

# **Exhibit A**

## **Fairview Orchards / Fairview Meadows Subdivision Project**

### **Written CEQA Findings**

**Pursuant to Section 15091 and 15093 of the State CEQA guidelines (California Code of Regulations, Title 14) and Section 21081 of the California Environmental Quality Act (Public Resources Code, Division 13)**

SUMMARY: The Final Environmental Impact Report (Final EIR) for the Fairview Orchards / Fairview Meadows Subdivision Project (Project) prepared by the County of Alameda (County) consists of the Draft EIR and Response to Comments on the Draft EIR. The Final EIR identified significant environmental impacts that will result from implementation of the Project; however, the County finds that the inclusion of certain mitigation measures as part of Project approval will reduce all potential significant impacts to a level of less than significant.

## **Section 1: Introduction**

### **1.1. Statutory Requirements for Findings**

Section 15091 of the California Environmental Quality Act (CEQA) Guidelines states that:

*(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:*

- (1) Changes or alterations have been required in, or incorporated into the project, which avoid or substantially lessen the significant environmental effect as identified in the final EIR.*
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.*

In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to avoid or mitigate significant environmental impacts that will otherwise occur with implementation of the project. Project mitigation or alternatives are not required, however, where they are infeasible or where the responsibility for modifying the project lies with another agency.<sup>1</sup> In this case, the County has determined that the mitigation measures are the responsibility of the Project Sponsor, and that monitoring will be conducted by the Alameda County Public Works Agency and the Planning Department as responsible agencies under CEQA. The County will participate in the mitigation monitoring through the conditions of approval related to the Tentative Tract Map.

For those significant effects that cannot be mitigated to a level of less than significant, the public agency is required to find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.<sup>2</sup> Section 15093 of the CEQA Guidelines state: "If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.'"

### **1.2 Record of Proceedings**

For purposes of CEQA and the findings set forth herein, the record of proceedings for the County's decision on the Project consists of: (a) matters of common knowledge to the County, including, but not limited to, federal, state, and local laws and regulations; and (b) the following documents, which are in the custody of the County:

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<sup>1</sup> CEQA Guidelines Section 15091(a), (b)

<sup>2</sup> Public Resources Code Section 21081(b)

- The Notice of Preparation and other public notices issued by the County in conjunction with the Project (see Appendix A of the EIR for the Notice of Preparation), and public and agency responses to that Notice of Preparation
- The Public Review Draft EIR, dated January 2017 (State Clearinghouse Number 2016062057)
- All written comments submitted by agencies and members of the public during the public comment period on the Draft EIR and all oral comments submitted at the public hearing on February 21, 2017, and responses to those comments (see Fairview Orchards & Fairview Meadows Subdivision Project Final EIR) which together with the Draft EIR constitutes the Final EIR for the Project
- The Mitigation Monitoring and Reporting Program
- All findings, statements of overriding consideration, and resolutions adopted by the County in connection with the Project, and all documents cited or referred therein
- All final reports, studies, memoranda, maps, correspondence, and all planning documents prepared by the County, Project Sponsor, or the consultants to each, or responsible or trustee agencies with respect to: (a) the County's compliance with CEQA; (b) development of the Project site; or (c) the County's action on the Project
- All documents submitted to the County by agencies or members of the public in connection with development of the Project
- All other documents composing the record pursuant to Public Resources Code Section 21167.6(e)

The custodian of the documents and other materials that constitute the record of the proceedings upon which the County's decisions are based is Andrew Young, Interim Senior Planner, or his designee. Such documents and other material are located at 224 Winton Avenue, Room 111, Hayward, California, 94544. The DEIR is also available for review or download at the Alameda County website ([www.acgov.org/cda/planning](http://www.acgov.org/cda/planning)); select "Pending Land Use Projects," "Current Development Projects," and "Tract Maps 8296 & 8297."

### 1.3 Organization / Format of Findings

**Section 2** of these findings contains a summary description of the Project, sets forth the objectives of the Project, and provides alternatives to the Project. **Section 3** identifies the potentially significant effects of the Project, mitigated to a level of less than significant. All numbered references identifying specific mitigation measures refer to numbered mitigation measures found in the Draft EIR, as modified in the Final EIR. **Section 4** identifies whether there are significant impacts that cannot be mitigated to a level of less than significant after all feasible mitigation measures have been identified and incorporated into the Project. **Section 5** identifies the Project's potential environmental effects that were determined not to be significant and do not require mitigation. Cumulative effects are discussed in **Section 6** and the feasibility of Project alternatives are discussed in **Section 7**.

## **Section 2: Fairview Meadows / Fairview Orchards Subdivision Project**

### **2.1 Project Objectives**

The applicant's Project Objectives are as follows:

- Develop high quality market-rate single-family homes on a desirable site compatible with surrounding residential development.
- Create an on-site stormwater control and detention system that meets legal requirements.
- Limit disturbance to surrounding neighbors by avoiding off-haul of grading material.
- Grade and develop the site to direct all impervious surface drainage through bio-filtration facilities and thence to a detention basin located under the proposed streets.
- Create a well-planned subdivision, utilizing existing utility and street infrastructure, which can timely deliver much-needed additional housing by providing for its development in an orderly manner that takes into consideration practical building constraints.
- Remove existing, blighted structures and redevelop an underutilized infill site with a residential project that implements the overall vision of the Fairview Specific Plan, while taking into consideration impacts on the community as these relate to aesthetics, length of construction, off-haul of soil, and preservation of watershed drainage patterns and flow capabilities.
- Develop a residential project that is consistent and compatible with the surrounding residential uses in terms of relevant developments standards such as density, setback, site layout and design, and padded lots, and that provides public streets for on-street guest parking.

### **2.2 Project Description**

The Project would consist of 31 single-family homes on two parcels or sites (Tract #8296 and Tract #8297) to be accessed by two new local streets connecting to D Street near the intersection with Carlson Court. The Project includes the following individual components:

- Subdivision of the two Project sites into 31 single-family residential lots. The upper site (Tract #8297) would include 15 separate residential lots, and a common lot that serves as a buffer from the existing residential units along D Street and would contain a detention basin. The lower site (Tract #8296) would include 16 separate residential lots.
- Grading of both Project sites to prepare the sloping terrain of the sites for development of homes. All of the new home sites on the upper Tract 8297 are graded to create level building sites. On the lower Tract 8296, the uphill home sites would also be graded for level building pads, whereas home sites on the downhill portion of the site would be graded to accommodate split pad foundations.
- Approval of all discretionary actions by Alameda County to approve the Project (certification of the Environmental Impact Report, Tentative Map approval pursuant to the County's subdivision ordinance, and subsequent Design Review approval pursuant to the County's Residential Design Standards and Guidelines), County administrative approvals (including a grading permit, building permits and an encroachment permit for work done in the D Street right-of-way), as well as subsequent site development (including demolition, clearing, grading, infrastructure improvements, paving, building, landscaping) and all other necessary actions to develop, sell and occupy the proposed homes.

## 2.3 Alternatives

Based on the Project objectives and anticipated environmental consequences, and pursuant to Section 15126.6 of the CEQA Guidelines, the following Project alternatives were selected for analysis:

- The No Project/No Development Alternative assumes the Project is not approved and the site would remain in an undeveloped state, with no development of roadways or residences.
- The Reduced Density (25% Reduction) Alternative assumes the site would be developed generally as proposed, but with a 25% reduction in density.
- The Greater Consistency with the Fairview Area Specific Plan Alternative presents a conceptual development program for the Project sites that would be in greater conformance with the design principles and guidelines of the Fairview Area Specific Plan.

