INITIAL STUDY

Mitigated Negative Declaration / Environmental Checklist Form

pursuant to the California Environmental Quality Act, as amended.

Tentative Map, Tract Map, TR-7305
(Delco Builders and Developers)

FEBRUARY 28, 2003

Alameda County, Community Development Agency
399 Elmhurst Street, Rm. 136
Hayward, CA 94544

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A. PROJECT DESCRIPTION

1.	**Project Title:**	Tentative Map, Tract Map, TR-7305 (Delco Builders and Developers)
2.	**Lead Agency Name and Address:**	Alameda County, Community Development Agency 399 Elmhurst Street, Rm. 136 Hayward, CA 94544
3.	**Contact Person and Phone Number:**	Andrew N. Young, (510) 670-5400
4.	**Project Location:**	4605 Malabar Avenue, south side, approximately 250 feet west of Pepper Street, in the unincorporated Castro Valley area of Alameda County, designated Assessor's Parcel Number: 084C–835-001-07. (See **Figure 1**).
5.	**Sponsor's Name and Address:**	Mr. Phil Rowe (for owner, Marie Alcorn) Delco Builders & Developers 2552 Stanwell Drive, Ste. 203 Concord, CA 94520
6.	**General Plan Designation:**	Suburban & Low Density Residential, Castro Valley Plan
7.	**Zoning:**	R-1-CSU-RV (Single Family Residence, Conditional Secondary Unit, Recreational Vehicle) District

8. **Description of Project:** The applicant has proposed a Tentative Tract Map, shown in **Figure 2**, which would subdivide the roughly four-acre property to create 21 separate parcels, including 19 parcels to be developed with new single family residences, one parcel containing a single family house occupied by the current property owner and one parcel that forms the majority of the rear yard area of the existing house. At the present time the developer only proposes to build 19 new residences, and the other two parcels would be retained by the current property owner. Conditions within these two remainder lots would be maintained for the foreseeable future, but the essentially vacant rear yard area of the current property owner could be sold for development at any time, with access from within the principal development area.

   For all 21 parcels the average lot size would be 7,342 square feet, and 6,907 square feet for the 19 lots currently proposed for development. The individual lot sizes would range from 5,885 to 9,577 square feet for the 19 new residences, and up to 14,260 square feet including the remainder parcels. The 19 new lots would range in width from 55 to 71 feet and would have an average median lot width of 59 feet. Lot depths would range between 100 and 130 feet. As proposed, 14 of the 19 new lots would face a new private cul-de-sac street extending north from Seven Hills Road. The other five lots would front on Malabar Avenue. One "flag" or "stem" lot would be created extending from the new cul-de-sac. The cul-de-sac street would be 42 feet wide, providing 20 feet for travel lanes, 16 feet combined for a minimum total of 14 visitor parking spaces along both sides of the street, and 6' for both a 5' sidewalk on one side and 6" curbing on both sides of the street.

Figure 1
Project Vicinity

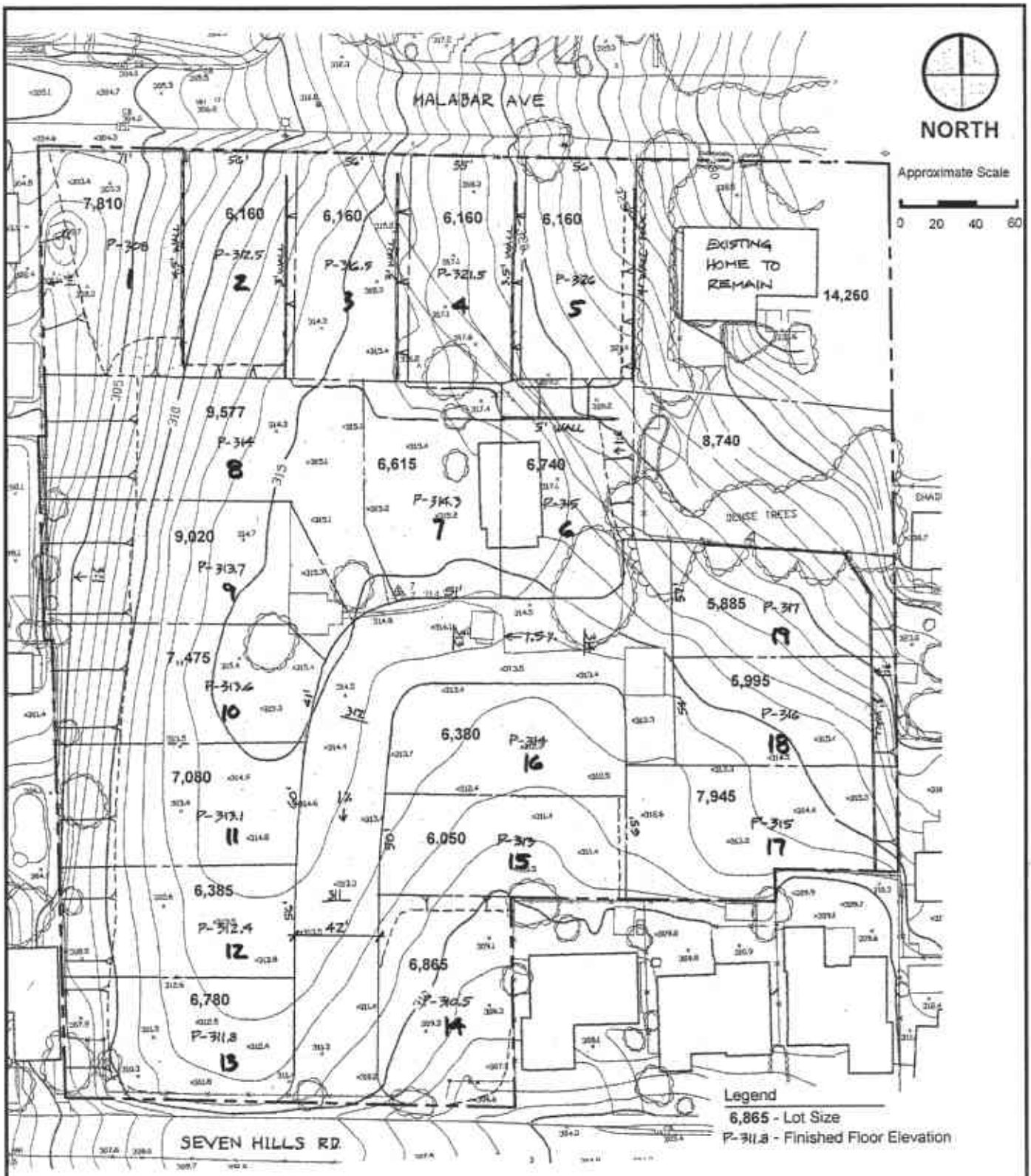

Figure 2
Applicant's Preferred Project, Alternative 1

Average size of all parcels: 7,342 sq. ft.
Average size of new lots only: 6,907 sq. ft.

The proposed Tract Map is the applicant's preferred alternative (Alternative 1). However, the applicant will also consider two other main alternatives to the street and lot configuration (Alternatives 2 and 3), and the Planning Department has proposed one variation on each of these main alternatives (Alternatives 2A and 3A). Alternatives 2, 3 and their variants would result in only 18 new residential parcels. The alternatives are formulated for the purpose of avoiding or reducing specific environmental effects, primarily related to traffic and circulation. The final selection of the street and lot configuration alternative would be at the direction of the Planning Director and based on the recommendation of the Castro Valley Municipal Advisory Council.

Alternative 2 (see **Figure 3**) would result in a cul-de-sac extending southwards from Malabar Avenue (on the alignment of Judy Street, north of Malabar Avenue), with an average lot size of about 7,220 square feet among the 18 parcels in the development area (the largest average lot size of the three main alternatives). Nine lots would face the cul-de-sac, four would face Malabar Avenue, and five would face Seven Hills Road, including one flag lot between and behind two of these lots on a 20-foot wide access stem. Like Alternative 1, it would include a 42-foot wide right-of-way for visitor parking on both sides 20 feet of clearance for travel, and 6 feet for sidewalks and curbs. Both Alternatives 1 and 2 include a 24-foot wide "hammerhead" turnaround at the terminus of the cul-de-sac, on which no parking would be permitted. The newly developed lots would range in size from 5,580 to 10,200 square feet, and have median lot widths of between 50 and 92 feet.

