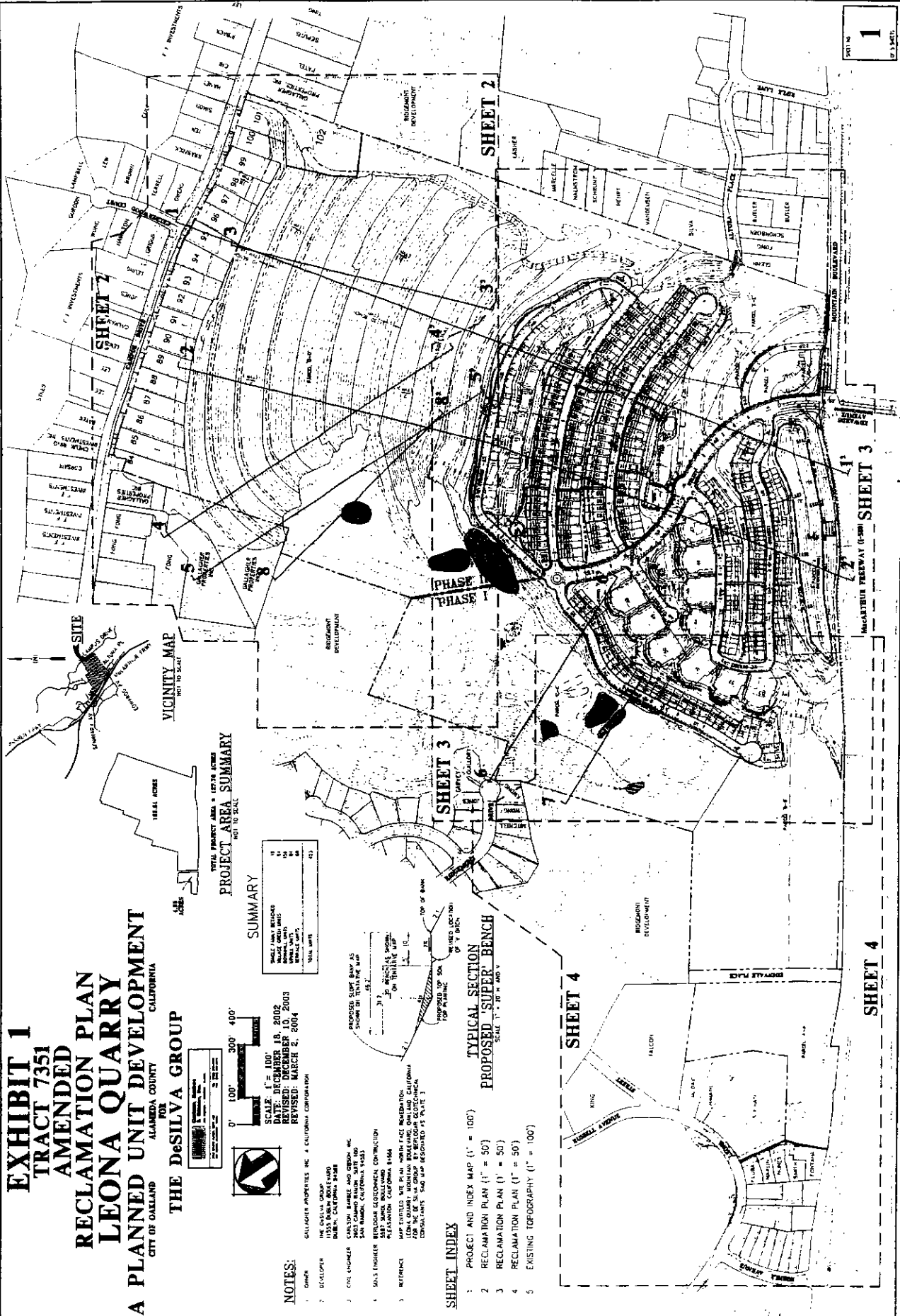
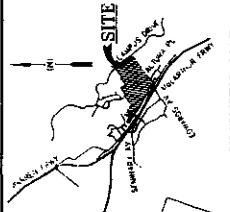
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2	TOPOGRAPHY	100
3	EXISTING TOPOGRAPHY	100
4	RECLAMATION	100
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6	EXISTING TOPOGRAPHY	100
7	RECLAMATION	100
8	TOPOGRAPHY	100
9	EXISTING TOPOGRAPHY	100
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13	RECLAMATION	100
14	TOPOGRAPHY	100
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PROJECT AREA SUMMARY