A more detailed description of these alternatives and the required findings are set forth in Section 7: Feasibility of Project Alternatives.

## Section 3: Effects Determined to be Mitigated to Less-Than-Significant Levels

The EIR identified certain potentially significant effects that could result from the Project. However, the County finds that for each of the significant or potentially significant impacts identified in the EIR and restated in this section, changes or alterations have been required or incorporated into the Project, which avoid or substantially lessen the significant effects as identified in the Final EIR.<sup>3</sup> Adoption of the mitigation measures set forth below will reduce these significant or potentially significant effects to a level of less than significant. The mitigation measures discussed in this section will be incorporated into conditions of approval between the Project Sponsor and the County. As a result, these mitigation measures will become part of the Project. The County will require the Project Sponsor to comply with all aspects of CEQA, including mitigation monitoring, as part of the Tentative Tract Map approval.

### 3.1 Air Quality/GHG

**Impact AQ-2: Construction-Period Dust and Emissions.** Construction of the Project would result in temporary emissions of dust and criteria air pollutants that may result in both nuisance and health impacts. Without appropriate measures to control these emissions, these impacts would be considered significant.

*Dust.* Project-related construction activities would generate short-term emissions of fugitive dust. Construction-related fugitive dust emissions would vary from day to day depending on the level and type of activity, silt content of the soil, and the weather. Construction activities may result in significant quantities of dust that may adversely affect (on a temporary and intermittent basis), local visibility and PM<sub>10</sub> and PM<sub>2.5</sub> concentrations. In addition, fugitive dust generated by construction could include larger particles that would fall out of the atmosphere within several hundred feet of the site and could result in nuisance-type impacts.

**Mitigation Measure for Impact AQ-2: Construction Management Practices.** The Project shall demonstrate compliance with the following BAAQMD recommended “Basic” and “Enhanced” construction mitigation measures:

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<sup>3</sup> CEQA Guidelines, Section 15091.

*Basic Measures:*

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

*Enhanced Measures:*

9. All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.
10. All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
11. Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.
12. Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.
13. The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.
14. All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
15. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6- to 12-inch compacted layer of wood chips, mulch, or gravel.
16. Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.
17. Minimize the idling time of diesel powered construction equipment to two minutes.
18. The project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NO<sub>x</sub> reduction and 45 percent PM reduction compared to the most recent CARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available.

19. Use low VOC (i.e., ROG) coatings beyond the local requirements (i.e., Regulation 8, Rule 3: Architectural Coatings).
20. Require that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NO<sub>x</sub> and PM.
21. Require all contractors use equipment that meets CARB's most recent certification standard for off-road heavy duty diesel engines.

**Findings for Impact AQ-2:** The County considers implementation of effective and comprehensive dust control measures the threshold of significance for fugitive dust emissions. If a project complies with specified dust control measures, it would not result in a significant impact related to construction-period dust emissions. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the County finds that implementation of **Mitigation Measure for Impact AQ-2: Construction Management Practices**, which will be incorporated into the Project via the Mitigation and Monitoring Reporting Program and the conditions of approval for the Tentative Tract Map, will ensure that impacts related to construction-period dust and emissions will be reduced to a level of less than significant. Any remaining impact related to construction-period dust and emissions will be less than significant.

**Impact AQ-5: TAC Emissions – Construction Period.** Construction activities would expose nearby sensitive receptors to toxic air contaminants during the construction period, but the maximum exposure risk would be below the thresholds of significance under BAAQMD criteria for cancer, chronic hazard, and PM<sub>2.5</sub> exposure.

For purposes of assessing a project's risk of exposing sensitive receptors to health risks and hazards, the threshold of significance is exceeded if the project-specific cancer risk to nearby receptors exceeds 10 in one million (or a cumulative cancer risk of 100 in one million), the non-cancer risk exceeds a Hazard Index of 1 (or a cumulative Hazard Index of 10), and/or the annual average PM<sub>2.5</sub> concentration exceeds 0.3 µg/m<sup>3</sup> (or cumulative annual average PM<sub>2.5</sub> concentration exceeds 0.8 µg/m<sup>3</sup>). Examples of sensitive receptors are places where people live, play or convalesce, and include schools, hospitals, residential areas and recreation facilities. The Project site is located adjacent to existing residential neighborhoods as well as the immediately adjacent Hilltop Care Convalescent Home. These residents are sensitive uses and may include high-risk populations such as infants and the elderly.

Construction activities and equipment such as loaders, backhoes, haul truck and vendor trips would generate emissions of diesel particulate matter and PM<sub>2.5</sub> TAC emissions from exhaust. These emissions could result in elevated concentrations of diesel particulate matter and PM<sub>2.5</sub> at nearby receptors, and that could lead to an increase in the risk of cancer or other health impacts. The generation of TAC emissions would be temporary, especially considering the short amount of time such equipment would be within an influential distance that could expose sensitive receptors to substantial concentrations.

The Project is located immediately adjacent to sensitive receptors, including single-family homes and the Hilltop Convalescent Care Center, and the Project does include cut and fill activity throughout a majority of the nearly 10-acre site. The EIR therefore identifies mitigation measures (the "Basic" and "Enhanced" measures included in Mitigation Measure AQ-2) to further reduce the emissions of toxic air contaminants (TAC) during construction. Included in the Enhanced measures are the requirements that all diesel-powered construction equipment, diesel trucks, and generators used at the site be equipped with Best Available Control Technology for emission reductions of NO<sub>x</sub> and PM; and that all contractors use equipment that meets the California Air Resources Board's most recent certification standard for off-road heavy duty diesel engines.

The current standard for Best Available Control Technology on diesel-powered equipment is Tier 4 engines. Tier 4 refers to the latest emission standards established by the U.S. Environmental Protection

Agency and the California Air Resources Board applicable to new engines found in off-road equipment. As of January 1, 2014, these emissions standards apply to new engines and remanufactured engines that power the types of equipment commonly found in most construction applications, including backhoes, graders, bulldozers and haul trucks. Tier 4-compliant engines significantly reduce emissions of diesel particulate matter, PM<sub>2.5</sub> and NO<sub>x</sub> to near zero levels, and relative to previous emissions standards, Tier 4 compliant engines reduce emissions by over 95 percent for most construction equipment. Although construction-period TAC emissions were not assumed to be significant based on the relatively smaller scale of construction activity, required use of Tier 4 engines would substantially further reduce potential TAC emissions associated with Project construction and would substantially reduce the potential for health risks to adjacent sensitive receptors to levels that are less than significant.

**Mitigation Measure for Impact AQ-5:** See text for **AQ-2: Construction Management Practices**. No additional mitigation measures needed, beyond implementation of Enhanced Construction Mitigation Measures under Mitigation Measure AQ-2.

**Findings for Impact AQ-5:** Pursuant to *CEQA Guidelines* Section 15091(a)(1), the County finds that implementation of **Mitigation Measure for Impact AQ-2: Construction Management Practices**, which will be incorporated into the Project via the Mitigation and Monitoring Reporting Program and the conditions of approval for the Tentative Tract Map, will ensure that impacts related to construction-period TAC emissions (Impact AQ-5) will be reduced to a level of less than significant. Any remaining impact related to construction-period TAC emissions will be less than significant.

### 3.2 Biological Resources

**Impact Bio-1: Special Status Plant Species.** Although the Project sites are highly disturbed and the flora is dominated by non-native species, there remains a possibility that the Project could have a substantial adverse direct effect on certain special status plant species for which site surveys have not yet been conducted and for which occurrence cannot be definitively determined.