Alternative 2A would be similar to Alternative 2, except that access to the five lots bordering or connected to Seven Hills Road would be provided from the north by way of a secondary cul-de-sac that would branch off from the main cul-de-sac, instead of from Seven Hills Road. The secondary cul-de-sac would be 32 feet wide, with parking on one side only. This configuration is intended to eliminate any direct project access to Seven Hills Road, which has a steep hill contour near the southwest corner of the project site. The County Traffic Engineer and the *Traffic Study* prepared for the project identified a potential traffic safety problem under both Alternatives 1 and 2, of potentially insufficient safe stopping sight distances between Seven Hills Road traffic and vehicles using either the cul-de-sac or driveways. Although the applicant does not consider this alternative to be viable, a conceptual illustration prepared by County staff is shown in **Figure 4.** Due to the additional pavement for the secondary cul-de-sac, the average lot size would be slightly lower than Alternative 2, at about 6,930 square feet for the 18 new residences.

Alternative 3, shown in **Figure 5**, would extend Judy Street southwards as a through street between Malabar Avenue and Seven Hills Road, and create a new public street with a total right-of-way width of 50 feet, to accommodate parking on each side (8 feet each side), a sidewalk on one side (6 feet combined, with curb width on both sides of the street), and 28 feet clearance for travel. The 18 new lots would have an average size of 6,756 square feet (the smallest average for all the alternatives), and the most conventional, rectangular lot configurations. The median lot widths would range from 50 to 68 feet, but fully half of the lots would be 50 feet wide. Alternative 3 would also include a short private cul-de-sac extending about 125 feet east of the Judy Street extension, to a hammerhead turnaround. Alternative 3 would result in a potential traffic safety problem similar to Alternative 1 at the intersection of the extension with Seven Hills Road due to the steep hill contour and limited sight distance. However, a three-way STOP sign at this intersection, as discussed in detail under the heading Transportation/Traffic, could mitigate the potential safety impact of Alternative 3. Alternative 3 is also intended to provide improved north-south access within the neighborhood.

Alternative 3A would utilize the same street and lot layout as Alternative 3, except that a through-street connection at Seven Hills Road would be closed by a raised curb, low-level plantings, and bollards which would be removable only by emergency personnel. A conceptual treatment is illustrated in **Figure 6**. The Judy Street extension would be built as a private street, to public street standards (50-foot wide right-of-way).

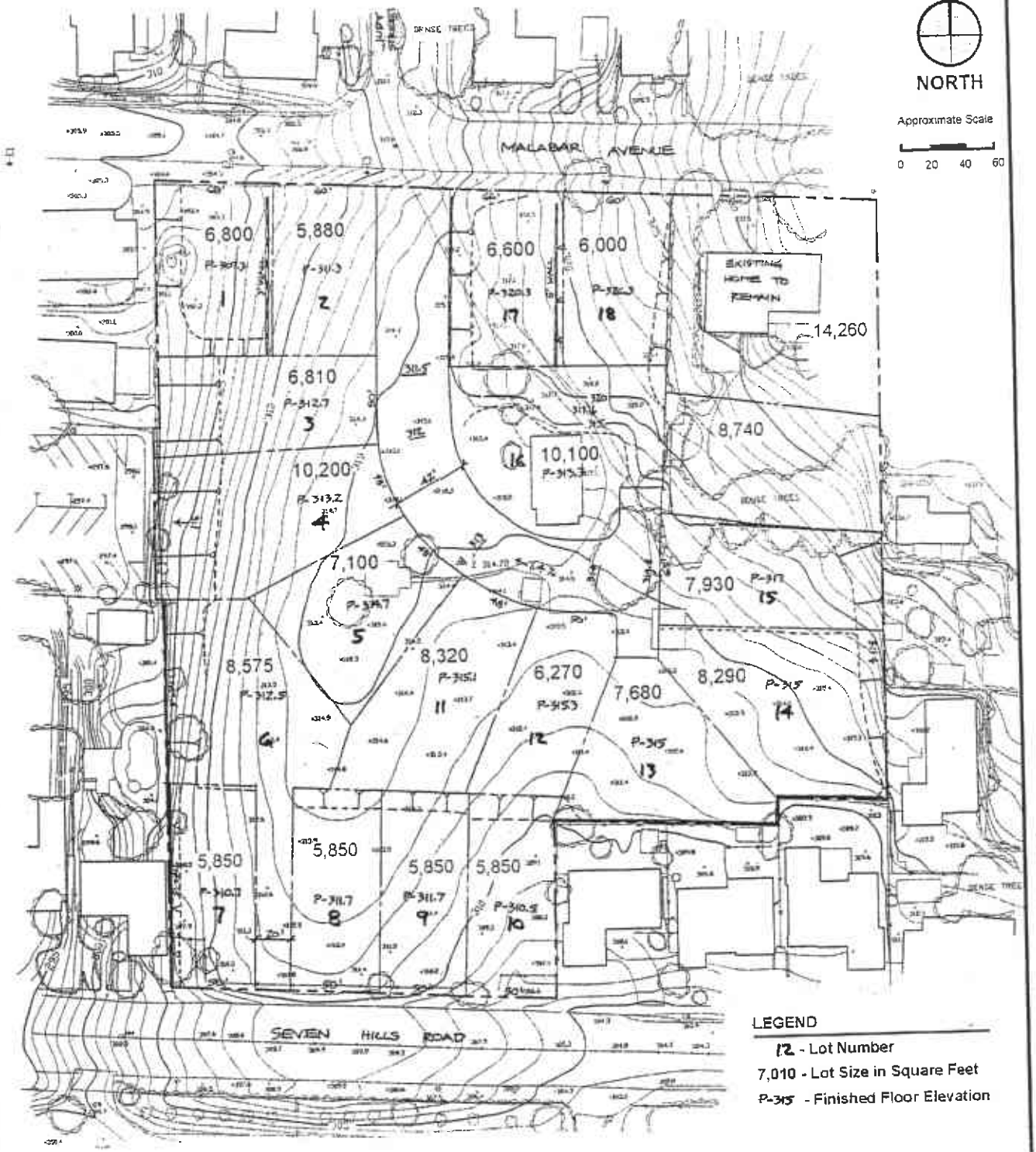

Figure 3
Alternative 2

Average size of all parcels:7,638 sq. ft.
Average size of new lots only: 7,220 sq. ft.

