

Environmental Checklist Form
Prepared Pursuant to the California Environmental Quality Act (CEQA)

A. PROJECT DESCRIPTION

1. **Project title:** Specific Plan Amendment creating a Conditional Use Permit process to allow less restrictive development standards relating to ground floor retail, floor to area ratio and parking requirements in the Ashland-Cherryland Business District plan.
2. **Project location:** Ashland-Cherryland Business District (ACBD), for areas currently zoned as TA – Transit Access (please refer to map for specific locations).
3. **Project sponsor's name and address:** County of Alameda Planning Department, 224 West Winton Avenue, Room 111, Hayward, CA 94544
4. **General Plan designation:** Eden Area Plan
5. **Zoning:** TA – Transit Access (ACBD Specific Plan)
6. **Description of project:** The proposed changes to the ACBD Specific Plan, -TA District, would conditionally permit various uses with changed development regulations compared to the existing required regulations prescribed in the Specific Plan.

The relationship to the Alameda County Zoning Ordinance and the organizational structure of the *ACBD Specific Plan* would be slightly modified with new language stating that a Conditional Use Permit process with special findings is allowable for properties within the Transit Access land use designation to consider development that does not meet certain existing development standards.

All existing land use restrictions and development standards in the TA land use designation would remain, except, if a Conditional Use Permit is granted, consideration for modifications to Floor Area Ratio, maximum on-site parking requirements, and minimum commercial ground floor area would be approved.

The proposed language change would be a short-term solution to the issue of development in the TA land use district. Conditional Use Permits within the TA land use district would adhere to the *ACBD Specific Plan* vision to increase the urban, commercial corridor look, feel, and functionality of Mission Blvd / East 14th Street. As an intermediate solution, this Conditional Use Permit process would expire three years from the date of approval. The intent is to allow development along the Ashland - Cherryland commercial corridor that adheres to the vision for sustainability and economic development in the specific plan, while allowing County staff the opportunity to substantially complete an update of the existing *ACBD Specific Plan* and those components that make its vision difficult to realize.

PROPOSED LANGUAGE CHANGES to ACBD Specific Plan, Transit Access -TA Designation:

Section 1.4” Relationship to the Alameda County Zoning Ordinance” of the *ACBD Specific Plan* would be modified to read as follows (new text shown in **bold underline font**):

1.4 RELATIONSHIP TO THE ALAMEDA COUNTY ZONING ORDINANCE

According to State law, a specific plan may be administered as, and thus have the force of, zoning. Policies and regulations developed by the Ashland and Cherryland Business Districts Specific Plan take precedent over and replace standard zoning and the provisions of the Alameda County Zoning Ordinance for the Plan Area. Where the Specific Plan is silent, or perceived to be silent, provisions of

the Zoning Ordinance will apply. The County's Site Development Review process may impose more, but not less, restrictive requirements where appropriate. Violation of the provisions of the Ashland and Cherryland Business Districts Specific Plan shall constitute a violation of the Zoning Ordinance, and enforcement of the provisions of the Specific Plan shall be done in the same manner as enforcement of the provisions of the Zoning Ordinance. Amendment to the land use policies of the Specific Plan shall be made in the same manner and according to the procedures established for amendments to the Zoning Ordinance, **except as provided for a Conditional Use Permit process with certain findings as heard by the County Board of Zoning Adjustments, when development within the TA (Transit Access) land use designation does not meet certain development standards of that land use designation, as listed in Section 1.6 "Structure of the Specific Plan", subsection "Exceptions to the Ashland and Cherryland Business Districts Specific Plan".**

Also, a new section would be added within Section 1.6 "Structure of the Specific Plan", after the "Land Use" and before the "Design Guidelines" subsections, to read as follows (new text shown in **bold underline font**):

Exceptions to the Ashland and Cherryland Business Districts Specific Plan

The Conditional Use Permit process at the County Board of Zoning Adjustments shall be utilized in cases where exceptions to the Transit Access (TA) land use designation of the ACBD Specific Plan are proposed (3.2.1.1 "TA: Transit Access") in order to facilitate implementation of the plan goals and objectives. These exceptions will only apply to numerical standards for parking requirements, the allowable percentage of ground floor retail, and floor to area ratio (FAR). This exceptions clause shall expire and be of no force or effect three (3) years from the date of implementation. Special TA land use designation findings, in addition to the standard Conditional Use Permit findings, shall be made before such an exception can be granted.

The TA land use designation findings are:

1. **Is the granting of the Use Permit necessary to allow development to occur?**
2. **Does the project result in significant positive Economic Development impacts such as:**
 - a. **Increase sales tax and/or property tax revenue; or**
 - b. **Provide living wage jobs; or**
 - c. **Provide a needed service or product not available nearby in the corridor; or**
 - d. **Include local hiring practices and/or apprenticeship program?**
3. **Are there project amenities and exceptional design features integrated into the project to support ACBD Specific Plan sustainability goals?**
4. **Does the project promote the goals and land use objectives of the Eden General Plan regarding primary and secondary uses?**

Section 3.2.1.1 "TA: Transit Access" would be modified within the "Development Regulations" subsection, to read as follows (new text shown in **bold underline font**):

"Development Regulations"

All **additions of 1,000 sq. ft or more, or** new development **of any size,** on properties with the -TA, Transit Access designation must adhere to the following regulations:

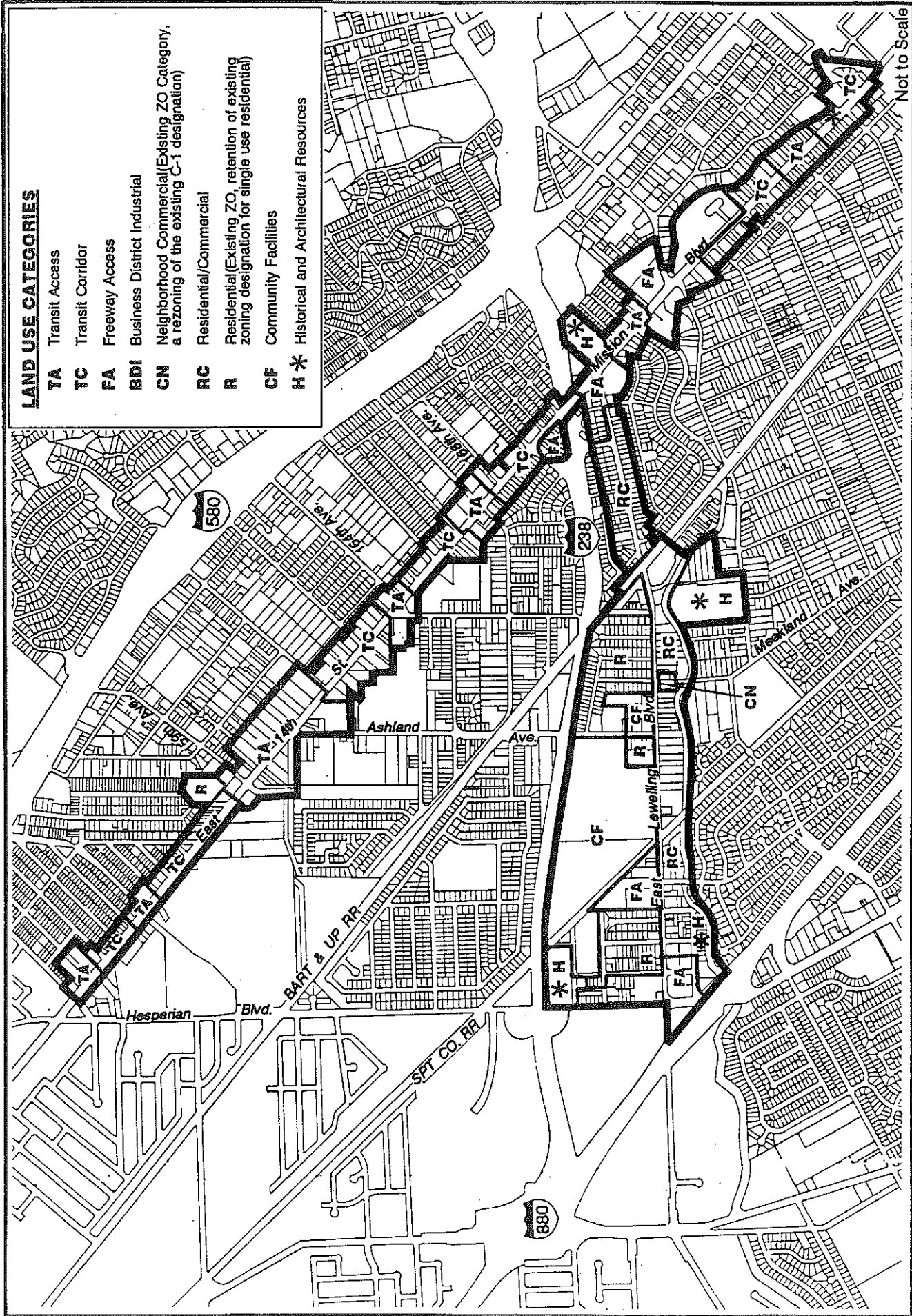


FIGURE 1, MAP – LAND USE CATEGORIES
 Ashland-Cherryland Business District Specific Plan
 (Alameda County Planning Department, 1995)

- except as provided for a Conditional Use Permit process with certain findings, as listed in Section 1.6 “Structure of the Specific Plan”, subsection “Exceptions to the Ashland and Cherryland Business Districts Specific Plan”, support and specialty retail for all or a significant portion, and in no case less than 50%, of ground floor space;
- except as provided for a Conditional Use Permit process with certain findings, as listed in Section 1.6 “Structure of the Specific Plan”, subsection “Exceptions to the Ashland and Cherryland Business Districts Specific Plan”, minimum floor area to site area ratio (FAR) of 0.75:1 for new, non-residential development, the purpose being to create more intense development oriented to pedestrian use;
- [...]
- except as provided for a Conditional Use Permit process with certain findings, as listed in Section 1.6 “Structure of the Specific Plan”, subsection “Exceptions to the Ashland and Cherryland Business Districts Specific Plan”, parking for commercial uses not to exceed 3.5 spaces per 1000 net leasable square feet, and, for residential uses, not to exceed 1.1 per unit.

7. **Surrounding land uses and setting:** Surrounding land uses are primarily various commercial, retail and various services along the East 14th Street / Mission Boulevard and Lewelling Boulevard corridors, with various types of residential uses at locations slightly away from the corridors themselves.
8. **Other public agencies whose approval may be required:** None

B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

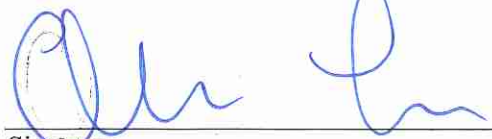
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages. *checked boxes below – example only:*

- | | | |
|---|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forest Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Climate Change and Greenhouse Gas Emissions | <input type="checkbox"/> Cultural Resources |
| <input type="checkbox"/> Geology /Soils | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology and Water Quality |
| <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population and Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation and Traffic | <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

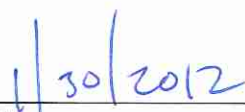
C. LEAD AGENCY DETERMINATION:

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Signature



Date

D. EVALUATION OF ENVIRONMENTAL EFFECTS:

The Environmental Checklist and discussion that follows is based on sample questions provided in the CEQA Guidelines (Appendix G) which focus on various individual concerns within 17 different broad environmental categories, such as air quality, climate change, cultural resources, land use, public services, noise and traffic (and arranged in alphabetical order). The Guidelines also provide specific direction and guidance for preparing responses to the Environmental Checklist. The sample questions are meant to be used to meet the requirements for an initial study when the criteria set forth in CEQA Guidelines have been met. Substantial evidence of potential environmental impacts that are not listed in the checklist must also be considered. The sample questions are intended to encourage thoughtful assessment of impacts, and do not necessarily represent thresholds of significance.

Each question in the Checklist essentially requires a “yes” or “no” reply as to whether or not the project will have a potentially significant environmental impact of a certain type, and, following a Checklist table with all of the questions in each major environmental heading, citations, information and/or discussion that supports that determination. The Checklist table provides, in addition to a clear “yes” reply and a clear “no” reply, two possible “in-between” replies, including one that is equivalent to “yes, but with changes to the project that the proponent and the Lead Agency have agreed to, *no*”, and another “no” reply that requires a greater degree of discussion, supported by citations and analysis of existing conditions, threshold(s) of significance used and project effects than required for a simple “no” reply. Each possible answer to the questions in the Checklist, and the different type of discussion required, is discussed below:

- a) Potentially Significant Impact. Checked if a discussion of the existing setting (including relevant regulations or policies pertaining to the subject) and project characteristics with regard to the environmental topic demonstrates, based on substantial evidence, supporting information, previously prepared and adopted environmental documents, and specific criteria or thresholds used to assess significance, that the project will have a potentially significant impact of the type described in the question.¹
- b) Less Than Significant With Mitigation. Checked if the discussion of existing conditions and specific project characteristics, also adequately supported with citations of relevant research or documents, determine that the project clearly will or is likely to have particular physical impacts that will exceed the given threshold or criteria by which significance is determined, but that with the incorporation of clearly defined mitigation measures into the project, that the project applicant or proponent has agreed to, such impacts will be avoided or reduced to less-than-significant levels.
- c) Less Than Significant Impact. Checked if a more detailed discussion of existing conditions and specific project features, also citing relevant information, reports or studies, demonstrates that, while some effects may be discernible with regard to the individual environmental topic of the question, the effect would not exceed a threshold of significance which has been established by the Lead or a

1 *Note:* for this subject application, this reply is not given for any of the questions, because all of the impacts are expected to be mitigated to less-than-significant levels with changes agreed to by the project proponent. CEQA requires that if the Checklist makes a determination that the project will have one or more potentially significant environmental impacts (and the project proponent does not agree to changes that would change the reply to the conditional “no” described in the following type of reply), an environmental impact report (EIR) is required. In such instances, the discussion may be abbreviated greatly if the Lead Agency chooses to defer the analysis to preparation of the EIR.

Responsible Agency. The discussion may note that due to the evidence that a given impact would not occur or would be less than significant, no mitigation measures are required.

- d) **No Impact.** Checked if brief statements (one or two sentences) or cited reference materials (maps, reports or studies) clearly show that the type of impact could not be reasonably expected to occur due to the specific characteristics of the project or its location (e.g. the project falls outside the nearest fault rupture zone, or is several hundred feet from a 100-year flood zone, and relevant citations are provided). The referenced sources or information may also show that the impact simply does not apply to projects like the one involved. A response to the question may also be "No Impact" with a brief explanation that the basis of adequately supported project-specific factors or general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a basic screening of the specific project).