TOTAL PROJECT AREA = 1,078 ACRES
NOT TO SCALE

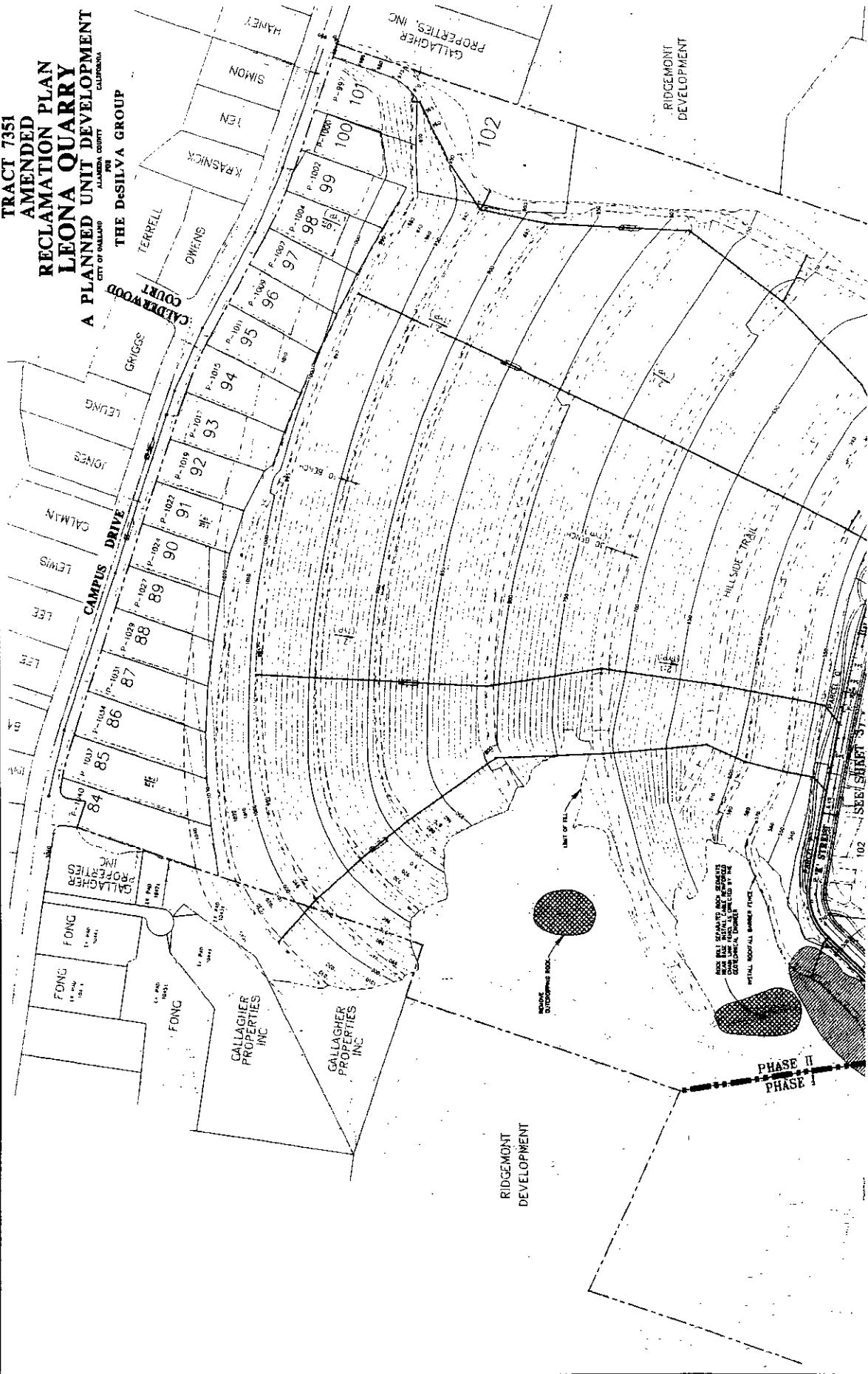
VICINITY MAP

NOT TO SCALE



**TRACT 7351
AMENDED
RECLAMATION PLAN
LEONA QUARRY
A PLANNED UNIT DEVELOPMENT**
CITY OF WALLEN
ALABAMA COUNTY
CALIFORNIA

THE DeSILVA GROUP



SHEET NO. **2**
OF 3 SHEETS

DATE: DECEMBER 18, 2003
 REVISION: DECEMBER 18, 2003
 REVISION: MARCH 2, 2004

DATE: DECEMBER 18, 2003
 REVISION: DECEMBER 18, 2003
 REVISION: MARCH 2, 2004



SCALE: 1" = 50'

SEE SHEET 37

ALL FILL SPACING AND SLOPES SHALL BE AS SHOWN ON THIS PLAN. ALL FILL SHALL BE COMPACTED BY THE CONTRACTOR TO THE DESIGNER'S STANDARD.
 METAL RODS AT ALL BARRIER LEVELS