The Project will result in the permanent removal of approximately 4.2 acres of non-native annual grassland habitat, 2.1 acres of scrub, and 3.5 acres of ruderal areas. All of these plant communities are common throughout the region and their removal is not considered a significant impact, unless special status species are known to be present.

Although no special status plant species are known to be present on the Project site based on site surveys that have been conducted to date, appropriately-timed focused surveys for certain special status plants have not been conducted, and the potential occurrence of these species cannot be definitively ruled out.

**Mitigation Measures for Impact Bio-1: Bio-1a: Presence/Absence Surveys.** Conduct appropriately timed surveys for the following special status plant species:

1. Bent-flowered fiddleneck (*Amsinckia lunaris*), March – June
2. Big-scale balsamorhiza (*Balsamorhiza macrolepis*), March – June
3. Fragrant fritillary (*Fritillaria liliacea*), February – April
4. Diablo helianthella (*Helianthella castanea*), March – June
5. Hairless popcorn flower (*Plagiobothrys glaber*), March – May

If none of these species is found, no further measures are required.

**Bio-1b: Salvage of Special Status Plants.** If any special status plants are found on site during the presence/absence surveys per Mitigation Measure Bio-1a, any such special status plants shall be



salvaged prior to construction. Salvage shall be conducted in consultation with CDFW. Salvage efforts may consist of seed collection and relocation or plant transplantation.

**Findings for Impact Bio-1:** Pursuant to *CEQA Guidelines* Section 15091(a)(1), the County finds that implementation of **Mitigation Measures for Impact Bio-1: Bio-1a: Presence/Absence Surveys** and **Bio-1b: Salvage of Special Status Plants**, which will be incorporated into the Project via the Mitigation and Monitoring Reporting Program and the conditions of approval for the Tentative Tract Map, will ensure that potential impacts on special status plant species will be reduced to a level of less than significant. Any remaining potential impacts on special status plants will be less than significant.

**Impact Bio 2: Special Status Animals – Alameda Whipsnake.** Although the habitat value on the Project sites is poor for AWS, there is a chance that a dispersing individual could enter the Project sites via the currently barrier free property line to the south. Although presence of AWS is unlikely, it is possible that an individual could use the property for forage and dispersal and there is a potential for take of individual snakes during Project construction.

Given the poor habitat components at the Project sites, and the distance and separation from the home range of AWS, it is unlikely that the Project sites provide a source habitat for AWS. Rather, the Project sites can more accurately be described as sink habitat that would have difficulty sustaining a population of AWS. Although the habitat value on the Project sites is poor and the presence of AWS is unlikely, it is possible that an individual could use the property for forage and dispersal and there is a potential for take of individual snakes during Project construction.

**Regulatory Compliance.** Because of the potential for presence, the Project applicant shall consult with USFWS and CDFW in order to determine permitting options and appropriate mitigation, if necessary, for the Project. If this consultation process determines the Project is not likely to affect AWS, the Project may move ahead. If this consultation indicates that the Project may affect AWS, then a Biological Assessment shall be prepared to determine the Project's effect on AWS, and identify appropriate mitigation. Additionally, because presence of AWS cannot be ruled out, consultation with CDFW may result in a recommendation for an Incidental Take Permit (Section 2081 process) to protect the Project applicant from unauthorized take of species, and insure potential impacts are minimized and fully mitigated.

**Mitigation Measure for Impact Bio-2: Minimize Potential Take of AWS.** The Project applicant shall ensure that the following construction-period measures are implemented to minimize the potential take of AWS:

1. In order to prevent AWS from entering construction areas during Project development, a wildlife exclusion fence shall be placed at the property boundary at the southern end of the Project Area. The fence should be at least three feet high and should be entrenched three to six inches into the ground. It is recommended that exclusion funnels are included in the fence design so that terrestrial species are able to vacate the Project Area prior to disturbance.
2. Monofilament netting, which is commonly used in straw wattle and other erosion preventatives, should not be used on the Project site in order to prevent possible entrapment of both common and special status terrestrial wildlife species.
3. Trenches should be backfilled, covered or left with an escape ramp at the end of each work day. Trenches left open overnight should be inspected each morning for trapped wildlife species.
4. Prior to initial ground disturbance, a qualified biologist should perform a preconstruction survey in order to insure no AWS are present. The biologist may remain on site for initial ground

disturbance if suitable AWS refugia will be disturbed, e.g. small mammal burrows, foundations, large woody debris.

**Findings for Impact Bio-2:** Pursuant to *CEQA Guidelines* Section 15091(a)(1), the County finds that compliance with required regulatory consultation and implementation of **Mitigation Measure for Impact Bio-2: Minimize Potential Take of AWS**, which will be incorporated into the Project via the Mitigation and Monitoring Reporting Program and the conditions of approval for the Tentative Tract Map, will ensure that potential impacts related to take of Alameda whipsnake will be reduced to a level of less than significant. Any remaining potential impacts related to take of Alameda whipsnake will be less than significant.

**Impact Bio-3: Disturbance of Nesting Birds.** Project construction activities could interfere with migratory and nesting birds, but would not otherwise interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. Construction activities, particularly tree removal, could adversely affect nesting birds protected by the Migratory Bird Treaty Act or Fish and Game Code of California.

**Mitigation Measure for Impact Bio-3: Conduct a Pre-Construction Nesting Bird Survey.** Pre-construction surveys for nesting birds protected by the Migratory Bird Treaty Act of 1918 or Fish and Game Code of California shall be conducted within 30 days prior to initiation of construction, grading or ground-disturbing activities.

1. The survey area shall include the Project site and areas within 100 feet of the site, to the extent that access can be obtained.
2. If active nests are found, the Project shall follow recommendations of a qualified biologist regarding the appropriate buffer in consideration of species, stage of nesting, location of the nest, and type of construction activity. The buffer shall be maintained until after the nestlings have fledged and left the nest.
3. If there is a complete stoppage in construction activities for 30 days or more, a new nesting-survey shall be completed prior to re-initiation of construction activities.

**Findings for Impact Bio-3:** Pursuant to *CEQA Guidelines* Section 15091(a)(1), the County finds that implementation of **Mitigation Measure for Impact Bio-3: Conduct a Pre-Construction Nesting Bird Survey**, which will be incorporated into the Project via the Mitigation and Monitoring Reporting Program and the conditions of approval for the Tentative Tract Map, will ensure that potential impacts on migratory and nesting birds will be reduced to a level of less than significant. Any remaining potential impacts on migratory and nesting birds will be less than significant.

### 3.3 Cultural Resources

**Impact Cultural-2: Archaeological Resources, Paleontological Resources, Tribal Cultural Resources, and/or Human Remains.** There are no unique geological features found on the Project site, consistent with the lack of such features in the surrounding area. Paleontological resources are not known to be located in the vicinity, and are not expected to be found within the Project site boundaries during construction. The Castro Valley General Plan indicates that there are no known paleontological resources within the study area as defined in that Plan, which is immediately adjacent to the Fairview Area. Therefore, it can be concluded that there are no known paleontological resources within the Fairview area or within the boundaries of the Project site. As indicated in the Cultural Resources Assessment Report, there are no known occurrences of archaeological resources, or known tribal cultural resources at the Project site.

However, construction at the Project site will require grading and excavation to a depth of 15 to 20 feet in some locations. This grading work could potentially unearth and directly or indirectly damage previously unrecorded and currently unknown cultural resources. Although unlikely, disturbance of previously unrecorded archaeological resources, tribal cultural resources, paleontological resources and/or human remains represents a potentially significant environmental impact associated with the Project.