The discussions of the replies to the Checklist questions must take account of the whole action involved in the project, including off-site as well as on-site effects, both cumulative and project-level impacts, indirect and direct effects, and construction as well as operational impacts. Except when a "No Impact" reply is indicated, the discussion of each issue must identify:

- a) the significance criteria or threshold, if any, used to evaluate each question; and
- b) the mitigation measure identified, if any, to reduce the impact to less than significance, with sufficient description to briefly explain how they reduce the effect to a less than significant level.

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration (Section 15063(c)(3)(D) of the Guidelines). In this case, a brief discussion should identify the following:

- a) **Earlier Analysis Used.** Identify and state where they are available for review.
- b) **Impacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
- c) **Mitigation Measures.** For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

1. AESTHETICS Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant with Mitigation	NO: Less Than Significant	NO: No Impact
a) Have a substantial adverse effect on a scenic vista?				x
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				x
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			x	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			x	

Setting: The ACBD Specific Plan area, including the parcels designated as TA-Transit Access Districts, is characterized by urban development along two primary corridors, Lewelling Boulevard and East 14th Street in the unincorporated area from the City of San Leandro border on the north to the City of Hayward border on the south end. Development is a combination of older urban structures and newer structures and uses on small to mid-sized lots, one to two stories in height, along with some vacant or underutilized parcels. Where parcels are utilized, the uses are primarily retail and commercial services including stores, restaurants, small shopping centers, auto service and fueling stations and commercial offices. Recent improvements to the corridor include streetscape improvements (curb, gutter and sidewalk), some landscaping and some undergrounding of utilities, as well as façade improvements and where necessary, building reconstruction or removal. Underutilized lots in the area in many cases are either vacant or have unused structures and fixtures on premises.

Impacts: The changes to the language for the TA Zone might serve to alter the precise locations or dimensions of the development that occurs in the ACBD, but the nature of the development and allowed land uses would not be significantly altered compared to development that is allowed and would occur under the existing TA Zone standards. Urban development consisting of specialty and support retail, workplace commercial office, and higher density residential would continue to be the permissible uses, and would still be subject to all regulations for structural and site appearance including design guidelines and when necessary, CEQA mitigation for specific visual effects and light/glare issues. No alteration of the character of the area would occur, and individual projects would be considered in a public process on a case-by-case basis. No significant effects to visual or aesthetic quality would occur.

Mitigation Measures: None are required.

<p>2. AGRICULTURE AND FOREST RESOURCES</p> <p>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the Project:</p>	<p>YES: Potentially Significant Impact</p>	<p>NO: Less Than Significant with Mitigation</p>	<p>NO: Less Than Significant Impact</p>	<p>NO: No Impact</p>
<p>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</p>				<p>x</p>
<p>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p>				<p>x</p>
<p>c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?</p>				<p>x</p>
<p>d) Result in the loss of forest land or conversion of forest land to non-forest use?</p>				<p>x</p>
<p>e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?</p>				<p>x</p>

Setting: No prime farmland, significant agriculture or forest resources are found in the ACBD Plan area.

Impacts: Prime farmland, significant forest resources, existing agriculture or expansion of agriculture would be unaffected. No significant impact would occur.

Mitigation Measures: None are required.

3. AIR QUALITY Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant with Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?				x
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			x	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			x	
d) Expose sensitive receptors to substantial pollutant concentrations?			x	
e) Create objectionable odors affecting a substantial number of people?			x	

Setting: The ACBD Specific Plan Area is located in unincorporated Alameda County, which lies within the San Francisco Bay Area air basin. Air quality in the basin is variable, with modest numbers of days each year experiencing high levels of ozone (O₃) or particulates (PM₁₀, PM_{2.5}). The Bay Area is generally in nonattainment of State of California standards for these two types of pollutants. Ozone is primarily a product of the chemical reaction of oxides of nitrogen and hydrocarbon pollutants in the presence of sunlight. Particulates come from many sources including motor vehicle, residential and industrial emissions (soot, dust and aerosols), and construction projects.

Impacts: On balance, the pollutant emissions from either traffic or stationary sources are not likely to increase as a result of the development that could be approved under the modified TA Zone regulations in the three-year time span of the changes, when compared with development that could be approved under the existing requirements of the TA Zone. Neither the level of development nor the traffic it generates are likely to increase significantly as a result of these modifications during the three-year timeframe, and at the same time emissions on new vehicles and energy efficiency requirements for new construction are expected to increase regularly as a result of both state and local requirements (please refer to Section XX, Traffic and Transportation).

The ACBD Plan was originally conceived with sustainability, transportation and energy efficiency in mind, and this in part was a catalyst for the TA Zone concept. Likewise, the new Eden Area Plan also incorporates numerous requirements for sustainability and energy efficiency. These requirements are designed, in large part, to ensure that emissions of all air pollutants are gradually reduced as time goes on, and that emissions be minimized for all new construction. The proposed Plan modifications recognize this, and include the requirements that for any Conditional Use Permit adopted under these regulations, two findings must be made:

1. That there are project amenities and exceptional design features integrated into the project to support *ACBD Specific Plan* sustainability goals; and

2. That the project promotes the goals and land use objectives of the Eden General Plan regarding primary and secondary uses.

The requirements placed upon projects in order to make these findings possible would all contribute to maximum reductions of pollutant emissions and this respect, the modifications are self-mitigating.

Thus, no significant impacts to air quality would occur if these modifications are adopted and implemented.

Mitigation Measures: None are required.

<p>4. BIOLOGICAL RESOURCES Would the project:</p>	<p>YES: Potentially Significant Impact</p>	<p>NO: Less Than Significant With Mitigation</p>	<p>NO: Less Than Significant</p>	<p>NO: No Impact</p>
<p>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</p>				<p>x</p>
<p>b) Have a substantial adverse effect on any riparian, aquatic or wetland habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?</p>				<p>x</p>
<p>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?</p>				<p>x</p>
<p>d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</p>				<p>x</p>
<p>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</p>				<p>x</p>
<p>f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?</p>				<p>x</p>
<p>g) Result in conversion of oak woodlands that will have a significant effect on the environment?</p>				<p>x</p>

Setting: The ACBD Plan Area, is virtually 100% urbanized landscape, with no significant habitats or corridors for wildlife and with no supporting lands for any special status species. Only landscape trees and wildlife adapted to urban environments, such as squirrels, raccoons and various birds as are present.

Impacts: The proposed amendments to the ACBD Specific Plan would have no effect on any biological resources; it would not result in conversion of habitat, remove habitat, threaten any special status species or block any migratory pathways. No wetlands exist in the TA Zones or nearby.

Mitigation Measures: None are required.

5. CLIMATE CHANGE AND GREENHOUSE GAS EMISSIONS Would the project:	YES: Potentially Significant Impact	NO: Less Than Signifi- cant With Mitigation	NO: Less Than Significant	NO: No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			x	
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?				x

Setting: Briefly, scientific research and findings to date indicate that the earth’s climate is changing gradually but significantly as a result of human-generated emissions of so-called “greenhouse gases” (primarily carbon dioxide, but also methane, nitrous oxide and some other gases) that trap heat in the lower levels of the earth’s atmosphere. The emissions of most concern result primarily from the burning of fossil fuels, such as gasoline and petroleum products for transportation, natural gas for transportation, heating and electrical generation, and coal for electrical generation. In Alameda County, the bulk of greenhouse gas emissions are from transportation (vehicle use), with other sources being commercial and residential heating units and industrial point-sources. Indirect sources of emissions come from energy inefficient structures and similar sources that do not use energy to the best advantage.