RIDGE MOUNT DEVELOPMENT

RIDGE MOUNT DEVELOPMENT

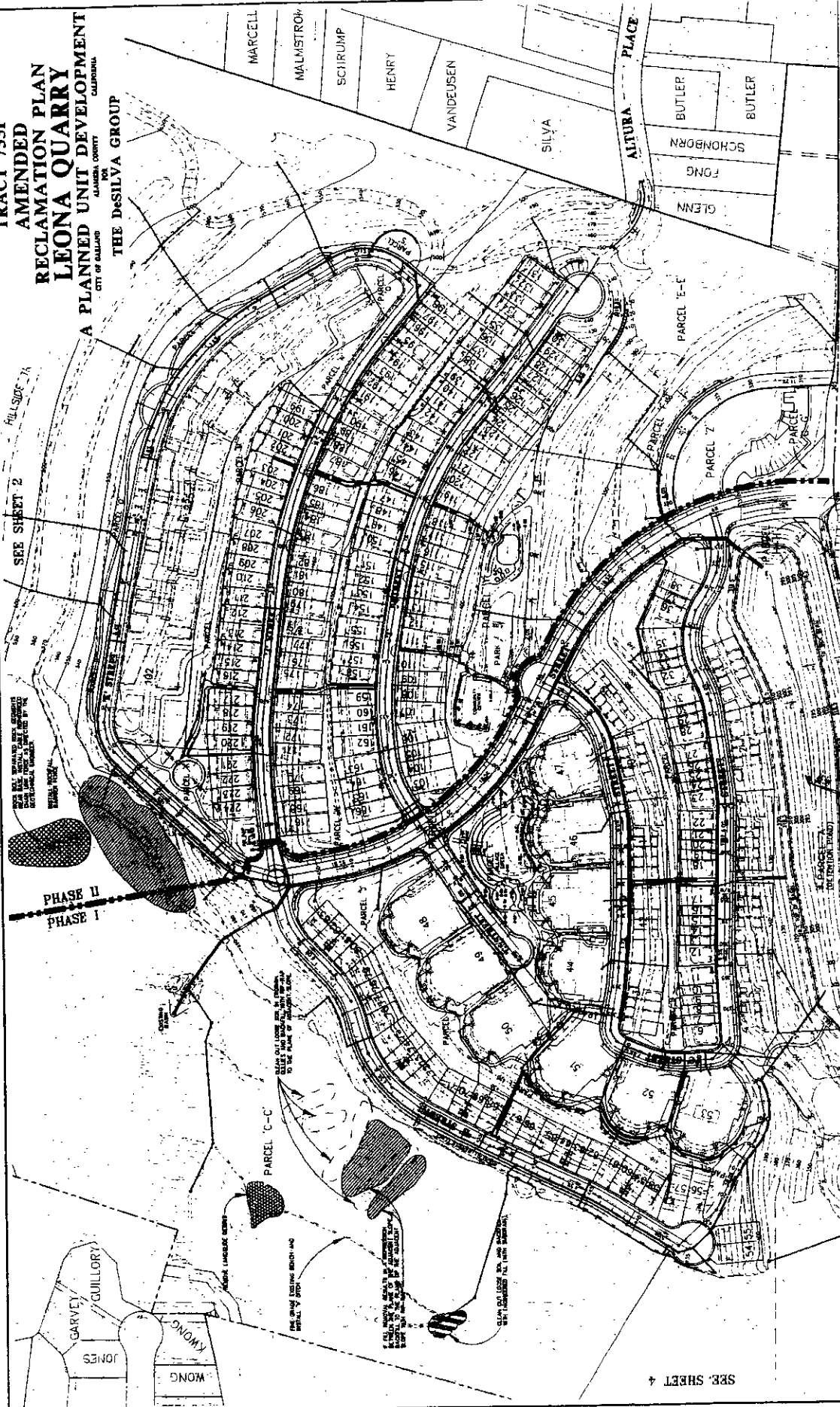
PHASE II
PHASE I

TRACT 7351
AMENDED
RECLAMATION PLAN
LEONA QUARRY
A PLANNED UNIT DEVELOPMENT
 CITY OF OAKLAND
 ALAMEDA COUNTY
 CALIFORNIA
THE D-SILVA GROUP

SEE SHEET 2
 FILL SIDE 'A'

SEE ALL EDWARDS AVE. CROSSINGS FOR THE PROPOSED RECLAMATION PLAN
 EDWARDS AVENUE
 (SEE SHEET 2)

PHASE II
 PHASE I



GARVEY
 GUILLOTT
 JONES
 WONG
 WONG

PARCEL C-C

SEE SHEET 4

MOUNTAIN BOULEVARD

EDWARDS AVENUE
 (SEE SHEET 2)

MacARTHUR FREEWAY (I-580)

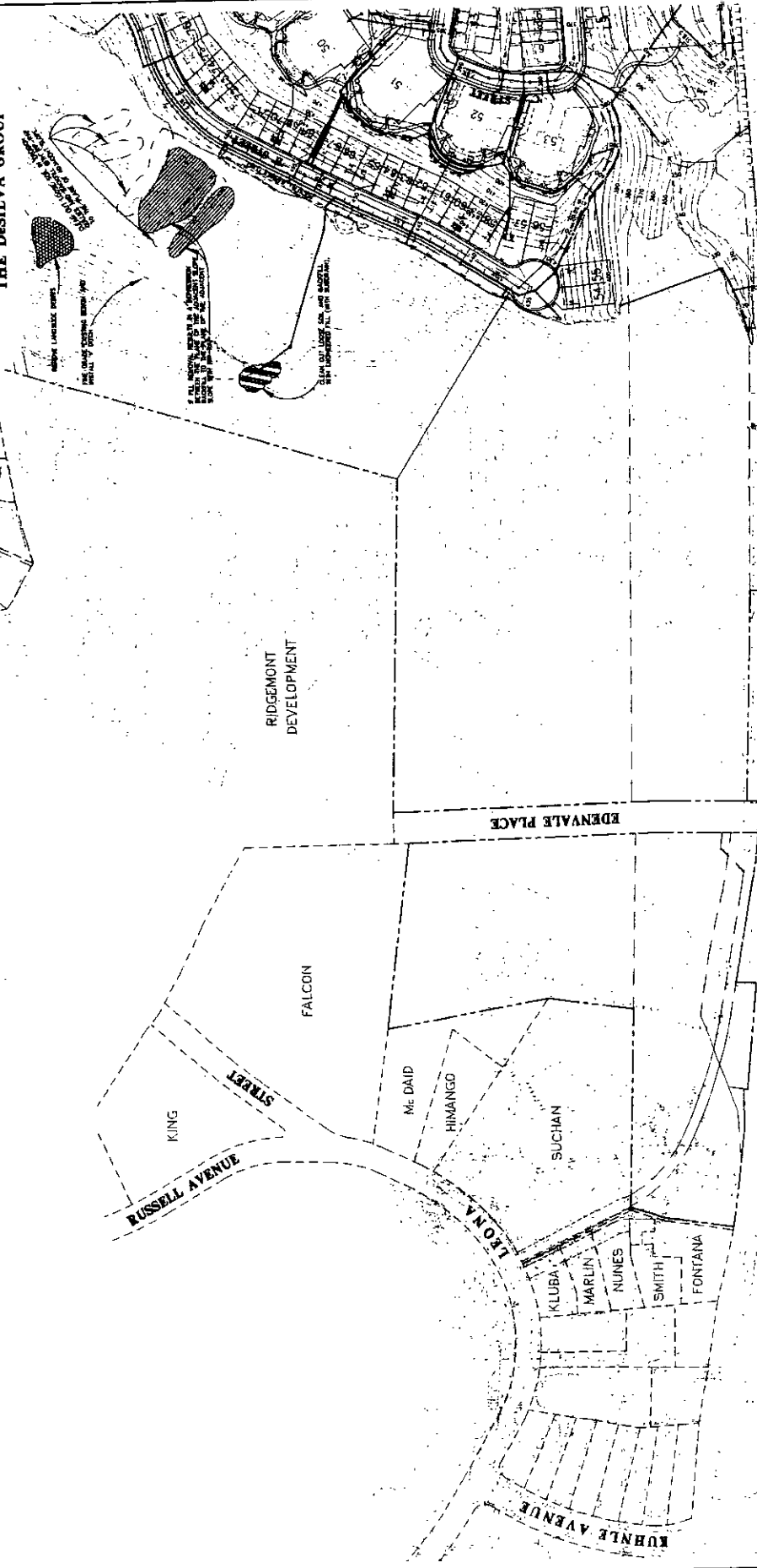
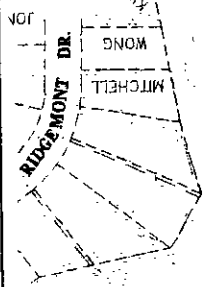
3
 SHEET NO.
 3
 SHEET NO.