**Mitigation Measure for Impact Cultural-2: Halt Construction/Assess Significance of Find/Follow Treatment Plan.** Prior to the initiation of ground-disturbing activities (including clearing vegetation and demolition procedures), the developer or contractor shall inform all supervisory personnel and all contractors whose activities may have subsurface soil impacts of the potential for discovering archaeological resources, paleontological resources, tribal cultural resources and/or human remains, and of the procedures to be followed if these previously unrecorded cultural resources are discovered. These procedures shall include:

1. halting all ground-disturbing activities within 100 feet of the area where a potential cultural resource has been found;
2. notifying a qualified archaeologist of the discovery; and
3. following a treatment plan prescribed by the appropriate professional if the cultural resource is deemed significant, in accordance with federal or state law.

In the event cultural resources as defined above are encountered during ground disturbing activities, the developer shall retain an on-call archaeologist, subject to approval by the County of Alameda, to review the excavation work, assess the significance of the potential cultural resource and prescribe a treatment plan. The archaeologist will consult with a paleontologist or tribal cultural resource specialist as required. The archaeologist shall report any finds in accordance with current professional protocols. The archaeologist shall meet the Professional Qualifications Standards mandated by the Secretary of the Interior and the California Office of Historic Preservation.

In the event that any human remains are uncovered at the Project site during construction, there shall be no further excavation or disturbance of the site or any nearby area until after the Alameda County Coroner has been informed and has determined that no investigation of the cause of death is required, and (if the remains are determined to be of Native American origin) the descendants from the deceased Native American(s) have made a recommendation to the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98.

**Findings for Impact Cultural-2:** Pursuant to *CEQA Guidelines* Section 15091(a)(1), the County finds that implementation of **Mitigation Measure for Impact Cultural-2: Halt Construction/Assess Significance of Find/Follow Treatment Plan**, which will be incorporated into the Project via the Mitigation and Monitoring Reporting Program and the conditions of approval for the Tentative Tract Map, will ensure that potential impacts related to discovery and potential damage to as-yet unknown and unanticipated archaeological resources, tribal cultural resources, paleontological resources, or human remains will be reduced to a level of less than significant. Should any resources be discovered, implementation of recommendations to be made by the proper cultural resources professional in accordance with state and federal law will be required. Any remaining potential impact related to discovery and potential damage to as-yet unknown and unanticipated archaeological resources, tribal cultural resources, paleontological resources, or human remains will be less than significant.

### 3.4 Land Use/Planning

**Impact Land Use-2: Conflicts with Land Use Plan, Policy or Regulation.** The Fairview Area Specific Plan, adopted by the County Board of Supervisors in 1997, includes principles and guidelines addressing a broad range of topic areas including land use, residential density, open space and other environmental considerations. Policies and guidelines that pertain to natural features generally call for retention of natural topography and other natural characteristics of sites within the Fairview area, and define those existing visual and natural characteristics that should be preserved with new developments.

The Project conforms to the vast majority of the Specific Plan policies and guidelines, but is not consistent with several selected policies and guidelines. Under the 1970 CEQA Statute and its adopted Guidelines, conflicts with applicable plans, policies or regulations do not typically result in a significant effect on the environment. As stated in Section 15358 (b) of the CEQA Guidelines (definitions, effects or impacts), “effects analyzed under CEQA must be related to an adverse physical change.” A related definition of the environment extends to “physical conditions which exist within the area which will be affected by a proposed project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historical or aesthetic significance” (Section 15360). Further, Appendix G of the CEQA Guidelines makes explicit the focus on whether a project would “conflict with any applicable land use plan, policy, or regulation . . . adopted for the purpose of avoiding or mitigating an environmental effect.” A response in the affirmative, that there is a conflict with a land use policy, does not necessarily indicate the Project would have a significant environmental effect, unless an adverse physical change would occur.

However, the County considers conflict with adopted policies of its General Plan (which extend to the Fairview Area Specific Plan) to represent potentially significant environmental impacts, where those policies are specifically adopted to protect environmental qualities. Those Specific Plan policies or principles that address matters of environmental quality include:

- Principle D.2.a/2.b-3/2.b-7 – Substantial regrading of the Project sites and deep excavations would not retain natural topographic features or blend with its natural landforms
- Principle D.3.b – Mass site grading is proposed across areas where existing slope exceeds 20%, rather than individual lot grading
- Principle D.3.c – Flat pad lots are used throughout most of the Project sites that do not retain a natural appearance, rather than custom foundations
- Principle D.3.d/e – Grading would result in new slopes with heights greater than 10 feet between homes, and 2:1 slopes that exceed 20 feet in horizontal distance
- Principle D.3.f – Rows of residences with similar setbacks and elevations would be created

The County considers substantial changes to topography, and development that is in sharp conflict with those Fairview Area Specific Plan policies pertaining to the natural environment to be significant environmental impacts. Physical changes to existing topography resulting from new development, where the topography is clearly recognized as an essential environmental quality of the district, is an adverse effect. Therefore, the topographical alteration of the site by the Project represents a significant adverse conflict with plan policies adopted to preserve natural physical features. Project changes, mitigation measures or alternatives to the Project are required.

**Mitigation Measure for Impact Land Use-2: Topography Preservation.** The grading of the Project sites shall provide for split pads on Lots 1, 2, 8, and 15 of Tract 8297. Custom grading with the same effect, or pier and grade beam construction may be substituted on all or a portion of these lots, to the satisfaction of the Planning Director.

**Findings for Impact Land Use-2:** Pursuant to *CEQA Guidelines* Section 15091(a)(1), the County finds that implementation of **Mitigation Measure for Impact Land Use-2: Topography Preservation**, which will be incorporated into the Project via the Mitigation and Monitoring Reporting Program and the conditions of approval for the Tentative Tract Map, will ensure that impacts related to topographic changes and compatibility with the Fairview Area Specific Plan will be reduced to a level of less than significant. Any remaining impact related to topographic changes and compatibility with the Specific Plan will be less than significant.

### 3.8 Noise

**Impact Noise-1: Construction Noise.** Construction activities associated with the Project would not expose persons to, or generate noise levels in excess of standards established in the County General Plan or County Municipal Code, but would substantially increase temporary and periodic ambient noise levels in the Project vicinity above levels existing without the Project. Construction activities are considered to be temporarily or periodically significant if they would increase ambient noise levels, as heard by sensitive receptors by an hourly average noise level exceeding 60 dBA  $L_{eq}$ , and/or increase the ambient noise levels by a least 5 dBA  $L_{eq}$  for a period of more than 1 year. Construction activities are expected to include demolition, site preparation (clearing trees and vegetation), excavation and grading work, building construction, paving, and architectural coating, each of which will result in increased noise levels in the surrounding area. The construction period for all of these activities combined will take more than one year to complete. Therefore, construction noise is considered potentially significant.

Construction noise levels will vary on a day-to-day basis, depending on the type and amount of equipment operating on site and the specific task that is being completed on a particular day. Certain construction activities generate considerable amounts of noise, especially during earth-moving activities when heavy equipment is used. The highest maximum noise levels generated by Project construction would typically range from about 80 to 91 dBA  $L_{max}$  at a distance of 50 feet from the noise source. Pile driving, which generates high noise levels, is not expected.