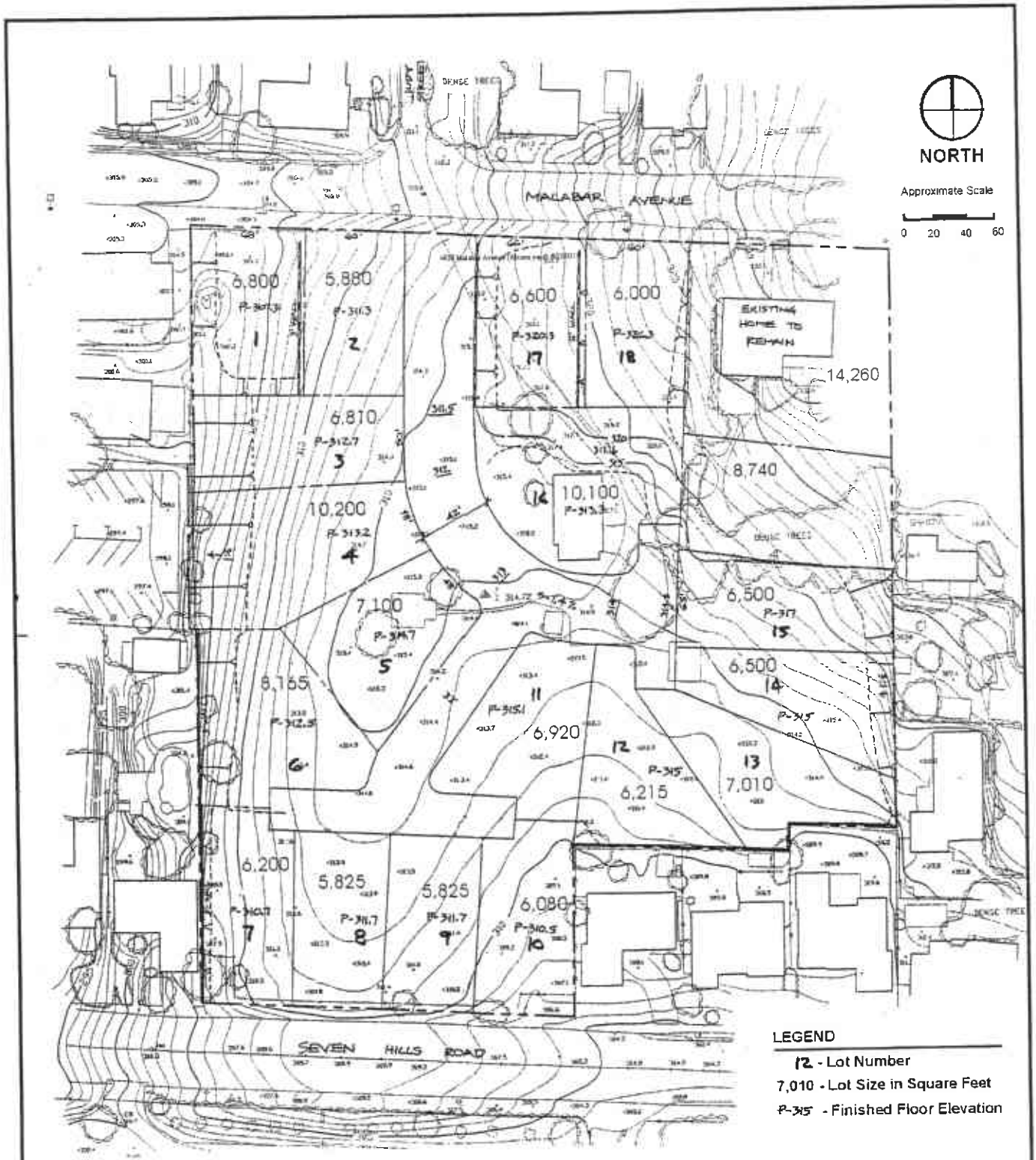

Figure 4
Alternative 2A

Average size of all parcels: 7,775 sq. ft.
Average size of new lots only: 6,929 sq. ft.

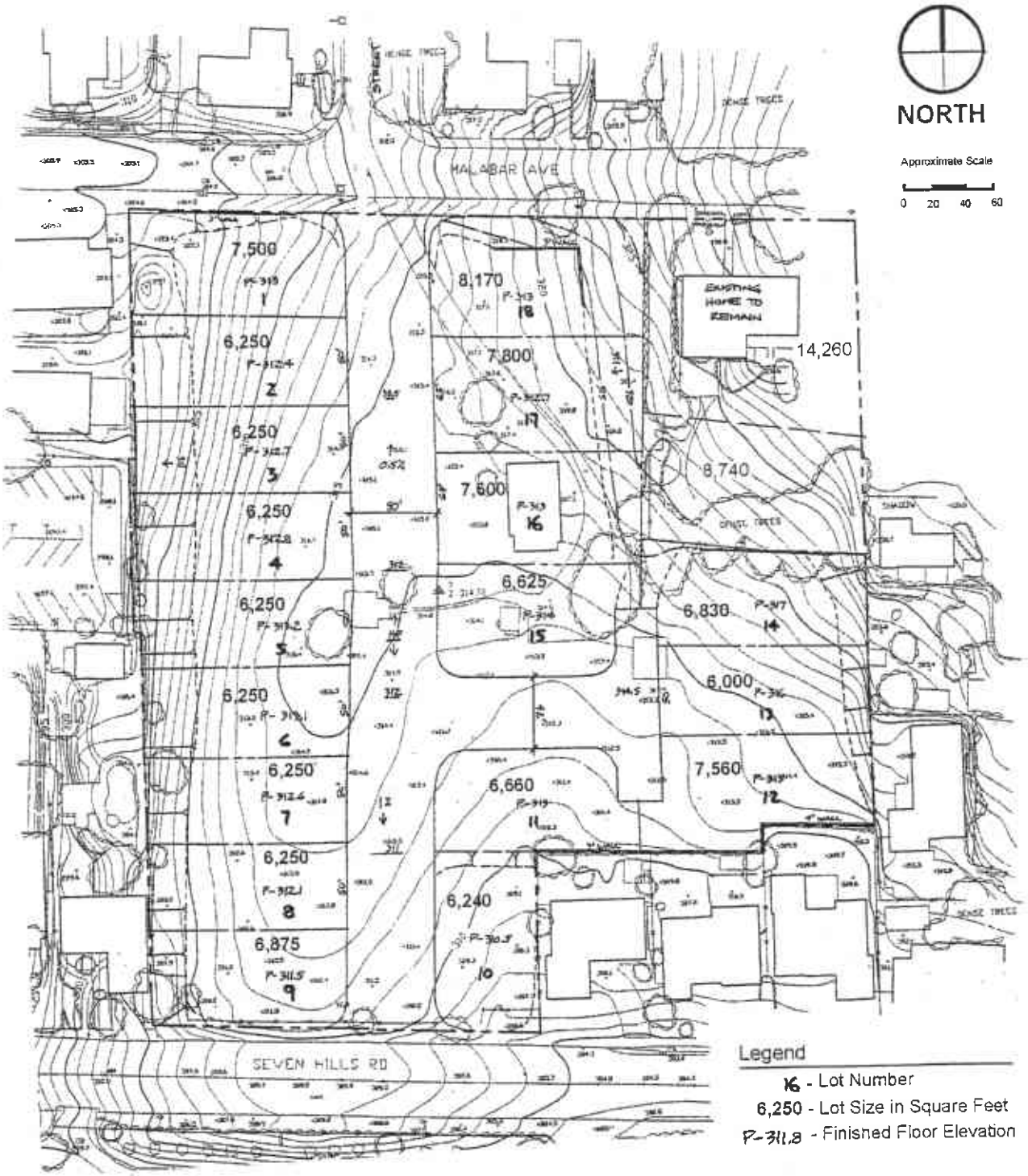

Figure 5
Alternative 3

Average size of all parcels: 7,221 sq. ft.
Average size of new lots only: 6,756 sq. ft.