0' 50' 150' 200'
 SCALE: 1" = 50'
 DATE: NOVEMBER 19, 1988
 PREPARED BY: M. J. D. GROUP



**TRACT 7351
AMENDED
RECLAMATION PLAN
LEONA QUARRY
A PLANNED UNIT DEVELOPMENT
CITY OF OAKLAND
ALAMEDA COUNTY
CALIFORNIA**

THE DeSILVA GROUP



SEE SHEET 3



DATE: DECEMBER 15, 2002
REVISED: DECEMBER 10, 2003
REVISED: MARCH 2, 2004

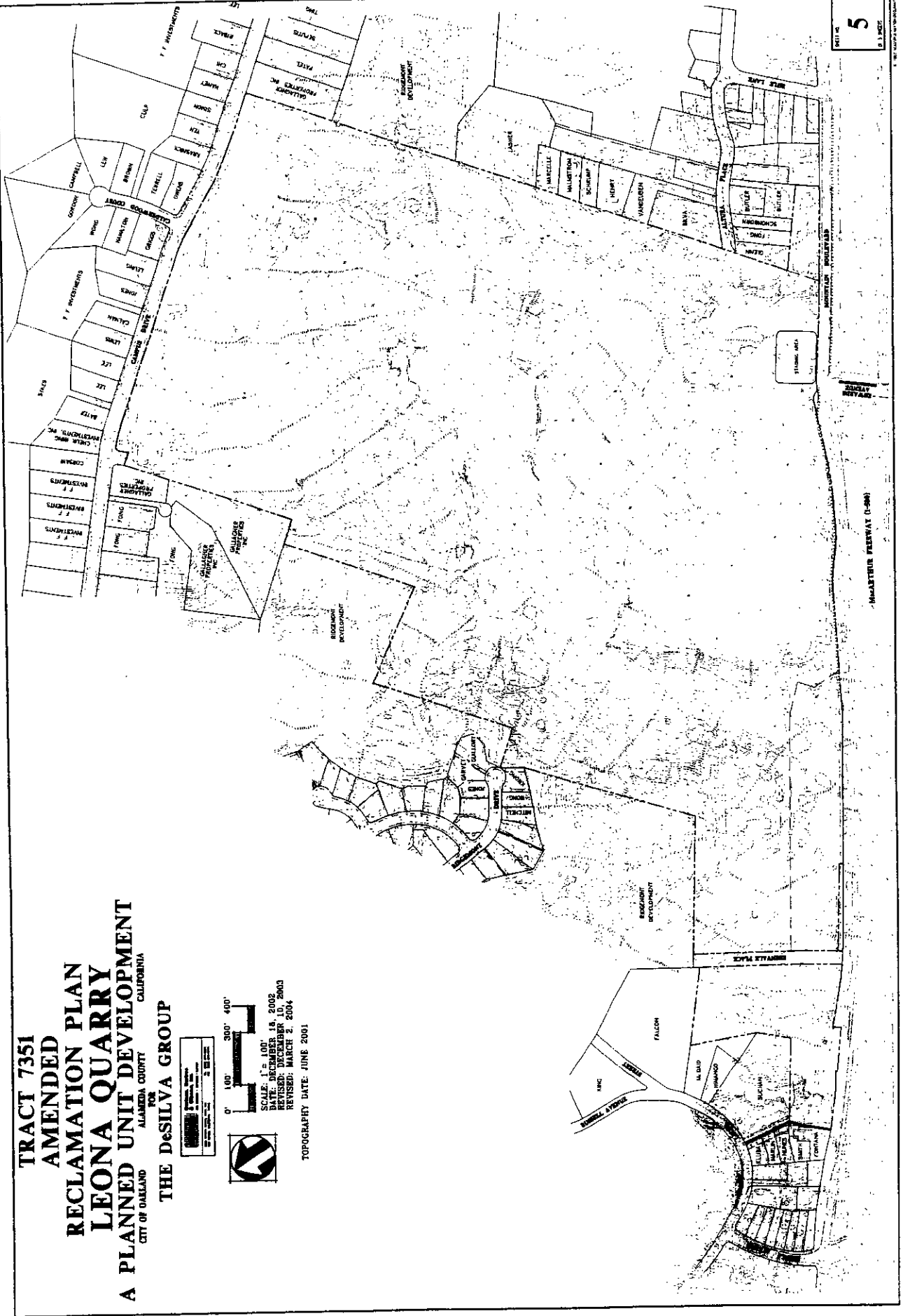
California Architects
 License No. 10000
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TRACT 7351
AMENDED
RECLAMATION PLAN
LEONA QUARRY
A PLANNED UNIT DEVELOPMENT
CITY OF OAKLAND
ALAMEDA COUNTY
CALIFORNIA
FOR
THE DeSILVA GROUP