Impacts: On balance, the “greenhouse gas” emissions from either traffic or stationary sources are not likely to increase as a result of the development that could be approved under the modified TA Zone regulations in the three-year time span of the changes, when compared with development that could be approved under the existing requirements of the TA Zone. Neither the level of development nor the traffic it generates are likely to increase significantly as a result of these modifications during the three-year timeframe, and at the same time emission reductions and energy efficiency requirements for new construction are expected to increase regularly as a result of both state and local requirements (please refer to Section 16, Traffic and Transportation).

The ACBD Plan was originally conceived with sustainability, transportation and energy efficiency in mind, and this in part was a catalyst for the TA Zone concept. Likewise, the new Eden Area Plan also incorporates numerous requirements for sustainability and energy efficiency. These requirements are designed, in large part, to ensure that emissions of all air pollutants including greenhouse emissions are gradually reduced as time goes on, and that emissions be minimized for all new construction. The proposed Plan modifications recognize this, and include the requirements that for any Conditional Use Permit adopted under these regulations, two findings must be made:

1. That there are project amenities and exceptional design features integrated into the project to support *ACBD Specific Plan* sustainability goals; and
2. That the project promotes the goals and land use objectives of the Eden General Plan regarding primary and secondary uses.

The requirements placed upon projects in order to make these findings possible would all contribute to maximum reductions of emissions and in this respect, the modifications are self-mitigating.

Thus, no significant impacts to greenhouse gas emissions and climate change would occur if these modifications are adopted and implemented.

Mitigation Measures: None are required.

6. CULTURAL RESOURCES Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant	NO: No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in '15064.5?				x
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to '15064.5?				x
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				x
d) Disturb any human remains, including those interred outside of formal cemeteries?				x

Setting: Briefly, in Alameda County, numerous cultural and historic resources exist. Evidence of prehistoric human habitation including human remains, occupation sites, burial sites and implements occur at many locations along the Bayshore, along riparian areas and at key forest and hillside locations. Many historic resources exist as well, from the Spanish, Mexican and early California eras. These include structures, roadways, graveyards and implements.

The ACBD and TA Zones include some sites, structures and features that may be considered historic or culturally significant.

Impacts: The proposed modifications would not increase development in the ACBD significantly over the three-year period, nor would they cause disturbance to areas external to the ACBD. They may alter the form of the proposed development on a given lot as to building footprint and location, but on balance no more site disturbance would be required than if the existing requirements remained unmodified.

Any development that occurs in the area, with or without the modifications, is most likely to occur on parcels with relatively little historic material on the site as opposed to existing features.

Moreover, individual proposals would need to receive site-specific CEQA treatment with or without the modifications, at which time the details of the site with respect to cultural and historic resources would be fully analyzed.

No significant impacts to cultural or historic resources would occur if these modifications are adopted.

Mitigation Measures: None are required.

7. GEOLOGY AND SOILS Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant	NO: No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			x	
ii) Strong seismic ground shaking?			x	
iii) Seismic-related ground failure, including liquefaction?			x	
iv) Landslides?				x
b) Result in substantial soil erosion or the loss of topsoil?				x
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			x	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?			x	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				x

Setting: Briefly, Alameda County is located in a seismically active area. Many fault zones pass through or may affect Alameda County, including the Hayward Fault, the Calaveras Fault, the Greenville Fault, the San Andreas Fault, and many lesser faults. Earthquakes on any of these faults could cause groundshaking and other seismic effects in the ACBD Area.

The ACBD Area is nearly level, with few significant slopes of any kind except at drainages, where retaining structures are common. Expansive soils exist in the ACBD. All construction in the ACBD must meet the requirements of the Alameda County Building Code, which address seismic and geotechnical issues.

Impacts: The proposed ACBD Specific Plan TA Zone changes would not alter general building patterns of styles within the District, and would not result in any impacts related to geotechnical or seismic issues. No changes to requirements for geotechnical characterization, seismic safety or building code would result from the proposed modifications. Thus, no significant impacts with respect to geology and soils would occur if these modifications are adopted and implemented.

Mitigation Measures: None are required.

8. HAZARDS AND HAZARDOUS MATERIALS Would the project:	YES: Potentially	NO: Less Than Significant With Mitigation	NO: Less Than Significant	NO: No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			x	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			x	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			x	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			x	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				x
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				x
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			x	
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				x

Setting: The ACBD, including parcels designated as TA Zones, which are primarily urbanized land uses, could have conditions of hazards and hazardous materials according to the land use. The presence of household and office hazardous materials, chemicals associated with various commercial service uses and medical offices, and fuel storage tanks both above ground and underground are likely to be present on at least some of the parcels. Moreover, new proposals for this area could include businesses that would store or utilize chemicals or storage tanks. A portion of the Hayward Executive Airport is located within two miles southwest of the ACBD, and some helicopter pads for hospital / emergency use may exist within that radius as well.

Impacts: The modifications proposed for the site and building design characteristics for the TA Zones would not constitute a significant change to either land uses or land use intensity over the three-year period envisioned, and as a result would not create or exacerbate an unprecedented hazardous condition in the Fairview Area. Essentially the same types of development could occur with or without the TA Zone modifications, and the requirement for Conditional Use Permit (CUP) review under the modifications would provide an extra level of review for issues such as those related to chemical storage or use onsite.

The TA Zone changes would have no physical effects on the Hayward Executive Airport, the risk of wildfire or on an approved emergency response or evacuation plan. No impacts related to hazardous materials or hazardous conditions are anticipated.

Mitigation Measures: None are required.

<p>9. HYDROLOGY AND WATER QUALITY Would the project:</p>	<p>YES: Potentially Significant Impact</p>	<p>NO: Less Than Significant With</p>	<p>NO: Less Than Significant</p>	<p>NO: No Impact</p>
<p>a) Violate any water quality standards, conflict with water quality objectives, fail to meet waste discharge requirements, significantly degrade any surface water body or groundwater, or adversely affect the beneficial uses of such waters, including public uses and aquatic, wetland and riparian habitat?</p>			x	
<p>b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?</p>				x
<p>c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site (i.e. within a watershed)?</p>				x
<p>d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff (e.g., due to increased impervious surfaces) in a manner which would result in flooding on- or off-site (i.e. within a watershed)?</p>				x
<p>e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems due to changes in runoff flow rates or volumes?</p>				x
<p>f) Result in a significant increase in pollutant discharges to receiving waters (marine, fresh, and/or wetlands) during or following construction (considering water quality parameters such as temperature, dissolved oxygen, turbidity, and typical stormwater pollutants such as heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash)?</p>				x
<p>g) Result in an increase in any pollutant for which a water body is listed as impaired under Section 303(d) of the Clean Water Act?</p>				x
<p>h) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</p>				x

9. HYDROLOGY AND WATER QUALITY Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant With	NO: Less Than Significant	NO: No Impact
i) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				x
j) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				x
k) Inundation by seiche, tsunami, or mudflow?				x

Setting: Hydrology in the ACBD is typical of other urban areas in the East Bay. Rainfall collects in sheet flows on level urban sites and then in drainages, which in the ACBD are mostly storm drains into drainage canals that drain to the San Francisco Bay. San Lorenzo Creek is the primary natural / channelized drainage in area near the south portions of the ACBD. This drainage carries a risk of flooding in the area, with greater risks downstream as potential major storm rainfall and the possibility of a breach of Don Castro Reservoir in a seismic event would add unusually high amounts of water into the waterways. Streets and drains carry stormwater runoff. Groundwater is variable in depth and occurrence.