Adjacent land uses are located within 10 feet of the shared property lines of the Project site, and the adjacent Care Facility would be approximately 170 feet from the center of Tract No. 8297 and approximately 160 feet from the center of Tract No. 8296. At these distances, typical hourly average noise levels would range from 70 to 78 dBA  $L_{eq}$ , with maximum instantaneous noise levels ranging from 69 to 81 dBA  $L_{max}$ . The existing adjacent residences to the east and west of the Project site are approximately 160 to 210 feet from the center of the Project site. At these distances, typical hourly average noise levels would range from 69 to 78 dBA  $L_{eq}$ , with maximum instantaneous noise levels ranging from 68 to 81 dBA  $L_{max}$ . Noise generated by construction activities would temporarily elevate noise levels at adjacent noise-sensitive receptors to levels exceeding ambient levels by more than 5 dBA.

**Mitigation Measure for Impact Noise-1: Reduce Construction Noise Levels.** The following mitigation shall be implemented to reduce construction noise emanating from the Project site to the surrounding sensitive land uses:

1. Comply with construction hours established within the Noise Ordinance to limit hours of exposure. The County's Municipal Code limits construction activities to the hours of 7:00 a.m. to 7:00 p.m. on weekdays and between the hours of 8:00 a.m. and 5:00 p.m. on weekends.
2. Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
3. Unnecessary idling of internal combustion engines should be strictly prohibited.

4. Locate stationary noise-generating equipment, such as air compressors or portable power generators, as far as possible from sensitive receptors. Construct temporary noise barriers or partial enclosures to acoustically shield such equipment where feasible.
5. Construct solid plywood fences around construction sites adjacent to operational business, residences or other noise-sensitive land uses where the noise analysis determines that a barrier would be effective at reducing noise.
6. Erect temporary noise barriers, if necessary, along building façades facing construction sites. Noise barriers (or noise blankets) can be rented and quickly erected.
7. Utilize "quiet" air compressors and other stationary noise sources where technology exists.
8. Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the Project site.
9. Route construction-related traffic along major roadways and away from sensitive receptors where feasible.
10. The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities. The construction plan shall identify a procedure for coordination with adjacent residential land uses so that construction activities can be scheduled to minimize noise disturbance.
11. Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler) and will require that reasonable measures be implemented to correct the problem. Conspicuously post a telephone number for the disturbance coordinator at the construction site and include in it the notice sent to neighbors regarding the construction schedule.

**Findings for Impact Noise-1:** Pursuant to *CEQA Guidelines* Section 15091(a)(1), the County finds that implementation of **Mitigation Measure for Impact Noise-1: Reduce Construction Noise Levels**, which will be incorporated into the Project via the Mitigation and Monitoring Reporting Program and the conditions of approval for the Tentative Tract Map, will ensure that impacts related to construction-period noise will be reduced to a level of less than significant. Any remaining impact related to construction-period noise will be less than significant.

**Impact Noise-2: Construction Vibration.** The Project could expose sensitive residential receptors to excessive groundborne vibration or groundborne noise levels during construction. Construction activities associated with the Project may generate perceptible vibration when heavy equipment or impact tools (e.g. jackhammers, hoe rams) are used. Construction activities generating such vibrations may include site preparation work, major excavation and grading work, foundation work, and new building framing and finishing. The Project is not expected to require pile driving, which can cause excessive vibration, but does anticipate the need for cast-in-place concrete piers relying on drilling.

According to the County's General Code, the operation of any device that creates a vibration that exceeds the vibration perception threshold of an individual at or beyond the property boundary of the source would be prohibited on any private property. For structural damage, the California Department of Transportation recommends a vibration limit of 0.3 in/sec PPV as the threshold for buildings found to be structurally sound, but where structural damage is a major concern. Vibration levels of greater than 0.1 in/sec PPV would be perceptible, and perceptibility would increase to strong or severe at greater than 0.3 in/sec PPV. Ground-borne vibration levels exceeding 0.3 in/sec PPV are considered a significant vibration impact at the Project site.

Project construction activities such as excavators, drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.), will

generate vibration in the immediate vicinity. Vibration levels would vary depending on soil conditions, construction methods, and equipment used. Specific vibration effects and calculated PPV levels for adjacent land uses would include the following:

- The Hilltop Convalescent and Medical Care Facility, located on the wedge-shaped property between proposed Tract 8297 and 8296 is within 10 feet of the shared property lines of both development parcels. Assuming a credible worst-case scenario, which would consist of the operation of vibratory tools at the shared property line, the care facility structure would be exposed to vibration levels up to 0.55 in/sec PPV for clam shovel drops, and up to 0.58 in/sec PPV with the operation of a vibratory roller. The operation of other vibratory tools at a distance of 10 feet would result in vibration levels at or below 0.24 in/sec PPV.
- The nearest residential land uses to the north of Tract 8297 are located along the south side of D Street, and would also be within 10 feet of the shared property line of the Project site. Vibration levels could be up to 0.58 in/sec PPV at these residences as well.
- To the east of Tract 8297, the nearest residences are located 15 to 130 feet from the shared property line. Vibration levels at these residences would be up to 0.37 in/sec PPV.
- There is also a residence located approximately 40 feet to the southeast of the Tract 8297 site, and at this distance, vibration levels would be at or below 0.13 in/sec PPV.
- The single-family residences located adjacent to the western boundary of Tract 8296 would be approximately 10 to 20 feet from the shared property line. At these distances, vibration levels would be at or below 0.58 in/sec PPV.
- Opposite D Street, the nearest residences are located approximately 60 to 70 feet from the boundary of the Project site. At these distances, vibration levels would be expected to be at or below 0.08 in/sec PPV.

Since vibration levels expected at many of the adjacent land uses would exceed 0.3 in/sec PPV at many of the adjacent properties, this is considered a significant impact.

**Mitigation Measure for Impact Noise-2: Best Management Practices to Assure Acceptable Vibration Levels.** The following mitigation shall be implemented into the Project to avoid structural damage due to construction vibration and to reduce the perceptibility of vibration levels at nearby sensitive land uses:

1. Minimize or avoid using clam shovel drops, vibratory rollers, and tampers near the shared property lines of the adjacent land uses.
2. When vibration-sensitive structures are within 25 feet of the site, survey condition of existing structures and, when necessary, perform site-specific vibration measurements to direct construction activities. Contractors shall continue to monitor effects of construction activities on surveyed sensitive structures and offer repair or compensation for damage.
3. Construction management plans shall include predefined vibration reduction measures, notification of scheduled construction activities requirements for properties adjoining the site, and contact information for on-site coordination and complaints.

**Findings for Impact Noise-2:** Pursuant to *CEQA Guidelines* Section 15091(a)(1), the County finds that implementation of **Mitigation Measure for Impact Noise-2: Best Management Practices to Assure Acceptable Vibration Levels**, which will be incorporated into the Project via the Mitigation and Monitoring Reporting Program and the conditions of approval for the Tentative Tract Map, will ensure that impacts related to construction-period vibration will be reduced to a level of less than significant. Any remaining impact related to construction-period vibration will be less than significant.

### 3.9 Traffic/Transportation

**Impact Transp-7: Construction-Period Traffic Disruption.** Traffic impacts resulting from daily construction-related trips generally would not be considered significant due to their temporary and limited duration. However, depending on the construction phasing and truck activity, these activities could result in significant traffic interruption. During construction of the Project, temporary and intermittent transportation impacts may result from truck movements as well as construction worker vehicles travelling to and from the construction site. Construction-related traffic would include construction workers, delivery of supplies and materials, and the movement of construction equipment to and from the site. This construction-related traffic may temporarily disrupt traffic in the vicinity because of the slower movements and larger turning radii of construction trucks compared to passenger vehicles. It is expected that construction worker parking and construction staging would be accommodated within the Project site, and is not expected to spill over into the adjacent neighborhoods.