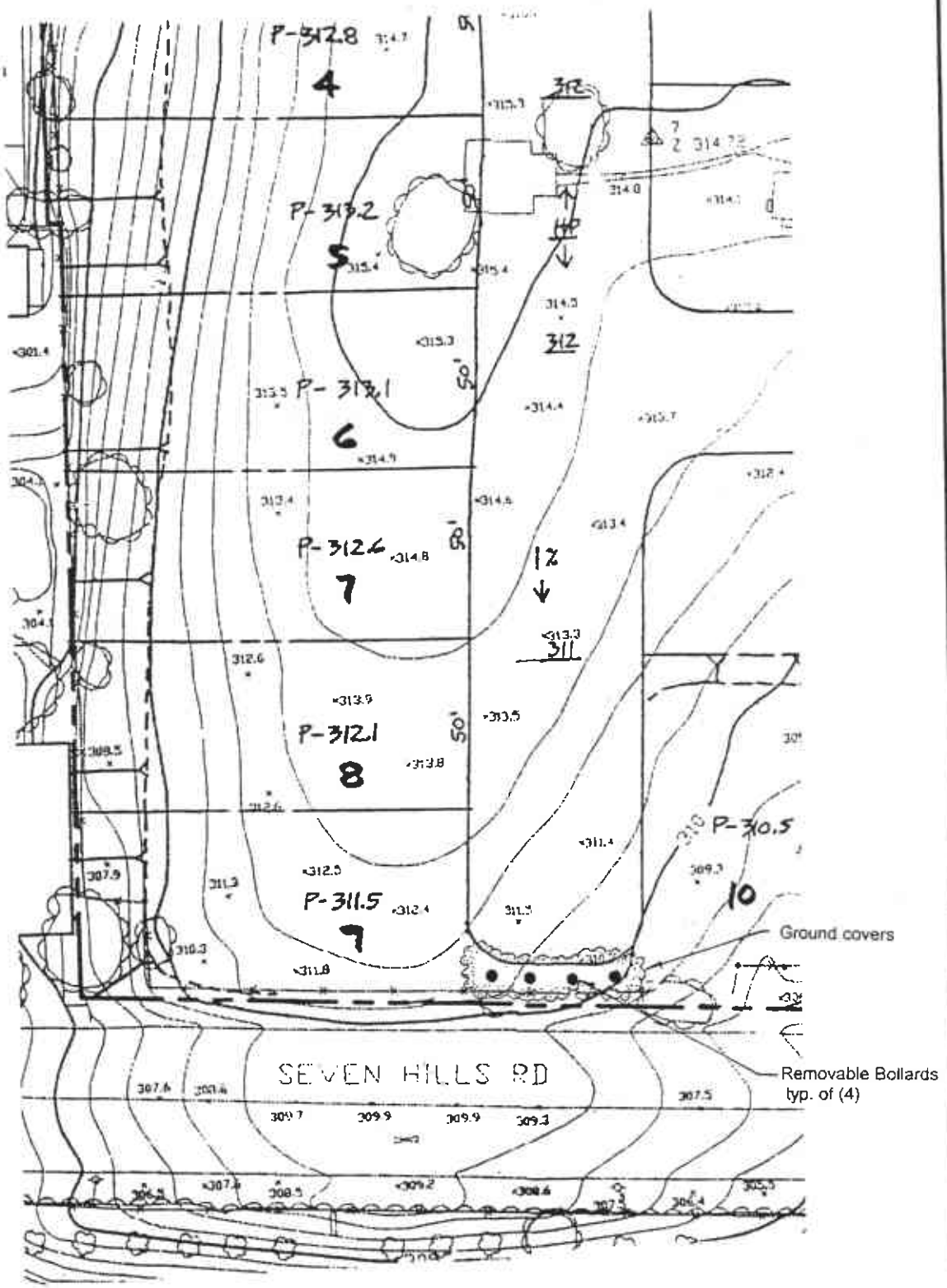

Figure 6
Alternative 3A Detail

The purpose of Alternative 3A would be identical to the purpose of Alternative 2A (eliminating direct vehicle access from the site to Seven Hills Road), while allowing for emergency vehicles, as well as pedestrians and bicyclists, to have direct access between the private street and Seven Hills Road. In addition, Alternative 3A would allow the conversion of the street to a public through street in the future with relatively little difficulty.

As required by the R-1 District, all of the alternatives would provide lots with a minimum parcel size of 5,000 square feet. The development would also be required to meet various other requirements of the R-1 District and the Zoning Ordinance, including a minimum lot width of 50 feet, a minimum lot width of 60 feet for corner lots, 5-foot side yard setbacks (plus 1 foot per 10 full feet that the lot width exceeds 50 feet), 20-foot front and rear yard setbacks, and 10-foot sideyard setbacks on the street side of a corner lot. As currently presented, some of the alternatives (including Alternatives 1 and 3) appear to have corner lots of less than 60 feet in width; however, the alternative plans are not intended to be final, and the state Subdivision Map Act (also discussed above) permits zoning standards in a tract map to be modified if approved by the Planning Director. The compliance of the different alternatives to the Zoning Ordinance is discussed in this Initial Study under the heading Land Use and Planning.

Although building plans have not been provided at the present time (and are not normally required for approval of proposed tract maps), the applicant has submitted conceptual drawings of the proposed residences, as shown in **Figures 7, 8** and **9**. However, these illustrations do not enable the project's compliance with the Zoning Ordinance to be evaluated in detail. The illustrations indicate a combination of one- and two story structures which provide large front-facing windows and entry doors, and garages that extend along no more than one-third of the front facade. For one plan, shown in **Figure 9**, the house would have a loft-type upper story which would have no forward-facing windows, thereby giving the appearance of a single story residence, albeit with an atypically large roof structure. Specific design details of each design, such as exterior materials, window treatments, entry features and landscaping are conceptual and subject to alteration.

The proposed subdivision also conforms in general to the County General Plan, as embodied in the *Castro Valley Plan* (adopted April 4, 1985), including the "Policy Statement for Lot Size Consistency of Single Family Subdivision in Castro Valley," adopted in 1991 by the Alameda County Board of Supervisors for the purpose of clarifying some policies in the *Castro Valley Plan*. This Policy Statement requires that new single family parcels be consistent with the existing land use pattern of the surrounding neighborhood, and not create lots that are substantially smaller or narrower than the prevailing lots in the neighborhood. Consistency with this policy is discussed in depth in this Initial Study under the heading Land Use and Planning.

The Tract Map would also establish private storm drain easements in various locations. Retaining walls are required to be placed in several locations to establish appropriate building sites, and a limited amount of grading would also be required. Under Alternatives 2 and 3, and their variants, either the cul-de-sac or Judy Street extension would change the existing T-intersection of Judy Street at Malabar Avenue into a four-way intersection. Alternatives 1 and 3 would create a new T-intersection on Seven Hills Road, slightly east of the crest of a hill between Redwood Road and Pepper Street. The hill is gentle on its eastern side, but steeper to the west, and Seven Hills Road also curves gently west of the hill crest, resulting in restricted sight line visibility between eastbound Seven Hills Road traffic and any vehicles either turning from the potential new intersection, or turning into or backing out of potential driveways. The traffic safety implications of each alternative are addressed in detail in the Traffic and Circulation section of the Initial Study.

9. **Property description.** The approximately four-acre site extends between Malabar Avenue and Seven Hills Road, and is nearly rectangular in shape, except for three small contiguous lots "cut out" from the southeast corner. The property owner's residence, which will remain in place, occupies a roughly half-acre yard area