Runoff currently carries contaminants common to urban landscapes, including litter, and contaminants from pavement and uncontrolled accidental releases of various materials, whether chemicals from vegetation fertilizers, pesticides, herbicides or trash / dumpster runoff. Modern onsite stormwater treatment techniques as required by law will help to reduce threes effects over time as new sites are developed or redeveloped.

There is no significant risk of tsunami or seiche in this area, owing to its distance from, and elevation above, San Francisco Bay.

Impacts: The proposed TA Zone changes would have little or no overall effect on the hydrology of the area, and only minimal onsite changes for each project, compared to the existing condition. The entire area is already urbanized with runoff at high levels, and nothing about the zoning change would affect this fact or the type of development that could be created there. Under either the existing setting or the new TA Zone modifications, every substantial development would be required to meet stormwater quality and runoff volume rules (which require onsite treatment and detention when necessary), and whether the site is developed in building or pavement, these rules must be met.

No increased risk of inundation would occur as a result of these new modifications, nor would residential uses be placed in harm's way as a result.

Thus, no significant impacts to hydrology or water quality would occur if this Modification is adopted and implemented.

Mitigation Measures: None are necessary.

10. LAND USE AND PLANNING Would the project:	YES: Potentially Significant	NO: Less Than Significant With Mitigation	NO: Less Than Significant	NO: No Impact
a) Physically divide an established community.				x
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			x	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				x

Setting: The Eden Area General Plan designates most of the corridor along East 14th Street, including the ACBD and the TA Zones, as GC - General Commercial (retail, offices, medical and other services) in all cases with either Medium High Density Residential Use (22 – 43 dwelling units per acre) or High Density Residential Use (43 – 86 dwelling units per acre) allowed as a secondary use. Goals and policies for the ACBD flow from these designations, along with the TA Zone designation, which sets a lower limit on floor area ratio (FAR) of 0.75, a maximum parking space ratio of 3.5 spaces per 1,000 square feet of net floor space, and a minimum ratio of 50% of ground floor space. This is described more fully below.

The TA Zones, to which the proposed modifications would apply, are situated at key intersections in the circulation network, to take advantage of existing and future-planned transit services. These intersections are all located along East 14th Street / Mission Boulevard at seven various intersections more or less evenly spaced along the corridor; intersections which provide access to both commercial service areas along the main corridor and also to residential areas in neighborhoods northeast and southwest of the corridor.

The ACBD Specific Plan area, including the parcels designated as TA-Transit Access Districts, is characterized by urban development along two primary corridors, Lewelling Boulevard and East 14th Street in the unincorporated area from the City of San Leandro border on the north to the City of Hayward border on the south end. Development is a combination of older urban structures and newer structures and uses on small to mid-sized lots, one to two stories in height, along with some vacant or underutilized parcels. Where parcels are utilized, the uses are primarily retail and commercial services including stores, restaurants, small shopping centers, auto service and fueling stations and commercial offices. Recent improvements to the corridor include streetscape improvements (curb, gutter and sidewalk), some landscaping and some undergrounding of utilities, as well as façade improvements and where necessary, building reconstruction or removal. Underutilized lots in the area in many cases are either vacant or have unused structures and fixtures on premises.

Following is a description of the TA – Transit Access Zone taken from the ACBD Specific Plan.

3.2.1.1 TA: Transit Access

Objective

The -TA, Transit Access designation establishes a minimum level of transit-oriented development as a condition of planning approval in the immediate vicinity of transit and bus stops. The -TA designation is meant to create a mixture of residential, commercial and employment opportunities that benefit from and are supportive of high access transit service.

Applicability and Zoning Map Symbol

The -TA, Transit Access designation is applied to properties fronting or across the street from the approximately 250 foot length of a light rail transit stop, or from that same distance if it contains a bus stop providing service levels at or higher than 10 minute intervals during peak hours. The -TA designation is shown on the Zoning Map by a -TA symbol.

Land Use Regulations

Properties with the -TA, Transit Access designation are limited to development, as illustrated by the following examples, that includes specialty or support retail, workplace commercial, office or higher density residential as the primary use. Auto and vehicle dependent businesses, such as service centers and car washes, are prohibited, as well as those that are predominantly oriented to dispatch services and storage.

Prohibited Uses

- o dispatch service businesses such as taxi, ambulance, glass installation, key repair, etc.;
- o animal boarding;
- o auto sales;

- o auto painting and auto body shops, single-use car washes, major vehicle repair, quick vehicle servicing such as tire or muffler installation, oil change, lubrication, gasoline service stations except where incorporated within a parking structure, and vehicle storage;
- o building materials and services, excluding hardware stores not exceeding 5,000 square feet of gross floor area;
- o grocery and other food or beverage stores exceeding 10,000 square feet of gross floor area;
- o plant nurseries and other businesses with large areas for storing merchandise;
- o any drive-through facility (exceptions where drive-through facilities are not the primary method of selling or servicing require conditional use approval);
- o auto painting and auto body shops, single-use car washes, major vehicle repair, quick vehicle servicing such as tire or muffler installation, oil change, lubrication, gasoline service stations except where incorporated within a parking structure, and vehicle storage;
- o building materials and services, excluding hardware stores not exceeding 5,000 square feet of gross floor area;
- o grocery and other food or beverage stores exceeding 10,000 square feet of gross floor area;
- o plant nurseries and other businesses with large areas for storing merchandise;
- o any drive-through facility (exceptions where drive-through facilities are not the primary method of selling or servicing require conditional use approval);
- o on-site assembly except for small scale custom operations;
- o mini-warehouse or storage facilities, whether in buildings or within fenced areas;
- o truck stops, junk yards, cold storage facilities; and
- o convalescent care facilities.

Development Regulations

All new development on properties with the -TA, Transit Access designation must adhere to the following regulations:

- o support and specialty retail for all or a significant portion, and in no case less than 50%, of ground floor space;
- o minimum floor area to site area ratio (FAR) of 0.75:1 for new, non-residential development, the purpose being to create more intense development oriented to pedestrian use;
- o special consideration, as PUD, when development includes underground or parking structure, special pedestrian amenities such as plazas or access pathways, transit facilities, or a mix of residential and commercial uses (such development projects also may qualify for special redevelopment funding assistance);
- o height restrictions, based on a 45 degree slope line from the property line, for frontage immediately adjacent to properties zoned for lower density residential development (where there is no roadway or other public right-of-way separation between property lines);
- o minimum height limit for commercial street frontage of 25 feet (can be a false front), and maximum height as set by restrictions of fire department equipment and visual impacts analysis;

Illustrative Examples

- o Workplace commercial and office uses
 - . corporate and independent law, insurance and real estate offices
 - . design professionals
 - . computer companies, including small scale custom assembly
 - . public service
 - . storefront, walk-in real estate, travel agent, tax preparation
 - . out-patient health services
- o Specialty and Support Retail
 - . jewelry, clothing, gifts
 - . restaurant, cafe, carry-out food service
 - . office supply
 - . clothing
 - . books
 - . pharmacy
 - . customer service bank

The proposed changes in language as presented in the Description of Project on Page 1, above, would alter the language to permit projects with specific nonconforming characteristics related to FAR, parking ratio and ground floor retail ratios, if a Conditional Use Permit is approved subject to specified findings as described above.