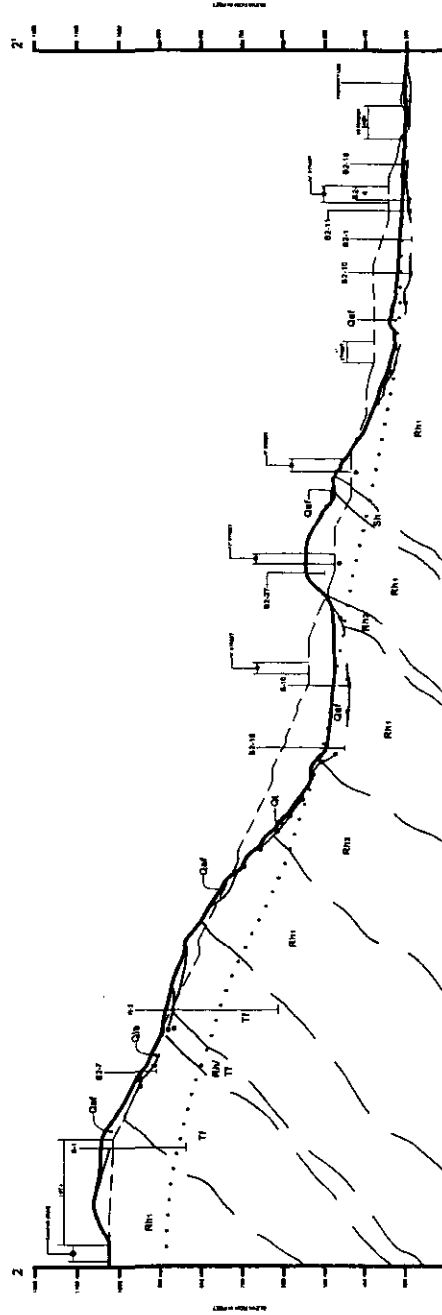
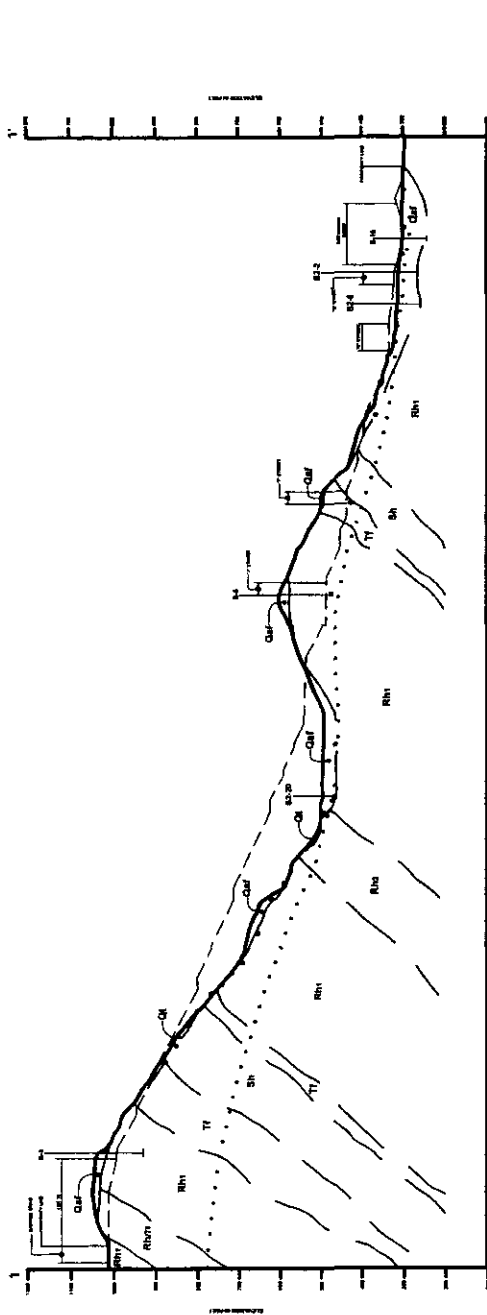


SCALE: 1" = 100'
SCALE: DECEMBER 1A, 2002
REVISION: DECEMBER 1D, 2003
REVISION: MARCH 2, 2004

TOPOGRAPHY DATE: JUNE 2001



SCALE
HORIZONTAL AND VERTICAL
1"=300'



EXPLANATION

- EXISTING ROADWAY
- PROPOSED ROADWAY
- EXISTING UTILITY LINE
- PROPOSED UTILITY LINE
- GROUND SURFACE
- PROPOSED ROADWAY GRADE LINE
- PROPOSED ROADWAY CURB LINE
- PROPOSED ROADWAY CENTERLINE
- PROPOSED ROADWAY RIGHT-OF-WAY LINE
- EXISTING UTILITY LINE
- PROPOSED UTILITY LINE
- EXISTING STRUCTURE
- PROPOSED STRUCTURE

CROSS SECTIONS
1-1' AND 2-2'