**Mitigation Measure for Impact Transp-7: County Review of Construction Plan.** The Project applicant shall prepare a Construction Operations Plan detailing the anticipated schedule of trips involving construction workers and equipment, and delivery of materials and supplies to and from the Project site during the various stages of construction activity. The Plan will be reviewed by the County of Alameda for compliance with applicable regulations.

**Findings for Impact Transp-7:** Pursuant to *CEQA Guidelines* Section 15091(a)(1), the County finds that implementation of **Mitigation Measure for Impact Transp-7: County Review of Construction Plan**, which will be incorporated into the Project via the Mitigation and Monitoring Reporting Program and the conditions of approval for the Tentative Tract Map, will ensure that impacts related to construction-period traffic disruption will be reduced to a level of less than significant. Any remaining impact related to construction-period traffic disruption will be less than significant.

## Section 4: Significant Effects that cannot be Mitigated to Less-Than-Significant Levels

No significant and unavoidable impacts of the Project have been identified. All impacts of the Project are either less than significant, or can be reduced to a level of less than significant with implementation of mitigation measures.

## Section 5: Effects Determined to be Less Than Significant or Not Significant

Section 15128 of the CEQA Guidelines requires that the EIR briefly indicate the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR. The County finds that the following potential impacts associated with the Project are not significant or are less than significant and no mitigation is required beyond compliance with existing regulations:

- Agriculture
- Geology and Soils
- Hazards and Hazardous Materials
- Mineral Resources
- Population and Housing



- Public Services
- Recreation

Additionally, the EIR did include detailed discussion and analysis related to the following specific environmental topics, and found these following effects to be less than significant.

**Aesthetics-1: Scenic Vistas.** The Project would not result in substantially altered views from identified scenic routes or public areas. Due to intervening topography, structures, and landscaping, the Project site is not substantially visible from Fairview Avenue, which represents the only identified scenic route in the area. The Project site is not visible within any scenic vistas from parks or other public viewing locations.

**Aesthetics-2: Scenic Highways.** The Project site is not distinctly visible from I-580, which is an eligible state scenic highway. The Project would not substantially obscure, detract from, or negatively affect the quality of the views from I-580. When viewed from I-580, no trees, rock outcroppings or buildings on the site are visible.

**Aesthetics-3: Visual Character.** The Project's visual character would be generally consistent with, or similar to other existing development in the area. The Project would increase the number of residential structures on site and result in a change to the site's existing visual character, but that resulting character would not be substantially different than other surrounding properties and would not significantly degrade the visual character or quality of the site or its surroundings.

**Aesthetics-4: Light and Glare.** The Project would add additional sources of light adjacent to other, similar residential uses. With this required detailed review, impacts related to light and glare would not be significant.

**AQ-1: Consistency with the Clean Air Plan.** As a project consistent with local land use designations and zoning, the Project is consistent with assumptions regarding future growth and overall vehicle miles travelled, as included in the Bay Area Clean Air Plan.

**AQ-3: Operational Emissions.** The Project would result in increased emissions from on-site operations and emissions from vehicles traveling to the site, but the level of Project emissions would not be considered significant.

**AQ-4: Carbon Monoxide Emissions.** The Project would generate increased CO emissions, primarily from Project-related vehicles, but these levels would not exceed screening criteria and the impact would be less than significant.

**AQ -6: TAC Emissions and Exposure – Operations.** Operation of the Project would not be a source of significant levels of toxic air contaminants that could pose a health risk to others.

**AQ -7: Odors.** The Project would not be a source of significant levels of construction-period or operational odors.

**GHG-1: Greenhouse Gas Emissions.** Construction and operation of the proposed Project would be additional sources of GHG emissions, primarily through consumption of fuel for transportation and energy usage on an ongoing basis. However, additional emissions due to the Project are below threshold levels and are therefore considered a less than significant impact.

**GHG-2: Conflict with GHG Reduction Plans.** The Project would not conflict with an applicable plan, policy or regulation adopted to reduce the emissions of greenhouse gases.

**Bio-4: Wetlands.** The Project would not have a substantial adverse effect on federally protected wetlands or state protected wetlands through direct removal, filling, hydrological interruption, or other means.

**Bio-5: Conflicts with Local Policies and Plans.** The Project does not pose any direct conflicts with local policies or ordinances protecting biological resources.

**Bio-6: HCP/NCCP.** The Project would not conflict with any applicable habitat conservation plan or natural community conservation plan.

**Cultural-1: Historic Resources.** The Project would not cause a substantial adverse change in the significance of a historic resource or of an historic property. None of the existing structures on the Project site are eligible for listing on the CRHR, the NRHP or on any local register of historic places.

**Hydrology-1: Water Quality Standards and Requirements.** Construction of the proposed Project would involve grading activities that would disturb soils at the site. Such disturbance would present a threat of soil erosion by subjecting unprotected bare soil areas to runoff during construction, which could result in siltation and degradation of water quality in receiving waters.

**Hydrology-2: Post Construction Effects on Water Quality.** Future residents of the Project would increase the potential for discharge of residential and urban-related pollutants into stormwater runoff. Additionally, the construction of homes, roads and other infrastructure associated with Project would increase impervious surface area on the site, allowing stormwater flows across the site to serve as a vehicle for pollution entering the stormwater drainage system.

**Hydro-3: Post-Construction Effects on Stormwater Runoff and Drainage System Capacity.** Development of the site would increase the amount of impervious surface due to construction of streets, sidewalks, driveways and single-family homes, thereby potentially increasing stormwater runoff. Without controls, this increased runoff could substantially alter the existing drainage patterns from the site, or could contribute runoff water that would exceed the capacity of existing stormwater drainage systems.

**Hydro-4: Flooding Potential.** The Project's increase in runoff flow rates and volumes during significant storm events could potentially exceed the capacity of existing or planned stormwater drainage systems in a manner that could result in flooding on- or off-site.

**Hydro-5: Groundwater Recharge.** The Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge, such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. The Project would not cause the production rate of pre-existing nearby wells to drop to a level that could not support existing or planned land uses.

**Hydro-6: Flood Zone Hazards.** The Project site is not within a FEMA-designated 100-year flood zone. Since the Project site is not located near the coast, it is also outside the coastal flood zone. Accordingly, the Project would have no impact related to flood zone hazards.

**Hydro-7: Flooding (Levee or Dam Failure, Seiche, Tsunami, Mudflow, or Climate Change Induced Sea Level Rise).** The Project would not result in any impacts related to flooding from a dam or levee failure, or inundation by seiche, tsunami, mudflow or sea level rise.

**Land Use-1: Division of an Established Community.** Development at the Project site would not divide an established community. The Project site is located within a previously developed neighborhood and is not located between nor used for passage between existing communities.

**Land Use-3: Conflict with a Conservation Plan.** Development at the Project site would not conflict with any conservation plan.

**Noise-3: Vehicular Traffic Noise.** Traffic generated by the Project would not result in a substantial temporary, periodic or permanent increase in ambient noise levels in the Project vicinity, above levels that exist without the Project.

**Aircraft-Related Noise.** The Project would not generate any discernable increase in air traffic, and no change in noise from aircraft would occur that would substantially increase ambient noise levels at the Project site. Interior noise levels resulting from aircraft would be compatible with the proposed Project uses.

**Noise and Land Use Compatibility.** Consideration of the noise environment potentially affecting future Project residents is not considered a significant impact in this EIR, but is presented for informational purposes. The exterior façades of the proposed residences located within 70 feet of the centerline of D Street would be exposed to exterior noise levels greater than 60 dBA  $L_{dn}$ , with the highest noise exposures occurring at unshielded residential façades nearest D Street. Noise levels at these unshielded façades are calculated to reach 65 dBA  $L_{dn}$ .