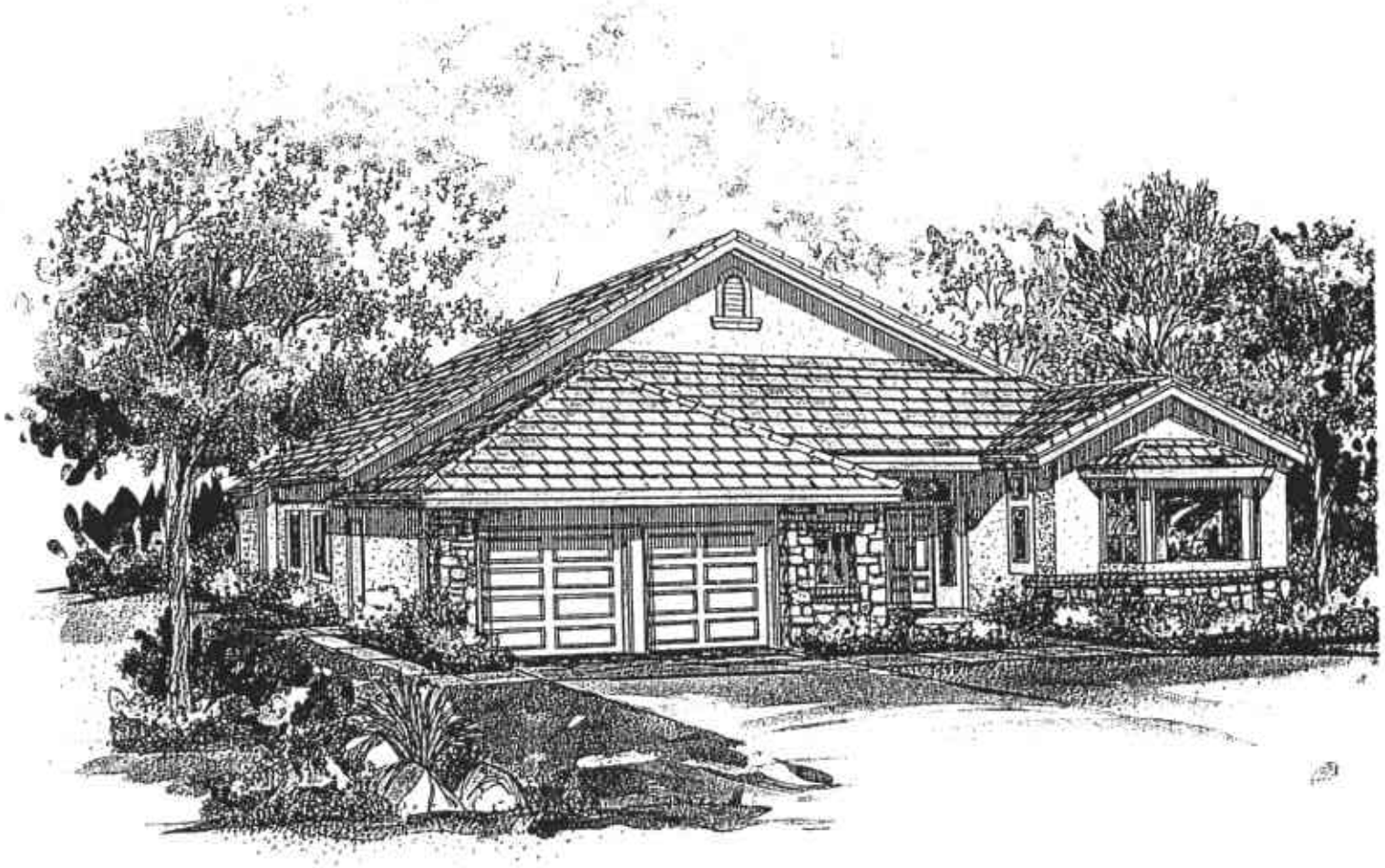

Figure 7
Conceptual Drawings of Proposed Residences - A

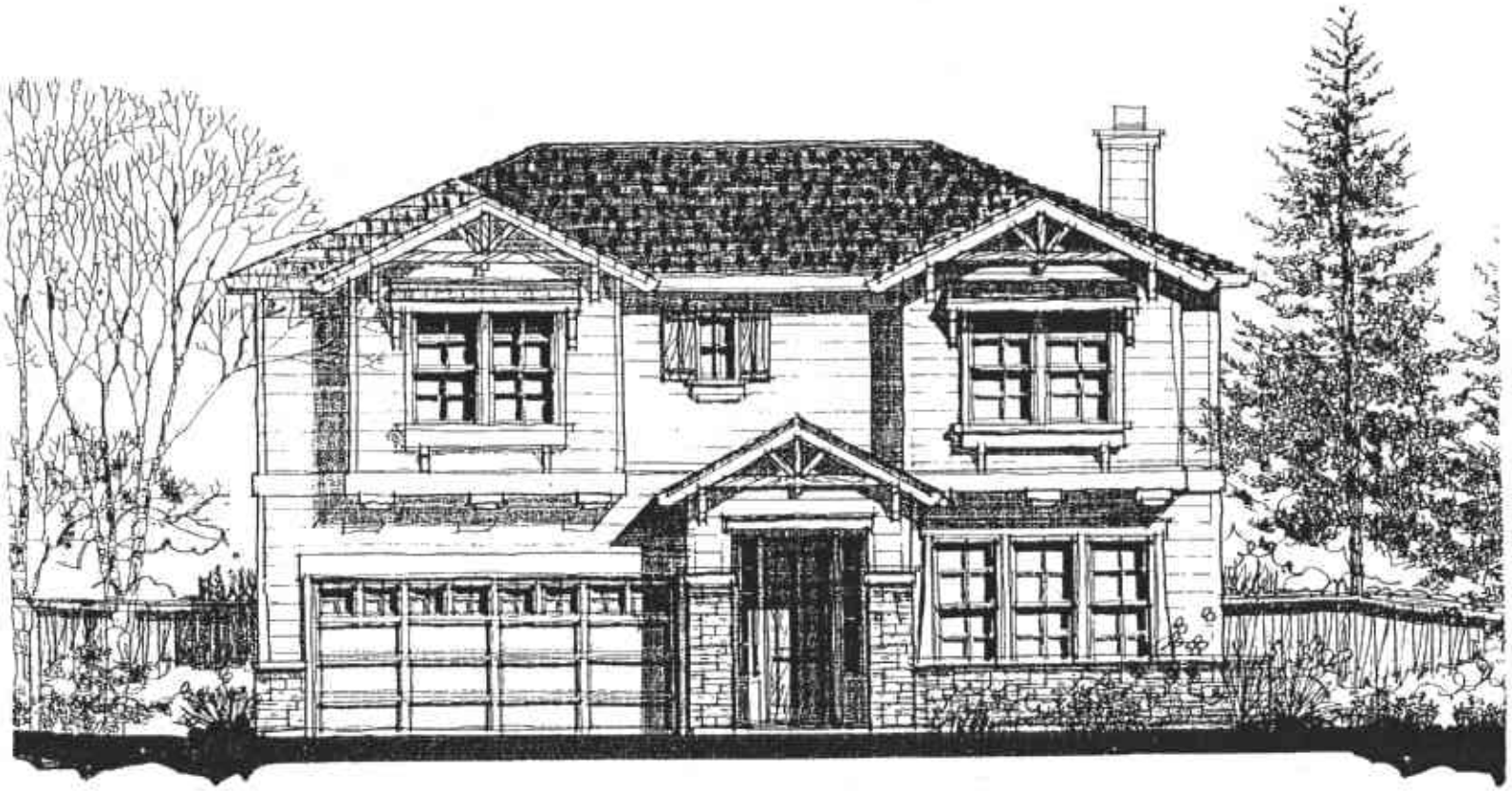

Figure 8
Conceptual Drawings of Proposed Residences - B

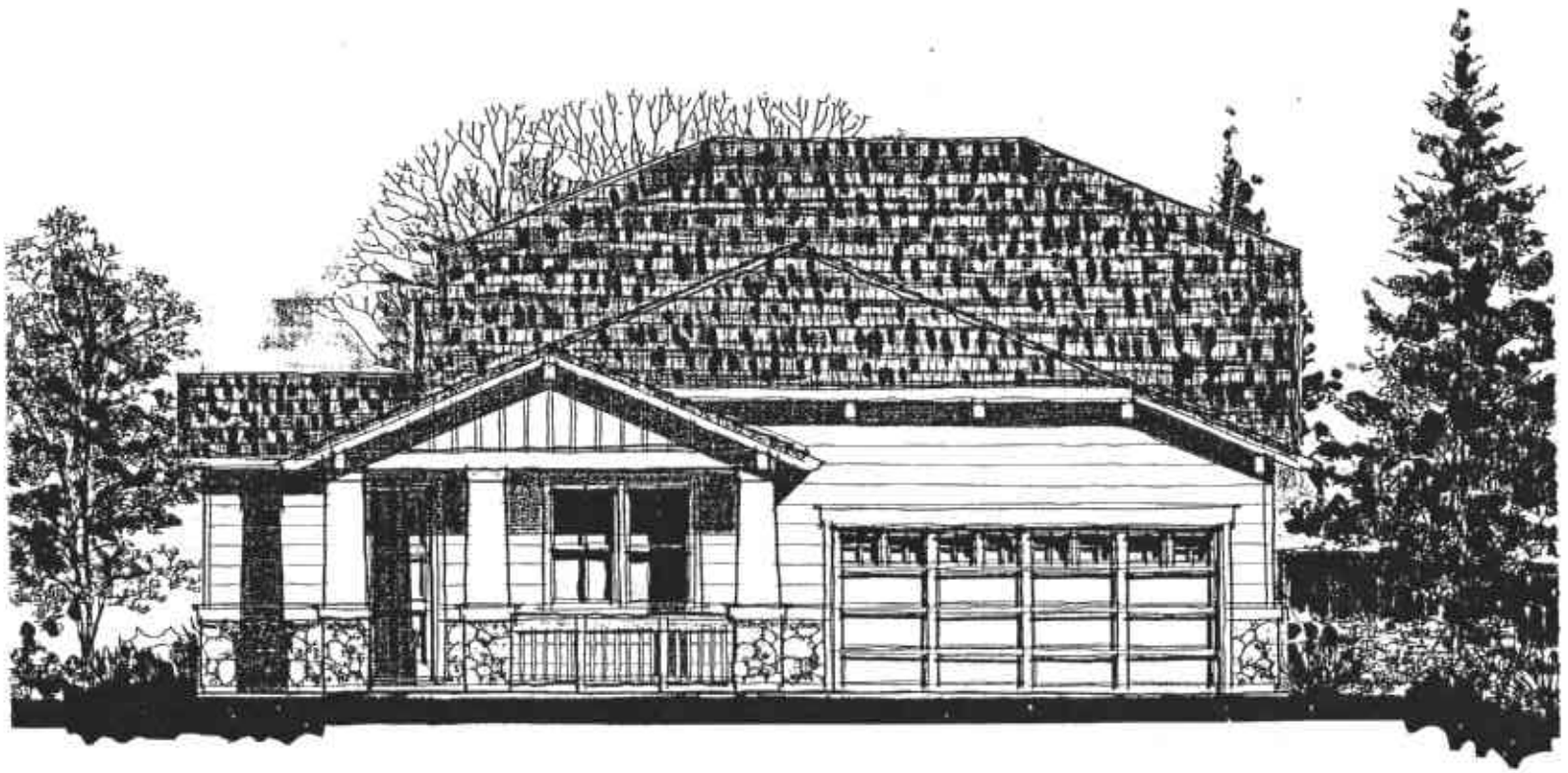

Figure 9
Conceptual Drawings of Proposed Residences - C

in the northeast corner. The remainder of the property is mostly vacant, except for a vacant single family home (a one-story ranch house or cottage), a small one-room cabin and two other associated outbuildings, all of which are proposed to be demolished. The ranch house in the center of the development area (the site less the owner's yard area) was built as a residence in about 1905, and is in fair to deteriorating condition. The smaller outbuildings are substantially more deteriorated. All of the windows have been boarded up as a security measure. A deteriorated asphalt driveway extends about 200 feet up to the cottage from Malabar Avenue at its intersection with Judy Street. The site features and topography are shown in **Figure 10**.