LEONA QUARRY
MOUNTAIN BOULEVARD
OAKLAND, CALIFORNIA

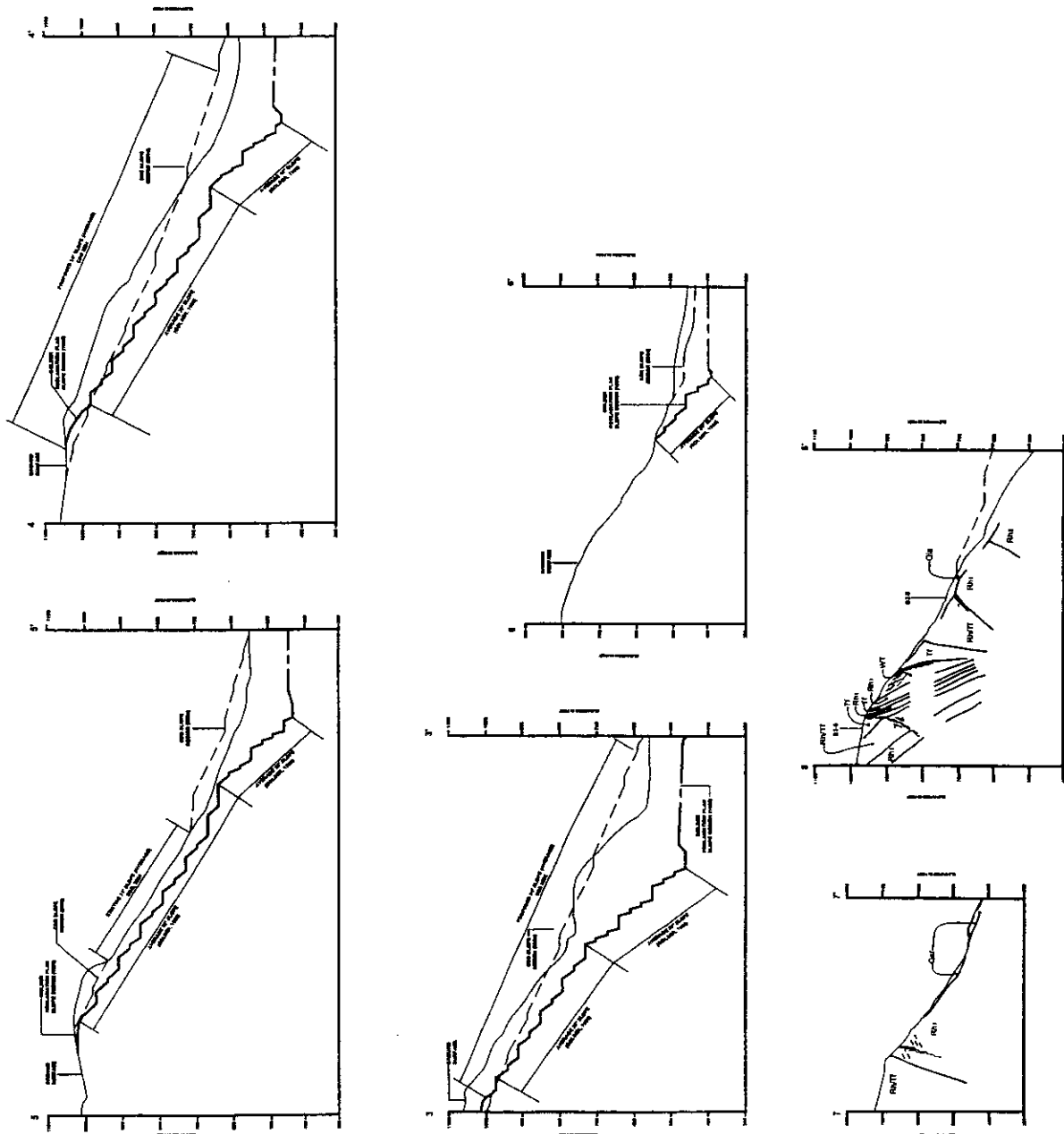
FOR
THE DESILVA GROUP
Geological Geotechnical Consultants
OAKLAND, CALIFORNIA

SCALE
HORIZONTAL AND VERTICAL
1"=300'

EXPLANATION

- | | |
|--|-------------------------------|
| | PROPOSED HIGHWAY RIGHT-OF-WAY |
| | PROPOSED HIGHWAY ALIGNMENT |
| | PROPOSED MEDIAN |
| | PROPOSED SHOULDER |
| | PROPOSED DRAINAGE DITCH |
| | PROPOSED CULVERT |
| | PROPOSED BRIDGE |
| | PROPOSED STRUCTURE |
| | EXISTING HIGHWAY RIGHT-OF-WAY |
| | EXISTING HIGHWAY ALIGNMENT |
| | EXISTING MEDIAN |
| | EXISTING SHOULDER |
| | EXISTING DRAINAGE DITCH |
| | EXISTING CULVERT |
| | EXISTING BRIDGE |
| | EXISTING STRUCTURE |
| | PROPOSED STRUCTURE |
| | PROPOSED STRUCTURE |

**CROSS SECTIONS
3-3' THRU 8-8'**
LEONA QUARRY
MOUNTAIN BOULEVARD
OAKLAND, CALIFORNIA
FOR
THE DEBILVA GROUP
Berkeley Geotechnical Consultants
915 UNIVERSITY AVENUE, BERKELEY, CALIFORNIA



14.1

ORA/COUNCIL

APR 20 2004

ATTACHMENT C
FINANCIAL ASSURANCES COST ESTIMATE

Preliminary Engineer's Bond Estimate
 Amended Reclamation Grading and Improvements
 Tracts 7351 and 7493
Leona Quarry
 Oakland, California

March 12, 2004
 Job No.: 1020-00

A. STATE RECLAMATION

I. PRIMARY RECLAMATION ACTIVITIES

Description of Task:

Complete excavation and grading to establish residential lots and streets. Complete slope and grading, benches and drainage.

Methods to be Used:

Standard excavation and grading methods utilizing bulldozers, scrapers and compactors.

Miscellaneous Information:

Overburden (cubic yards): 2,600,000 Topsoil (cubic yards): 100,000 Acres: 100

Production Rate (cubic yards/hour): 1. 1200

Haul Distance (feet): 1. N/A

A. Equipment - List all equipment required to complete identified task. For large reclamation jobs, separate mine areas for ease of accounting.