**Transp-1: Intersection Impacts.** Traffic generated by the Project would increase traffic levels at the study intersections, but would not change the existing level of service at any studied intersections.

**Transp-2: Cumulative Traffic Impacts.** Traffic generated by the Project, when added to other cumulative traffic levels at Project study intersections, would not change level of service under Cumulative Baseline conditions at any studied intersections.

**Transp-3: Freeways and Arterials.** The Project would not conflict with an applicable congestion management program, a level of service standards, travel demand measures or other standards established by the County Congestion Management Agency for designated roads or highways. Even if all 31 peak-hour trips generated by the Project were to travel on I-580 during the peak hours, the Project's contribution to freeway congestion would be virtually unnoticeable.

**Transp-4: Site Hazards.** The Project's proposed site access and roadway configuration is adequate to accommodate the anticipated volume of traffic to and from the Project sites without resulting in a significant traffic hazard.

**Transp-5: Pedestrian Impacts.** The Project will increase levels of pedestrian and bicycle use in the vicinity. However, the Project would not conflict with adopted policies, plans, or programs regarding pedestrian or bicycle facilities, or otherwise decrease the performance or safety of such facilities within the study area.

**Transp-6: Transit Impacts.** The Project may increase levels of transit usage in the vicinity. However, the Project has adequate access to existing transit services and would not impede or interfere with existing services.

**Alter Air Traffic Patterns.** The Project does not represent a level of population or housing growth that would require any change to existing air transportation services, and would have no impact on air traffic patterns, including the location of airports or flight paths as they relate to air traffic safety.

**Util-1: Water Supply.** There are sufficient water supplies available to serve the Project from existing entitlements and resources, and no new or expanded entitlements are needed to serve the Project.

**Util-2: Wastewater Treatment Requirements.** The Project's wastewater treatment and disposal demands would not require or result in the construction of new wastewater treatment facilities or

expansion of existing facilities, and would not exceed the wastewater treatment requirements set by the SF Regional Water Quality Control Board.

**Util-3: Storm Drainage Facilities.** The Project will not require or result in the construction of new off-site storm water drainage facilities or the expansion of existing facilities.

**Util-4: Solid Waste.** The Project will be served by landfills that have sufficient permitted capacity to accommodate the Project's solid waste disposal needs, and the Project will comply with all federal, state and local statutes and regulations related to solid waste.

**Util-5: Energy.** The Project would not require more energy than the local energy provider (PG&E) has the capacity to serve, nor would it require construction of new energy facilities or expansion of existing facilities, which could cause significant environmental effects. The Project would be subject to the requirements of currently applicable federal, state and local statutes and regulations relating to energy standards.

## Section 6: Significant Cumulative Effects

State CEQA Guidelines Section 15130 requires the consideration of cumulative impacts in an EIR when a project's incremental effects are cumulatively considerable. Cumulatively considerable "means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects the effects of other current projects and the effects of probable future projects" (CEQA Guidelines Section 15065[a][3]). In identifying projects that may contribute to cumulative impacts, the State CEQA Guidelines allow the use of a list of past, present, and reasonably anticipated future projects, producing related or cumulative impacts, including those that are outside of the control of the lead agency.

The cumulative analysis contained in the EIR considers anticipated new development near the Project pursuant to buildout of the Fairview Area Specific Plan. This projected cumulative development would occur as redevelopment of more sparsely-developed rural areas on the edge of the suburban communities of Fairview, and represents an increase of infill of suburban density development. This cumulative development would not conflict with any applicable habitat conservation plan or natural community conservation plan, as no such plans apply to this area. Cumulative development in the Fairview area is subject to the County's land use entitlement and environmental review process. County zoning under the Fairview Area Specific Plan identifies this area for residential development at densities at, or higher than the densities assumed under the cumulative development scenario. It is reasonable to assume that future cumulative development on these other sites would be of densities similar to the Project, and consistent with existing zoning. Each project under the cumulative development scenario would also be evaluated and considered with respect to consistency and applicability of the policies, principles and guidelines of the Fairview Area Specific Plan. As such, this cumulative development scenario is not expected to result in cumulative land use effects to which the Project would contribute.

The thresholds of significance for air pollutants and GHG emissions that are used in this EIR consider emission levels at which a project's individual contribution of emissions would be cumulatively considerable. Because the Project's emissions during construction and operation would not exceed these thresholds, they would not have a cumulatively considerable effect.

The EIR concludes that all cumulative impacts of the Project are considered less than significant with mitigation. The Project would not contribute to cumulative impacts on the environment at a cumulatively considerable level provided all regulations of all applicable governing bodies are adhered

to, and the mitigation measures contained within the Mitigation and Monitoring Reporting Program are implemented.

## **Section 7: Feasibility of Project Alternatives**

The Introduction (Section 1.1, above) describes the requirements of CEQA Findings pursuant to Section 15091 of the California Environmental Quality Act (CEQA) Guidelines. These requirements provide that; “No public agency shall approve or carry out a project for which an EIR has been certified, which identifies one or more significant environmental effects of the project, unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding.”

### Changes and Alterations Required of the Project

The first of these possible CEQA Findings is that changes or alterations have been required of, or incorporated into the project, which avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Changes and alterations are required of the Project via mitigation measures (see Section 3 of these Findings, above) that avoid or substantially lessen the potential significant environmental effects of the Project. As a result, all environmental impacts associated with the Project are either less than significant, or will be reduced to a level of less than significant through implementation of these mitigation measures.

Therefore, the Alameda County Planning Commission may choose to approve the Project, inclusive of all identified mitigation measures, based on the written Findings of Section 3 (above).

### Responsibility and Jurisdiction of another Agency

A second possible CEQA Finding is that changes or alterations to the Project would avoid or substantially lessen significant environmental effects as identified in the Final EIR, but that such changes or alterations are within the responsibility and jurisdiction of another public agency, and not the agency making the finding. Such changes have been adopted by another agency, or can and should be adopted by such other agency.

In this case, the County has determined that mitigation measures identified in the EIR are the responsibility of the Project Sponsor, and that monitoring will be conducted by the Alameda County Public Works Agency and the Planning Department as responsible agencies under CEQA. The County will participate in the mitigation monitoring through the conditions of approval related to the Tentative Tract Map. This potential CEQA Finding is not applicable to the Project.

### Alternatives

A third possible CEQA Finding that the County Planning Commission can make is that alternatives to the Project as identified in the EIR would avoid or substantially lessen significant environmental effects, but that specific economic, legal, social, technological or other considerations make these alternatives infeasible. In short, CEQA requires that the lead agency adopt alternatives, where feasible, to avoid or mitigate significant environmental impacts that will otherwise occur with implementation of the Project. Alternatives are not required where they are infeasible.

The following addresses these CEQA Findings as they pertain to the requirements for, and feasibility of alternatives to the Project.

## **7.1 Alternative A – No Project/No Development**

The No Project/No Development Alternative assumes the Project is not approved and the site would remain in an undeveloped state, with no development of roadways or residences. Although the site is designated for residential use at the same density as currently proposed, Alternative A assumes that development would not occur on this site in the near future.