The open areas of the property slope slightly upwards from Malabar Avenue, and then gently down south- and southwest-ward. The central area is generally level (mostly under 5 percent slope), while the western edge slopes somewhat more steeply, with some slopes near 20 percent. There are relatively few trees on the site, which include some young or sapling native coast live oak trees, birch, fruit and other ornamental trees. Ground cover consists mostly of non-native weeds and grasses.

10. **Surrounding land uses.** Single family homes border the site on the east, west and north sides, and the Redwood Adult School, with the offices of the Castro Valley Unified School District, is located to the south. A parking lot for the First Baptist Church on Redwood Road adjoins a short, middle segment of the property's western boundary. The Shir Amir Synagogue is located west of the site on Malabar Avenue. The nearest rural or undeveloped areas in the vicinity are some lower ridges about 2,000 to 3,000 feet to the northeast. An upper branch of San Lorenzo Creek is about 2,000 feet to the east.

    The surrounding area has an indistinct development pattern, including highly uniform smaller lots of between 5,000 and 7,000 square feet north of Malabar Avenue, and a mixture of small and large lots (mostly 5,000 to 13,000 square feet) to the east and west of the site along Malabar Avenue, Seven Hills Road and Pepper Street. Slightly more than half of the lots in the entire area are under 7,000 square feet (the median lot size is about 6,700 square feet). For the overall area within about 500 feet of the perimeter of the project site, including about 40 lots with more than 10,000 square feet, the average lot size is about 8,350 square feet. Not counting the lots containing over 15,000 square feet, which are assumed to be subdividable into two or more parcels over time, the average lot size is 7,700 square feet. Existing lot sizes in the area are discussed in detail under the heading Land Use and Planning.

11. **Other agencies whose approval is required:** *(e.g., permits, financing approval, or participation agreement.)*

    Alameda County Public Works Agency, Land Development Department
    Alameda County Public Works Agency, Grading Department
    Alameda County Public Works Agency, Environmental Services Department
    Alameda County Public Works Agency, Building Inspection Department
    Alameda County Environmental Health Department

12. **Other agencies to which the Initial Study will be referred and who may comment upon it.**

    Alameda County Fire Department
    Alameda County Zoning Enforcement
    Alameda County Sheriff's Department
    Pacific Gas and Electric Company
    Castro Valley Sanitary Department
    Castro Valley Library
    Alameda County Parks, Recreation and Historical Commission
    East Bay Municipal Utility District
    Castro Valley Unified School District

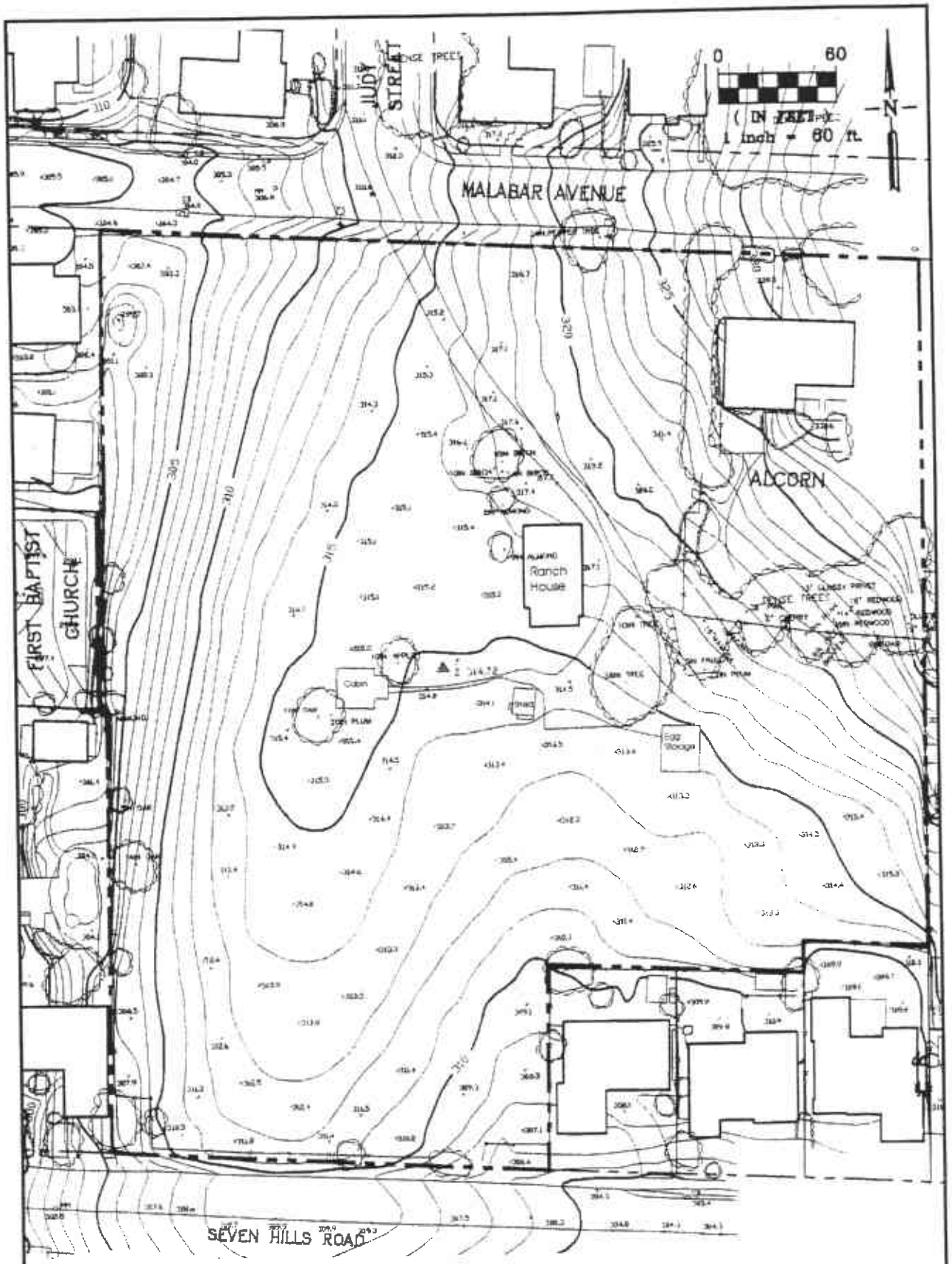

Figure 10
Site Features / Topography

3. Review Process

The California Environmental Quality Act (CEQA, 1970, as amended, commencing with Section 21000 of the California Public Resources Code), and the CEQA Guidelines require that an agency responsible for reviewing discretionary projects such as tract maps make a determination as to the applicability of CEQA. The basic purposes of CEQA are to:

(a) inform governmental decision-makers and the public about the environmental effects of proposed activities;

(b) involve the public in the decision-making process;

(c) identify ways that damage to the environment can be avoided or significantly reduced; and

(d) prevent environmental damage by requiring changes in the project through the use of alternatives or mitigation measures.[1]

Following preliminary review, the lead agency (the County of Alameda Planning Department as provided for by CEQA) is required to prepare an initial study to determine if the project may have a significant effect on the environment, and if an environmental impact report (EIR) should be prepared. As directed by CEQA, the initial study must address all phases of project planning, implementation and operational conditions, and may incorporate expert opinion supported by facts, technical studies or other substantial evidence to document its findings. An initial study is neither intended nor required to include the level of detail included in an EIR (CEQA Guidelines, Section 15063(a)). If the agency finds that there is substantial evidence that any aspect of a project, either individually or cumulatively, may have a significant effect on the environment, it should prepare an EIR. Alternatively, if there is no substantial evidence that the project or any of its aspects may have significant environmental impacts, the lead agency shall prepare a negative declaration. Furthermore, if revisions in the project plans have been agreed to by the project applicant would avoid significant environmental impacts, and there is no substantial evidence in light of the whole record before the public agency that the project as revised may have a significant effect on the environment, a *mitigated negative declaration* shall be prepared (CEQA Guidelines, Section 15064 (f)(2)).