Equipment	Quantity	\$/hour	# of Hours	Cost (\$)
1. CAT D8 Dozer	2	\$ 70.00	4,740	\$ 331,800.00
2. CAT D9/D10 Dozer	4	\$ 120.00	9,480	\$ 1,137,600.00
3. CAT 657 Scraper	8	\$ 200.00	16,190	\$ 3,238,000.00
4. CAT 16G Grader	1	\$ 60.00	2,350	\$ 141,000.00
5. CAT 825 Compactor	2	\$ 70.00	4,720	\$ 330,400.00
6. 8000 Gallon Water Truck	2	\$ 95.00	4,540	\$ 431,300.00
7. 4000 Gallon Water Truck	3	\$ 40.00	6,710	\$ 268,400.00
8. Excavation with Rock Hammer	1	\$ 275.00	1,390	\$ 382,250.00

Total Equipment Cost for this Task \$ 6,260,750.00

Preliminary Engineer's Bond Estimate
 Amended Reclamation Grading and Improvements
 Tracts 7351 and 7493
Leona Quarry
 Oakland, California

March 12, 2004
 Job No.: 1020-00

B. Labor - List all labor categories to complete identified task.

Labor Category	Quantity	\$/hour	# of Hours	Cost (\$)
1. Operator	18	\$ 53.00	38,870	\$ 2,060,110.00
2. Water Truck Driver	5	\$ 49.00	11,250	\$ 551,250.00
3. Foreman	1	\$ 57.00	2,565	\$ 146,205.00
4. Grade Setter	2	\$ 53.00	5,590	\$ 296,270.00

Total Labor Cost for this Task \$ 3,053,835.00

C. Materials - List all materials required to complete identified task (include disposal costs).

Item	Quantity	\$/Unit	Cost (\$)
1. Dump fees	120 Loads	\$ 600.00	\$ 72,000.00
2. Water Truck Driver	1	\$ 1,710,000.00	\$ 1,710,000.00

Total Materials Cost for this Task \$ 1,782,000.00

D. Direct Cost for this Task:

Equipment Cost + Labor Cost + Materials Cost = \$ 11,096,585.00

II. REVEGETATION

A. Soil Amendment Materials to be Mechanically Incorporated

Item	Unit of Measure	# Units*	\$/Unit	Total Cost
1. composted organic matter	cubic yards	3,823	\$ 11.50	\$ 43,964.50
2. potassium sulfate (0-0-50)	lbs	11,940	\$ 0.22	\$ 2,626.80
3. agricultural gypsum	lbs	40,803	\$ 0.03	\$ 1,224.09
4. soil sulfur	lbs	4,000	\$ 0.27	\$ 1,080.00

Total \$ 48,895.39
 Say \$ 48,895.00

* Based on application rates needed for Salvaged Topsoil 1 and fill slopes to approach the fertility/chemistry of reference soils

Preliminary Engineer's Bond Estimate
 Amended Reclamation Grading and Improvements
 Tracts 7351 and 7493
Leona Quarry
 Oakland, California

March 12, 2004
 Job No.: 1020-00

B. Topsoil Preparation

Item	Unit of Measure	# Units	\$/Unit	Total Cost
1. Salvage topsoil, blend amendments and stockpile	cubic yards topsoil	11,000	\$ 10.00	\$ 110,000.00
2. Auger planting holes on cut slope and backfill with topsoil	planting hole	2,750	\$ 75.00	\$ 206,250.00
3. Topsoil backfill (4H:1V) on superbenches	cubic yards topsoil	9,500	\$ 12.00	\$ 114,000.00
4. 4 gully repair sites (NW slope)	cubic yards topsoil	1,100	\$ 100.00	\$ 110,000.00
5. mechanical incorporation of amendments on 2H:1V fill slopes	acres	15	\$ 10,000.00	\$ 150,000.00
Total				\$ 690,250.00

C. Quick Coupler Irrigation System Installation

Item	Unit of Measure	# Units	\$/Unit	Total Cost
1. 5/8" Meter	NA	1	\$ 11,000.00	\$ 11,000.00
2. 1" reduced pressure devise	NA	1	\$ 591.00	\$ 591.00
3. backflow cage	NA	1	\$ 800.00	\$ 800.00
4. 1.25" UV resistant supplyline-staked ongrade	lineal feet	9,000	\$ 1.76	\$ 15,840.00
5. quick coupling valves-no box	NA	90	\$ 80.00	\$ 7,200.00
6. shut-off valves (manual)	NA	7	\$ 66.20	\$ 463.40
Total				\$ 35,894.40
Say				\$ 35,894.00

Preliminary Engineer's Bond Estimate
 Amended Reclamation Grading and Improvements
 Tracts 7351 and 7493
Leona Quarry
 Oakland, California

March 12, 2004
 Job No.: 1020-00

D. Plant Installation, Seed Application, and Maintenance

Item	Unit of Measure	# Units*	\$/Unit	Total Cost
1. hydroseed (seed and spray amendment application)	acres	45.5	\$ 4,500.00	\$ 204,750.00
2. quick coupler irrigation system				
3. plant materials**	plant	8,950	\$ 4.00	\$ 35,800.00
4. plant installation ***	plant	8,950	\$ 20.00	\$ 179,000.00
5. Maintenance- 3 years	plant	8,950	\$ 55.00	\$ 492,250.00
6. dead plant replacement ****	plant	2,685	\$ 18.00	\$ 48,330.00

Total \$ 960,130.00

* Acreage estimates reflect slope measurement, assuming 1.5:1 - 2:1 slopes.

** Container plants supplied by qualified native plant nursery. Assume 10-foot on-center spacing.

*** Assumes manual incorporation of amendments, treeshelters on oaks and foliage protection screens on sagebrush. Plant installation cost estimate based in part on Central Coast Wilds costs from pilot revegetation project.