### **Findings**

Alternative A would not achieve the basic Project Objectives, as it would not provide moderate-income housing. Economically viable housing would not be created in a community that has unmet housing allocation needs. The Project is on underutilized property with deteriorating structures, designated for new housing pursuant to the Fairview Area Specific Plan, and zoned by the County for residential use. Alternative A would avoid impacts associated with the Project, including those related to air quality, biological resources, cultural resources, land use/planning, noise, and traffic/transportation, each of which require mitigation. However, Alternative A would not realize the beneficial effects of the Project pertaining to expansion of the County's housing stock. Therefore, based on the EIR and entire record of proceedings, the County rejects Alternative A, the No Project/No Development Alternative.

## **7.2 Alternative B – Reduced Density (25% Reduction)**

The Reduced Density (25% Reduction) Alternative assumes the site would be developed generally as proposed, but with a 25% reduction in density (i.e., from 31 to 23 residential units). This reduction in overall density would result in a marginal reduction in the magnitude of certain environmental effects. The development of fewer homes would minimize the development potential of the parcels and would reduce the County's ability to meet unmet housing needs. The properties would be developed with similar infrastructure as the Project, despite its reduction in density.

### **Findings**

The reduced density of development under Alternative B would meet, to a lesser degree, most of the basic Project objectives, including providing housing to meet the County's unmet housing needs. The amount of housing developed on the site under this alternative would be less than that proposed under the Project. The reduced density of this alternative would not avoid or substantially reduce impacts related to air quality, biological resources, cultural resources, land use/planning, noise, or traffic/transportation as compared to the Project. The reduction in development would not achieve the County's goal of maximizing the development of housing in the area and would not maximize utilization of the properties. Funding for construction of roadway and utility connections, as well as payment of County service fees would still be necessary, but costs would be shared across fewer residential units. Alternative B is economically less viable than the Project, without realizing any substantial environmental benefits. Construction of fewer homes minimizes the development potential of the parcel, and reduces the County's ability to provide for unmet housing needs. Therefore, based on the EIR and entire record of proceedings, the County finds that specific economic, legal, social, technological, or other considerations make Alternative B, the Reduced Density Alternative infeasible, and the County rejects the alternative.

## **7.3 Alternative C – Greater Consistency with the Fairview Area Specific Plan**

Alternative C presents a conceptual development program for the Project sites that would be in greater conformance with the design principles and guidelines of the Fairview Area Specific Plan, particularly those guidelines that seek to retain existing natural topography.

### Project-Required Mitigation Measures

The EIR identifies physical changes to existing topography resulting from the Project, where existing topography is clearly recognized as an essential environmental quality, is an adverse environmental effect under CEQA. To mitigate this adverse environmental effect, the Project is required to implement Mitigation Measure Land Use-2: Topography Preservation. This mitigation measure requires that grading of the Project shall provide for split pad foundations on Lots 1, 2, 8 and 15 of Tract 8297. Custom grading with the same effect, or pier and grade beam construction may be substituted on all or a portion of these lots, to the satisfaction of the Planning Director. The Draft EIR finds that implementation of this mitigation measure would retain natural topography to an adequate level such that it would conform to the policy intent and performance measures of the Specific Plan, and would reduce this impact to a less than significant level. This split-pad grading design is similar to that provided on the lower Tract 8296 at Lots 9 through 16.

#### Alternative Design, Rather than Mitigation

Alternative C presents an alternative design for the project site that would provide greater consistency with principles and guidelines of the Fairview Area Specific Plan and as a matter of policy would result in new development that is more sensitive to variations in topography than does the Project. The intent of the Fairview Area Specific Plan includes protecting and preserving important environmental resources and significant natural features by promoting development that is sensitive to variations in topography. Design considerations related to natural topography are CEQA issues as they relate to the physical environment. Alternative C represents a reasonable approach to grading that could reduce the extent of cut and fill throughout both Tracts, could keep grading and site preparation activity to a minimum, and could result in new development that is more sensitive to variations in topography. Alternative C represents an alternative design that would avoid or lessen significant environmental effects of the Project, and would do so in a manner that achieves equal or greater mitigation for the Project's impacts to natural topography than would be achieved with implementation of Mitigation Measure Land Use-2: Topographic Preservation.

#### **Findings**

The necessary CEQA Finding is whether Alternative C would avoid or substantially lessen significant environmental effects of the Project, but that there are specific economic, legal, social, technological, or other considerations that make Alternative C infeasible.

**Economic Considerations:** Alternative C represents a different economic model for development than does the Project. The entirety of the Project will be developed as one large project by the developer, potentially in separate phases. The developer would implement all site-grading, road and infrastructure construction, individual lot grading and home construction. The Project's final product would be completed homes for individual sale. Alternatively, the economic model under Alternative C would involve the developer's grading and construction of on-site roadways and infrastructure, subdivision of the property into separate lots, and sale of those individual lots for custom-home design and individual construction. The Project applicant may prefer to sell completed homes rather than individual lots, and may choose not to implement Alternative C (sale of lots, rather than homes). It is also possible that Alternative C will result in individual home costs that are higher than home costs resulting from the Project, due to economic efficiencies of constructing the project all at once. However, there is no evidence to indicate that Alternative C is economically infeasible.

**Technological/Development Considerations:** Alternative C represents a different overall development strategy that would require different technological and design plans than does the Project. The Project would result in a fully planned, engineered, and constructed subdivision, developed in an orderly manner that takes into consideration practical building constraints of the site. The Project would have a

well-defined length of construction, a balance between cut and fill within the site (i.e., no off-haul or import of soil), and a subdivision-wide solution for drainage and water quality treatment. Alternatively, the conceptual development plans for Alternative C would result in construction-periods occurring incrementally with each individual lot sale, custom-designed homes with necessarily individualized lot grading and drainage solutions, and may not provide for cut and fill balance on a site-by-site basis. The Project applicant may choose not to implement Alternative C because of these unique and individualized technical development considerations necessary for each lot, rather than constructing development-wide solutions. However, there is no evidence to indicate that Alternative C is technologically infeasible from a land development or design perspective.

**Other Considerations:** Alternative C also represents a substantially different final development design than does the Project. The Project's overall design would be generally consistent with and similar to much of the surrounding residential neighborhoods in terms density, setbacks, site layout, and design, with individually padded lots fronting onto a central public street. Alternatively, the design plans for Alternative C would generate new custom homes each individually designed to suit each new owner, and not implemented as one overall, uniformly constructed development. The Project applicant may choose not to implement Alternative C because of these individualized design considerations, but there is no evidence to indicate that Alternative C is infeasible from a design perspective.

**Conclusions:** Based on the EIR and entire record of proceedings, the County does not reject Alternative C as either economically, legally, socially, technologically or otherwise infeasible. However, the County also finds:

- Alternative C is not required to avoid or substantially reduce environmental impacts.
- Alternative C would result in environmental impacts similar to those impacts of the Project related to air quality, biological resources, cultural resources, noise, and traffic/transportation. Mitigation measures recommended for the Project would also be required of Alternative C.
- The conceptual development program pursuant to Alternative C would be in greater conformance with those design principles and guidelines of the Fairview Area Specific Plan that seek to retain existing natural topography. However, with implementation of Mitigation Measure Land Use-2: Topography Preservation (requiring the Project to provide for split pad foundations on Lots 1, 2, 8 and 15 of Tract 8297), the Project would be capable of retaining natural topography to an adequate level, such that modifications to natural topography would be reduced to a less than significant level.

## **Section 8: Statement of Overriding Considerations**

No significant and unavoidable impacts of the Project have been identified. All impacts of the Project are either less than significant, or can be reduced to a level of less than significant with implementation of mitigation measures. The County Planning Commission finds that there are no remaining significant adverse impacts of the Project that depend upon consideration of the Project's benefits to independently outweigh or to provide overriding consideration.