Impacts: The Changes to the TA Zones of the ACBD Specific Plan, if implemented, would have no qualitative effect on land use, zoning, general neighborhood character or physical parameters of the community. It would provide a method (a Conditional Use Permit review) for an applicant to propose, and have approved, a project in those zones that could allow smaller building size, higher parking ratios and modified ground-floor retail ratios compared to the existing requirements, which would remain in place for projects not seeking a CUP for these variations. Projects proposed to the modified standards would be contrary to the existing TA Zone requirements as specified above, which ostensibly could lead to one or more projects proposed projects in the next three years that are not, in and of themselves, as conducive to, and encouraging of, transit access as they could be; and thus not as energy efficient or as effective at reducing air pollutant emissions.

The ACBD Plan was originally conceived with sustainability, transportation and energy efficiency in mind, and this in part was a catalyst for the TA Zone concept. Likewise, the new Eden Area General Plan also incorporates numerous requirements for sustainability and energy efficiency. These requirements are designed, in large part, to ensure that energy efficiency is maximized and emissions of all air emissions including pollutant and greenhouse emissions are gradually reduced as time goes on, and that emissions be minimized for all new construction. The proposed Plan modifications recognize this, and include the requirements that for any Conditional Use Permit adopted under these regulations, two findings be made:

1. That there are project amenities and exceptional design features integrated into the project to support *ACBD Specific Plan* sustainability goals; and
2. That the project promotes the goals and land use objectives of the Eden General Plan regarding primary and secondary uses.

These could include a wide variety of requirements for review by the decisionmaking body, including contributions to and construction of transit access features; energy efficiencies in building construction and energy provisions; and mitigation for unaltered emissions and traffic congestion at nearby locations, such as purchase of banked mitigation or refurbishment of older and less energy efficient structures; and other methods as well, as specified in the Eden General Plan and the County's Climate Action Plan, expected to be adopted fully by the Board of Supervisors in summer of 2012.

The requirements placed upon projects in order to make these findings possible would all contribute to maximum reductions of emissions and this respect, the modifications are self-mitigating and would place the CUP projects in compliance with the respective pertinent plans adopted by the County.

There would be no significant impacts on land use and planning.

Mitigation Measures: None are required.

11. MINERAL RESOURCES Would the project:	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant	NO: No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				x
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				x

Setting: There are no significant local or regional mineral resources in the ACBD.

Impacts: The implementation of these modifications would have no impact at all on mineral resources in Alameda County.

Mitigation Measures: None are required.

12. NOISE Would the project result in:	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant	NO: No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			x	
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			x	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			x	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			x	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			x	
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				x

Setting: The ACBD is an urban commercial and residential area, with normal amounts of noise of the usual types. Traffic noises, aircraft noises, natural noises and sounds of neighborhoods are common, along with occasional extra sounds due to construction work. The levels of sound legally permissible are regulated by the Alameda County Noise Ordinance, County Municipal Code Title 6 - Health and Safety 6.60 et seq. Generally speaking, construction noise for any project is exempt from most regulations as long as it is carried out in daytime hours.

Impacts: On balance, the noise from either traffic or stationary sources in ACBD TA Zones are not likely to increase as a result of the development that could be approved under the modified TA Zone regulations in the three-year time span of the changes, when compared with development that could be approved under the existing requirements of the TA Zone. Neither the level of development nor the traffic it generates are likely to increase significantly as a result of these modifications during the three-year timeframe. Construction of projects, whether for projects under the existing requirements or under the modified allowances as may occur under a CUP, would result in similar levels of noise under either scenario.

Thus, the environmental impact of these modifications upon noise levels would be less-than-significant.

Mitigation Measures: None are required.

13. POPULATION AND HOUSING Would the project:	YES: Potentially Significant	NO: Less Than Significant With Mitigation	NO: Less Than Significant	NO: No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				x
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				x
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				x

Setting: The ACBD Area is mostly characterized by urban and suburban uses including residential construction, a combination of single family residential and multifamily units. The area is mostly built out, and so the population is relatively stable. Small increases in population density are possible through construction of secondary units, combination of parcels, and increasing the stock of multifamily housing as appropriate per the requirements of the ACBD Specific Plan.

Impacts: Based on area history and anticipated economic factors, adoption of these ACBD Specific Plan modifications are not likely to result in either population or employment increases in the area beyond that which would be expected under the current requirements, over the brief three year period during which CUPs could be issued under the modified rules. The decision-making body will have tools at its disposal to ensure that projects approved under these modifications would be able to account for their own contribution to sustainability, including insurance that the balance between population and housing, as well as the ability to access the area using transit as envisioned in the ACBD Specific Plan, are achieved. No housing stock or numbers of people would be lost or displaced.

No adverse impacts to the balance between population, jobs and housing would occur from the proposal.

Mitigation Measures: None are required.

14. PUBLIC SERVICES Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Fire protection?				x
b) Police protection?				x
c) Schools?				x
d) Parks?				x
e) Other public facilities?				x

Setting: The Alameda County Fire Department provides fire protection to the ACBD (Fire Protection District). Police and general Emergency Services are provided by the Alameda County Sheriff's Department. The area is served by both the Hayward Unified School District and the San Lorenzo Unified School District. Park services are provided by the Hayward Area Recreation District and the East Bay Regional Park District.

Impacts: Adoption and implementation of these modifications on a project basis over a three-year period would have no effect on fire service, police protection, schools, parks or any other public facilities. No impacts would occur.

Mitigation Measures: None are required.

15. RECREATION Would the project:	YES: Potentially	NO: Less Than Significant With Mitigation	NO: Less Than Significant	NO: No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				x
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				x

Setting: Hayward Area Recreation and Park District (HARD) owns and/or operates several parklands in the area, both on school and nonschool sites. The parks tend to be neighborhood parks in size and utility. East Bay Regional Park District (EBRPD) operates larger regional parks in the general area for activities such as hiking, horseback riding and biking.

Impacts: Adoption and implementation of these modifications on a project basis over a three-year period would have effects on neither the physical condition of neighborhood or regional parks, nor the need for facilities of this kind. No impacts would occur.

Mitigation Measures: None are required.

16. TRANSPORTATION Would the project:	YES: Potentially	NO: Less Than Significant Wth Mitigation	NO: Less Than Significant	NO: No Impact
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?			x	
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?				x
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location which results in substantial safety risks?				x
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				x
e) Result in inadequate emergency access?				x
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?			x	

Setting: The ACBD is served by a network of local and collector roadways that are generally adequate for the vehicles and traffic volumes that they carry, with a few exceptions. A few collector roadways have levels of services at key intersections that are below County of Alameda standards.