The purposes of the Initial Study are, among other objectives not related to the current project, to provide the lead agency with information for determining whether to prepare an EIR or a negative declaration, focusing an EIR on the effects determined to be significant, explain reasons why it was determined that specific effects are not significant, and provide documentation of the factual basis for the finding that a project will not have a significant impact on the environment. This Initial Study has been prepared pursuant to CEQA, and is meant to provide an objective, impartial source of information to be used by the lead and responsible agencies, as well as the public, in their considerations regarding the project.

The analysis in the Initial Study concentrates on the aspects of the project that are likely to have a significant adverse effect on the environment, and identifies reasonable and feasible measures to mitigate (i.e., reduce or avoid) these effects. The CEQA Guidelines define "significant effect on the environment" as "a substantial, or potentially substantial adverse change in any of the physical conditions within the area affected by the project ..."[2]

This Initial Study will be circulated for a 30-day period. During this time, the public and responsible agencies and organizations may submit comments on the sufficiency or adequacy of the analysis in evaluating the environmental

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1 State of California, Governor's Office of Planning and Research, *California Environmental Quality Act Statutes and Guidelines*, 1995, Section 15002(a).

2 Ibid, Section 15382.

effects of the proposed subdivision tract map project. A Public Hearing is scheduled during the 30-day review period for March 10, 2003. All comments must be submitted by **5:00 p.m., Friday, March 28, 2003**, to:

Andrew Young, Planner II
Planning Department, Alameda County Community Development Agency
399 Elmhurst St. Room 136
Hayward, CA 94544
Telephone: (510) 670-5400

Responses to written comments received on the Initial Study will be prepared. The Initial Study with the responses to comments received on the Initial Study during the public review period, will comprise the complete CEQA documentation.

Public Comments on the Project. Following presentation of the original proposal in May of 2001, to subdivide the site into 21 parcels and thereby provide 20 new single family residential home sites, residents in the area and in Castro Valley submitted extensive comments regarding numerous aspects of the proposed project, including the review process, aesthetic considerations, historic resources, land use, lot sizes, public services and traffic. **Table 1** presents the paraphrased comments (including the comment author's name in parentheses) on the public review process and a general response to each comment. The Initial Study contains several similar tables with comments and responses on various aspects of the potential environmental impacts of the project.

Table 1
Comments and Responses Regarding Public Review Process

Public Comment[3]	Response to Comment
Planning Department staff should have released information about the proposal to the media. (Milward)	The project was duly noticed in the local newspaper as required by law. The local newspaper has the option of inquiring about the project proposal at that time.
Only some residents received postcards about the proposal and the Council's original hearing. (Milward)	Postcards were mailed to residents and occupants within a 300' radius of the site as required by law, therefore some residents beyond the 300' radius would not have received postcards.
The neighborhood was not advised early enough about the Municipal Advisory Council's original hearing on the proposal. (Petition, Reinheimer)	In addition to the postcards, notices were posted in the neighborhood area ten days prior to the hearing by the Council, as required by law.
The original staff report and proposed Negative Declaration were not available at the time the hearing notices were posted in the neighborhood. (Milward)	Comment noted. The original staff report was completed only five days prior to the hearing. Staff will make every effort to have the staff report available 10 days prior to the next hearing by the Council.
The original staff report did not address all issues to be considered in the Initial Study and proposed Mitigated Negative Declaration. (Barclay)	The staff report was intended to address the general land use and planning issues that would enable the Council to make a recommendation to the Planning Director, who would also consider the findings of the proposed Mitigated Negative Declaration in making a decision on the project.
Plans for project should be more legible, with larger print, to enable the public to evaluate the project. (Hersch)	Comment noted. Every effort will be made to improve the graphic presentation of the project to the public to improve legibility and readability.

[3] Copies of the original letters are available from the Planning Department.

Table 1, continued
Comments and Responses Regarding Public Review Process

Public Comment	Response to Comment
More information should be provided to area residents, including the project application, the entire General Plan for Castro Valley, zoning regulations, any requests for variances for the project, the reasoning for proposing a Negative Declaration, and other information to be used by the Planning Director and Municipal Advisory Council in making a decision on the project. Ten copies of such materials should be provided at the Castro Valley office of County Board of Supervisor Nate Miley, and six weeks should be allowed for review of these materials [prior to the next hearing by the Municipal Advisory Council].[4] (Hersch)	Comment noted. Since this request was made, extensive information on the project has been provided to interested area residents and the office of Supervisor Nate Miley, including copies of the Castro Valley Area Plan (the General Plan for Castro Valley), zoning regulations and several technical reports. No variances have been requested directly for the project, although Alternative 3 would have one corner lot with a substandard lot width. The Initial Study represents the basis for the determination that a Mitigated Negative Declaration is the appropriate means of complying with CEQA requirements. Additional materials will be provided to the area residents who have requested that they receive such materials.
The consideration of the application [by the Municipal Advisory Council] should be continued for a minimum of 30 days to allow area residents to research the possible impacts of the project. (Petition, Bateman, Barclay)	Comment noted. The application has been continued for well over 30 days since the original hearing, on June 11, 2001. The Municipal Advisory Council will hold a hearing during the comment period for the Initial Study by itself, and will hold a subsequent hearing on the project itself, following completion of the CEQA documentation.
Area residents should be given 15 days written notice of any future hearings regarding the project. (Reinheimer, Blake)	Comment noted. State planning law requires only a minimum of 10 days notice. However, every effort will be made to advise area residents of future hearings.
Neighborhood residents should have the opportunity to meet with the developer to be more fully informed and to have a fair say in how the development will proceed, and to have oversight over variances and additions [to the project and individual homes]. (Petition, Hardiman, Milward)	During the summer of 2001, the developer, staff members and Public Works Agency representatives met on three occasions with several area residents in the Castro Valley offices of Supervisor Nate Miley.
The recommended extension of Judy Street would require major changes to proposed grading, retaining walls and lot sizes, and the public is entitled to express views regarding any approved development plan. (Barclay)	Comment noted. A public hearing was conducted at the time of the original hearing, and two more hearings on the Initial Study and the project itself will be held before the Planning Director takes action on the project. If the project is approved, the tentative tract map and any conditions are made public for a period of 10 days during which the approval and conditions may be appealed to the County Board of Supervisors.
Prior staff report suggests Negative Declaration will be drafted prior to review by the Parks, Recreation and Historical Commission (PRHC). (Barclay)	Comment noted. However, there does not appear to be any reference in the original staff report to the time at which the Negative Declaration would be "drafted". The *Initial Study* is a kind of "draft" environmental analysis on which the public and public agencies may comment prior to approval of the Negative Declaration by the lead agency. It would be inappropriate for the Negative Declaration or Mitigated Negative Declaration to be approved by the Planning Director prior to any hearing by the PRHC; however, the PRHC has held two hearings to date regarding the *Historic Evaluation*

[4] Another hearing by the Castro Valley Municipal Advisory Council is required to enable that body to make a recommendation on the Tentative Tract Map.