**** Assumes replacement of 30% of the original number installed

GRAND TOTAL REVEGETATION \$ 1,735,169.00

III. PLANT STRUCTURES AND EQUIPMENT REMOVAL

Description of Task:

Remove truck scale, scalehouse and belt loader

Methods to be Used:

Demolish and dispose of scale and scalehouse. Remove belt loader and relocate to a different location.

A. Equipment - List all equipment required to complete identified task.

Equipment	Quantity	\$/hour	# of Hours	Cost (\$)
1. Demolition Subcontractor	1			\$ 50,000.00

Total Equipment Cost for this Task \$ 50,000.00

B. Direct Cost for this Task:

Equipment Cost + Labor Cost + Materials Cost = \$ 50,000.00

Preliminary Engineer's Bond Estimate
 Amended Reclamation Grading and Improvements
 Tracts 7351 and 7493
Leona Quarry
 Oakland, California

March 12, 2004
 Job No.: 1020-00

C. Surplus / Salvage Value

1. Total Cost to reclaim plant structures and equipment pursuant to the approved reclamation plan.	\$ 50,000
2. Net salvage value of the plant structures and equipment.*	\$ 0.00
3. Subtract Line 2 from Line 1	\$ 50,000
4. If line 3 is greater than \$0, enter this amount on the total plant structures and equipment removal cost line under Section VIII (Summary of Costs). If Line 3 is less than \$0, enter \$0 on the appropriate line in Section VII.	

*NOTE This is the value of plant structures, buildings and equipment on salvage basis - e.g. after the structures and equipment have been removed for sale or use off-site. In order to include net salvage value in the financial assurance calculations, the operator must provide a letter of agreement, signed contract, bid or quote from an independent company which provides industrial dismantling or equipment salvage services, or is in the business of buying and selling scrap metals or similar products.

IV. MISCELLANEOUS COSTS

Item	Quantity	\$/Unit	Cost (\$)
1.			

Total Miscellaneous Cost for this Task \$ 0.00

V. MONITORING

Monitoring Task	\$/Visit	# Visits/Year	# of Monitoring Years	Cost (\$)
1. Site visit	\$ 500.00	\$ 24.00	2	\$ 24,000.00

Total Monitoring Cost for this Task \$ 24,000.00

VI. SUPERVISION/PROFIT AND OVERHEAD/CONTINGENCIES/MOBILIZATION

Derived from charts; See Section VII. Summary of Costs

Preliminary Engineer's Bond Estimate
 Amended Reclamation Grading and Improvements
 Tracts 7351 and 7493
Leona Quarry
 Oakland, California

March 12, 2004
 Job No.: 1020-00

E. SUMMARY OF COST

A. Preliminary Reclamation Activities

A.I. Total of all Primary Reclamation Activities Costs	<u>\$ 11,096,585.00</u>
A.II. Total of Revegetation Costs	<u>\$ 1,735,169.00</u>
A.III. Total of all Plant Structures and Equipment Removal Costs	<u>\$ 50,000.00</u>
A.IV. Total of all Miscellaneous Costs	<u>\$ 0.00</u>
A.V. Total of all Monitoring Costs	<u>\$ 24,000.00</u>

Total of Direct Costs (Items A.I-A.V.) \$ 12,905,754.00

Supervision (3%)	\$ 387,173.00
Profit/Overhead (5%)	\$ 645,288.00
Contingencies (5%)	\$ 645,288.00
Mobilization (2%)	\$ 258,115.00

Total of Indirect Costs (Item A.VI.) \$ 1,935,864.00

Total of Direct and Indirect Costs (Items A.I. - A.V.) \$ 14,841,618.00

Lead Agency Administrative Cost* \$ -
 (Determined by the Lead Agency)

Total Estimated Cost of Primary Reclamation Activities (nearest \$10,000) \$ 14,840,000.00

*NOTE: The Financial Assurance Guidelines recommend that when reviewing and approving a financial assurance cost estimate, lead agencies should include their administrative cost to draw on the financial assurance and implement the reclamation plan, should it become necessary.

ATTACHMENT D

APPROVAL OF RECLAMATION PLAN AMENDMENT BY THE CALIFORNIA
DEPARTMENT OF CONSERVATION/OFFICE OF MINE RECLAMATION

ATTACHMENT D



DEPARTMENT OF CONSERVATION
STATE OF CALIFORNIA

February 23, 2004

VIA FAX (510) 238-2233
CONFIRMATION MAILED

Marcel Uzegbu
Engineering Design Division
City of Oakland
250 Frank H. Ogawa Plaza, Suite 4314
Oakland CA 94612

Dear Mr. Uzegbu:

Leona Quarry Reclamation Plan Amendment - CA Mine ID#91-01-0008

The Department of Conservation's Office of Mine Reclamation (OMR) has reviewed the Reclamation Plan Amendment for the Leona Quarry. The Reclamation Plan Amendment addresses the proposed end use of commercial and residential development.

The Surface Mining and Reclamation Act of 1975 (SMARA) (Public Resources Code Section 2710 et seq.) and the State Mining and Geology Board regulations for surface mining and reclamation practice (California Code of Regulations (CCR) Title 14, Chapter 8, Article 1, Section 3500 et seq., Article 9 Section 3700 et seq.) require that specific items be addressed or included in reclamation plans. The Reclamation Plan Amendment and supporting documentation cited address the mandated requirements of SMARA and the CCR.

If you have any questions on these comments or require any assistance with other mine reclamation issues, please contact me at (916) 323-8565.

Sincerely,

James S. Pompy, Manager
Reclamation Unit

OFFICE OF MINE
RECLAMATION

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14.1
ORA/COUNCIL
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