The East 14th Street / Mission Boulevard corridor (E 14th / Mission) is a major collector in the area, with four lanes of traffic and a combination of signalized and STOP sign controlled intersections. Most of these intersections operate at levels of service of B or C in the AM peak hour or C and D in the PM peak hour, with worst single-directional vehicle delays of 11 to 40 seconds, all of which are within acceptable Alameda County standards (Eden Area General Plan, March 30, 2010); however, one intersection, Mission / Blossom Way experiences a level of service F during the PM peak traffic hour for turning movements from Blossom onto Mission, with a maximum delay of 118 seconds, which is considered an impacted intersection and movement under County standards.

The TA Zones, to which the proposed modifications would apply, are situated at key intersections in the circulation network, to take advantage of existing and future-planned transit services. These intersections are all located along East 14th Street / Mission Boulevard at seven various intersections more or less evenly spaced along the corridor, at intersections which provide access to both commercial service areas along the main corridor and also to residential areas in neighborhoods northeast and southwest of the corridor.

Impacts - Trip generation levels: Trip generation expected under modified TA Zone standards over a three-year-period are speculative, because the precise character and quantity of development is somewhat unknown and because there are completely plausible scenarios in which the form of development under the new standards could result in trip generation that could easily be larger OR smaller than that expected under the existing standard.

As an obvious example, the trip generation for the proposed Tiburcio Vasquez Medical Center (TVMC) is illustrative. The TVMC is proposed for a TA Zone site located near the intersection of East 14th Street and Ashland Avenue. The same TA Zone parcel was previously approved for a project that would have constructed 48 condominium units and 4,656 square feet of commercial (retail and service) space, according to the current standard of the Specific Plan. As calculated in Appendix A, this development would have resulted in a trip generation of about 509 trips per day (TPD) and about 53 trips peak hour.

The proposed TVMC project, which could be constructed as proposed *if the standards are altered as proposed for this Plan Amendment*, at a planned building space of 20,000 square feet would result in approximately 1,000 TPD (at 50 trips per day per 1,000 square feet, as per the ITE Trip Generation Manual) or about 100 trips during the peak p.m. hour. This is approximately twice the trip rate as for the previous proposal.

However, the increase in traffic is **not** as much a result of the changed standard but, rather, of the form of the development. The following explains why.

The site is 1.279 acres total, or 55,713 square feet. The TVMC use is currently permitted in the TA Zone, but if it were to be built to *current TA Zone standards* (0.75 FAR minimum, 3.5 parking spaces maximum per 1,000 net floor space), the building floor size would be a minimum of 41,785 square feet, more than twice the size of the current TVMC proposal. At this rate, the proponent could have as many as 146 parking spaces on site, 65 more than currently proposed. This would be physically possible if the structure were built to three stories in height (which on a site of this size is theoretically possible under the TA Zone). The trip generation from this hypothetical conforming project would be far greater than that of the actual proposal – 2,089 TPD and more than 200 trips peak hour, even if transit were available. Even with the forced limitation of proportionally fewer parking spaces to accommodate the traffic, the trip generation could be more than 1,500 TPD.

Thus, for any given project proposal, the trip generation under the proposed changes could realistically be either more or less, per project, than that possible under the TA Zone standard as originally written, depending on how the project is designed. Based on this range of uncertainty, Staff believes that the most reasonable approach is to assume that the overall average trip generation per theoretical project, and thus for the temporarily modified TA Zone, is approximately the same as for the existing standard.

Projecting over the three year period from 2012 to 2015, whether the proposed modifications are approved or not, the trip generation during this period is likely to be similar for both the project and no-project scenarios. Assuming the previous five year development record provides a reasonable model for the next three years and that the TA Zone modifications are approved, the area can probably expect to see (in addition to the TVMC), one or two additional smaller projects developed on parcels of under 0.5 acre. Coupled with the TVMC, these projects would probably generate up to approximately 2,000 TPD, with approximately 10% of those (200 trips) during the maximum peak hour. If the TA Zone modifications are not adopted, and the TA Zone standards remain as they are, similar levels and forms of development as the last 5 years are also likely to be proposed and approved.

Based on what is now known about the economic conditions and additional allowances that the modifications would provide, staff believes that the most likely scenario is an insignificant increase or decrease in new trip generation compared to that expected under the existing TA Zone standards.

The logical conclusion, then, is that compared to what may be expected under the current requirements, trip generation and traffic levels in the ACBD under the modified rules and with CUP approvals would not be significantly different. No significant impact would occur for trip generation or network traffic levels.

Transit Impacts: An important part of the ACBD and the Eden Area General Plan is to keep the establishment of TA Zones to encourage transitions to uses that support public transportation along the E. 14th / Mission corridor. The ACBD Plan was originally conceived with sustainability, transportation and energy efficiency in mind, and this is part was a catalyst for the TA Zone concept. Likewise, the new Eden Area Plan also incorporates numerous requirements for sustainability and energy efficiency. The original idea that persists today is that at the intersections of the collector streets along the corridor, at those nodes for streets that serve neighborhoods, high densities of land uses that would require minimal vehicle trip generation would be developed to attract not only the public transit services, but also people who might be inclined to use those services but find them not as convenient as they could be. The TA Zone regulations are designed to assist with this long-term effort. The regulations do restrict the types of uses to some extent – for example, auto-oriented uses like food drive-ins and auto repair are not permitted – but other normal commercial uses are allowed, with limits on how they can be designed for maximum transit attraction and minimal trip generation.

There are three advantages to transit use, those being circulation/transportation improvements, reductions in energy use, and reductions in pollutant and greenhouse gas emissions. The proposed changes in the regulations *in themselves* would create a temporary and potentially significant reduction in the effectiveness of this concept for projects seeking relaxed requirements through the CUP process, and would less encourage public transit for the three-year period proposed. However, the proposed Plan modifications recognize this, and include the requirements that for any Conditional Use Permit adopted under these regulations, two findings must be made:

1. That there are project amenities and exceptional design features integrated into the project to support *ACBD Specific Plan* sustainability goals; and
2. That the project promotes the goals and land use objectives of the Eden General Plan regarding primary and secondary uses.

These would include contributions to both energy efficiency (part of the reason for transit) and also to intrinsic designs and features to encourage transit at the project sites seeking the CUP approval. The requirements placed upon projects in order to make these findings possible would all contribute to maximum reductions of impacts to transit use and establishment in the areas and this respect, the modifications are self-mitigating.

Other Impacts: The implementation of these modifications would not otherwise conflict with any plans or policies for ensuring the effectiveness of the transportation system. It would not conflict with a congestion management program, result in changes to pedestrian or bicycle circulation or air traffic patterns, result in any traffic hazards, or reduce emergency access. No impacts would occur.

Mitigation Measures: None are required.

17. UTILITIES AND SERVICE SYSTEMS Would the project:	YES: Potentially Significant	NO: Less Than Significant With Mitigation	NO: Less Than Significant	NO: No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				x
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				x
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				x
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?				x
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				x
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				x
g) Comply with federal, state, and local statutes and regulations related to solid waste?				x

Setting: The ACBD is served by Oro Loma Sanitary District for all kinds of wastewater and East Bay Municipal Utility District for potable and household water, as well as full trash and recycling collection via contract with Waste Management of Alameda County, Inc.

Impacts: Adoption and implementation of these modifications on a project basis over a three-year period would have no effect on any utilities, including potable or wastewater systems, storm drainage facilities, or solid waste / landfill issues. No impacts would occur.

Mitigation Measures: None are required.

18. MANDATORY FINDINGS OF SIGNIFICANCE	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				x
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)				x
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				x

Discussion

The modifications to the ACBD Specific Plan, TA Zones, would not result in any impacts that would trigger a positive Mandatory Finding of Significance. The modification makes no specific requirement about the design of a project that may be proposed for CUP approval, but does require that each proposal identify methods to help it achieve consistency with all existing plans and policies that affect it, and that may include measures to mitigate impacts to traffic, transit and air emissions.

The number of instances in which a request for such a CUP would be proposed is unknown. Without the CUP process, an applicant would still be able to propose a project fully in conformance with all the existing policies and standards of the TA Zone, and avoid the need for a complex CUP process. Whether the CUP option is used or not, however, due to both the location and economics of the ACBD area, the rate of development proposals is expected to be at approximately the same level with or without the adoption of the modifications and optional CUP process.

The modification, if implemented, would not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.

The Modification would also not have impacts that are individually limited, but cumulatively considerable. The combination of incremental effects of this action would likely have little difference when compared to the effects of development over the three-year period if the existing condition were kept unmodified.

Finally, the modifications to the ACBD TA Zones and the process it describes would not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. The CUP process that would result from the action, would in themselves require public review for individual projects, would need to adhere to the policies of the applicable plans according to required findings, and would not result in development or effects substantially different from that which would occur if the action were not taken.

E. SOURCES

Alameda County, Ashland-Cherryland Business District Specific Plan, June 1, 1995

Alameda County, Climate Action Plan (draft), June 2011

Alameda County, Eden Area General Plan, March 2010

Institute of Transportation Engineers, Trip Generation Manual, 7th Edition, 2003

APPENDIX A: Trip Generation Comparison:

ACBD Specific Plan – TA Zoning Districts – Development 2005-2011

Total acreage of TA Zones: 38.19 acres
Total Utilized: 22.36 acres
Total Underutilized: 15.83 acres available for redevelopment

Area of TA Zone Total
Applications Approved
2006-2011: 2.17 acres; 3 projects realized, but one approval lost the ability to develop (same parcel now proposed for TV Medical Clinic).

Total New Used
Or Built 06-11*: 0.90 acres, with commercial retail and/or office development

Total Square Feet of new developed space 2006-2011*:

- Retail 5,979 sf;
- Office: 3,145 sf

(There would have been an additional 4,656 sf commercial & 48 condominium units if the lost approval was realized).

(*means newly built or likely to be approved and built)

After discussion, County Staff believes that this general rate of development may also reasonably approximate a hypothetical development rate for the TA Zones in the coming three (3) years, the projected lifespan of the ACBD Specific Plan proposed TA Zone standards changes. This assumes that the average economic conditions of the next three years would resemble those of the average of the last 5 years.

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New Trip Generation for Last 5 Years (approximate) under existing TA Zone provisions and prevailing economic conditions (based on ITE Trip Gen. Manuals):

Gen. Retail: 2,935 sf x 50* trips / 1000 sf = 147 new TPD, 18 peak hour
Seven-Eleven: 3,044 sf x 738 trips / 1000 sf = 2246 new TPD, 182 peak (am/pm)
Office: 3,145 sf x 11.01 trips / 1000 sf = 35 new TPD, 5 per peak hour (am)

Subtotal total trips for built/likely uses: 2,428 TPD (including late night for 7-11), 205 peak (a)

For the project which was approved but for which the parcel lost financing:

Commercial: 4,565 sf x 50 trips / 1000 sf = 228 new TPD, 28 peak hour
Condos: 48 condos x 5.86 trips / unit = 281 new TPD, 25 peak hour (pm)

Subtotal trips for approved but never built: 509 TPD, 53 peak

Total daily trips for all approved uses, unbuilt, built or likely built: 2,937 TPD, 258 peak (a)

(*Retail stores bring in very approximately 45-52 trips per 1000 sf per day for most types on average. Convenience stores [Seven-Eleven] are much higher at 738, but that is for a 24-hour period, peak hour = ~60 average. These convenience store trips may well not be unique, but combined with other trips including incidental commute or travel stops, so the very high number may be misleading as to significance; many of those trips may already be in the network and on the street.)

(a - This number does not include trips lost to businesses closing or shrinking.)

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New Trip Generation Expected Under Modified TA Zone standards

Trip generation levels under modified TA Zone standards over a three-year-period are speculative, because the precise character and quantity of development is somewhat unknown and because there are completely plausible scenarios in which the form of development under the new standards could result in trip generation that could easily be larger OR smaller than that expected under the existing standard.

As an obvious example, the trip generation for the proposed Tiburcio Vasquez Medical Center (TVMC) is illustrative. The same parcel was previously approved for a project that would have constructed 48 condominium units and 4,656 square feet of commercial (retail and service) space, according to the current standard of the Specific Plan. As calculated above, this development would have resulted in a trip generation of 509 TPD and about 53 trips peak hour.

The proposed TVMC project, which could be constructed as proposed *if the standards are altered as proposed for this Plan Amendment*, at a planned building space of 20,000 square feet would result in approximately 1,000 TPD (at 50 trips per day per 1,000 square feet, as per the ITE Trip Generation Manual) or about 100 trips during the peak p.m. hour. This is approximately twice the trip rate as for the previous proposal.

However, the increase in traffic is **not** a result of the changed standard but, rather, of the form of the development. The following explains why.

The site is 1.279 acres total, or 55,713 square feet. The TVMC use is permitted in the TA Zone, but if it were to be built to *current TA Zone standards* (0.75 FAR minimum, 3.5 parking spaces maximum per 1,000 net floor space), the building floor size would be a minimum of 41,785 square feet, more than twice the size of the current TVMC proposal. At this rate, the proponent could have as many as 146 parking spaces on site, 65 more than currently proposed. This would be physically possible if the structure were built to three stories in height (which on a site of this size is theoretically possible under the TA Zone). The trip generation from this hypothetical conforming project would be far greater than that of the actual proposal – 2,089 TPD and more than 200 trips peak hour, even if transit were available. Even with the forced limitation of proportionally fewer parking spaces to accommodate the traffic, the trip generation could be more than 1,500 TPD.

Thus, the trip generation under the proposed changes could realistically be either more or less, per project, than that possible under the TA Zone standard as originally written, depending on how the project is proposed. Staff believes that the most reasonable approach is to assume that the overall average trip generation per theoretical project, and thus for the temporarily modified TA Zone, is approximately the same as for the existing standard.

Projecting over the three year period from 2012 to 2015, whether the proposed modifications are approved or not, the trip generation during this period is likely to be similar for both the project and no-project scenarios. Assuming the previous five year development record provides a reasonable model for the next three years and that the TA Zone modifications are approved, the area can probably expect to see (in addition to the TVMC), one or two additional smaller projects developed on parcels of under 0.5 acre. Coupled with the TVMC, these projects would probably generate up to approximately 2,000 TPD, with approximately 10% of those (200 trips) during the maximum peak hour. If the TA Zone modifications are not adopted, and the TA Zone standards remain as they are, similar levels and forms of development as the last 5 years are also likely to be proposed and approved. *Based on what is now known about the economic conditions and additional allowances that the modifications would provide, staff believes that the most likely scenario is an insignificant increase or decrease in new trip generation compared to that expected under the existing TA Zone standards.*