Table 1, continued
Comments and Responses Regarding Public Review Process

Public Comment	Response to Comment
	Report and a subsequent *Peer Review of the Historic Evaluation Report.* The PRHC does not have jurisdiction beyond parks, recreation and historical issues, although it may comment upon the Initial Study during the public review period.
Historic aspects of property as a chicken ranch and apricot orchard may result in environmental impacts that would require an Environmental Impact Report to be prepared instead of a Mitigated Negative Declaration, the former of which would provide a better evaluation of the environmental impacts and more specific mitigation measures. (Barclay)	Comment noted. The determination that the project may result in significant environmental impacts does not necessitate the preparation of an EIR if such impacts can be avoided or reduced to a level that is less than significant, and the applicant agrees to implement specific mitigation measures as a condition of approval. An EIR does not necessarily require more specific mitigation measures.
At a neighborhood meeting, Planning Department staff presented alternative plans which the developer should have prepared and presented. (Milward)	Comment noted. The alternative plans shown at the neighborhood meeting were prepared by the developer, and were presented by the Planning Department staff as the developer's plans. It is the responsibility of Department staff to evaluate the plans and to communicate them to the public.
County Planning staff appears to be acting or conspiring under County direction to develop as much land at the highest possible density for tax purposes, instead of advocating for a park use and thereby protecting Castro Valley's neighborhoods. (Milward)	Planning Department staff has no agenda to maximize density for revenue purposes, but is obligated to implement the adopted Castro Valley Plan, which permits and encourages appropriate infill development such as proposed by the applicant. The site is not designated for park use.

B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, and are the primary focus of this Initial Study.

[x] Aesthetics
[ ] Agricultural Resources
[x] Air Quality
[x] Biological Resources
[x] Cultural Resources
[x] Geology & Soils
[x] Hazards and Hazardous Materials
[x] Hydrology and Water Quality
[x] Land Use and Planning
[ ] Mineral Resources
[x] Noise
[ ] Population and Housing
[x] Public Services
[ ] Recreation
[x] Transportation/Traffic
[x] Utilities and Service Systems
[ ] Mandatory Findings of Significance

C. DETERMINATION

On the basis of this evaluation:

[ ] I find that the proposed project COULD NOT have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

[X] 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 the mitigation measures described in this analysis have been added to the project and accepted 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 although the proposed project MAY have a significant effect on the environment, there will not be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an **EARLIER EIR** pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.

R. Darryl Gray — Signature

Feb. 28, 2003 — Date

L. Darryl Gray — Printed Name

Assistant Planning Director — Title

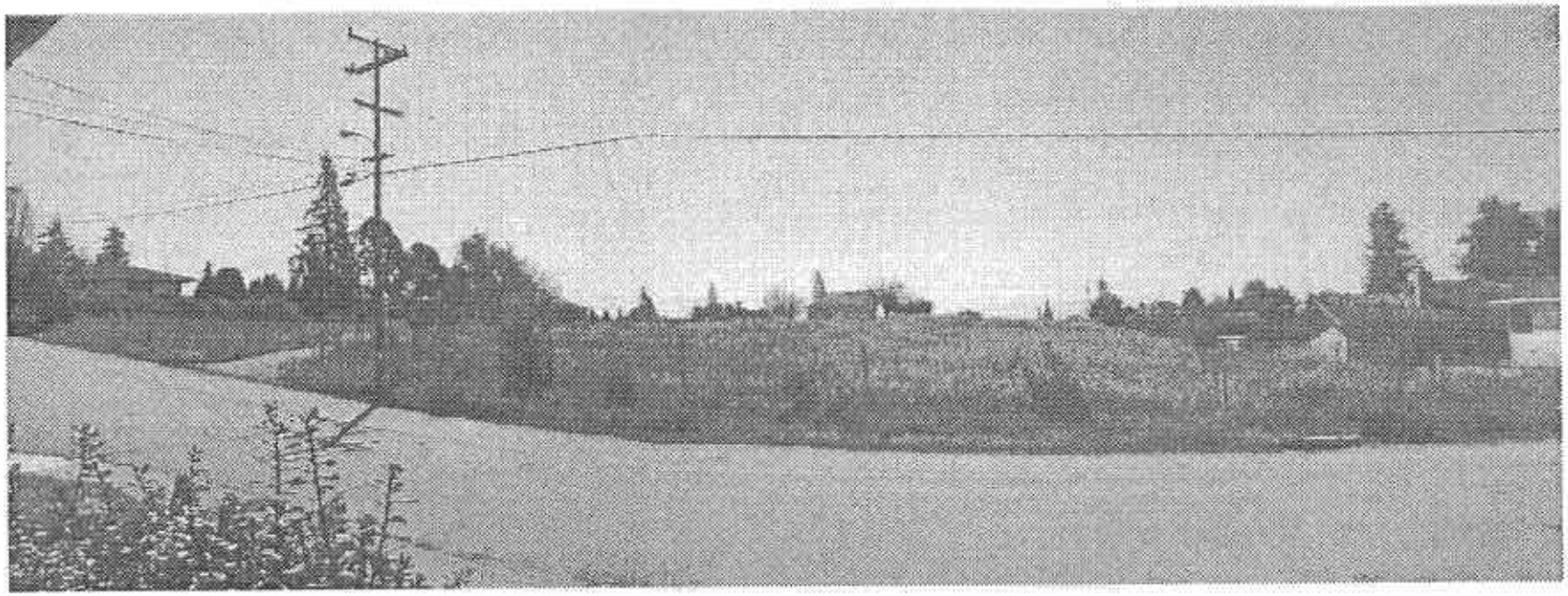
D. EVALUATION OF ENVIRONMENTAL EFFECTS

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

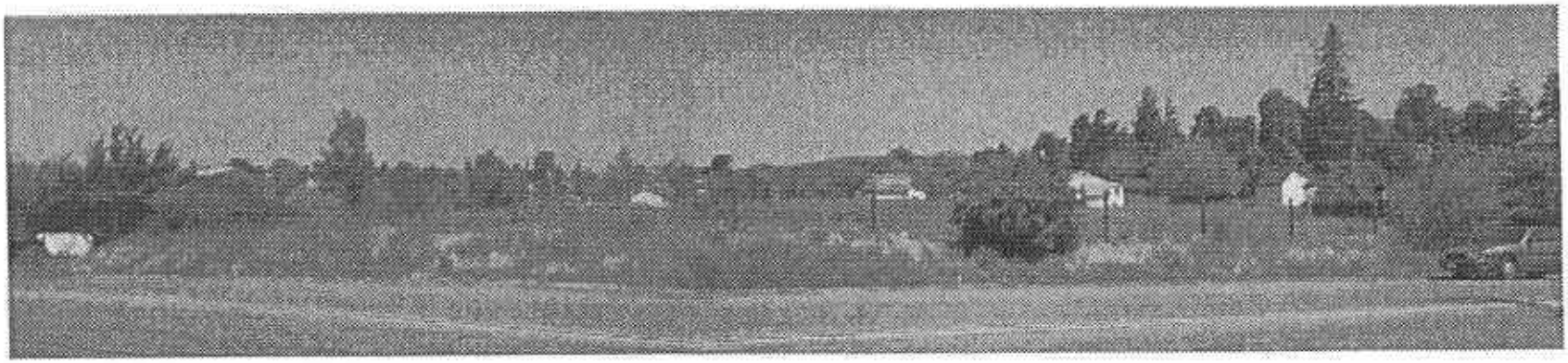
Scenic Vistas. Views of the project site and the surroundings from four different vantage points are shown in **Figures 11** and **12**. As shown in the photographs, the project site is located within a developed residential area, at an elevation that is not especially high or otherwise prominent from heavily-traveled streets or parks. From Malabar Avenue, near Judy Street (see **Figure 11**, first view), looking south across the site, its topography forms a small plateau beyond which can be seen open sky, but no distant mountains, the Bay, or adjacent development. However, from the northeast corner of the development area (i.e., excluding the remainder Alcorn lots) on the left hand side in **Figure 12**, second view), about 150 feet eastward and uphill from Judy Street along Malabar Avenue, Castro Valley and the El Portal ridgeline are clearly visible. Although overhead utility wires and adjacent development compromise and limit the quality of the view, it may be considered a vista for a few local residents. From the elevated end of Judy Street 300 to 600 feet north of the site, the moderate amount of open space and the existing cottage on the site are visible, and form the terminus of a view corridor for Judy Street residents. From the south, as shown in **Figure 12** (first view), looking northwards across the site from Seven Hills Road (and northwards from the Castro Valley Adult School parking lot) the upper hills north of Castro Valley are visible, but are not especially prominent. Trees around the site obstruct most long distance views from this and other locations around the site. The site itself has no unusual topographic or other natural features that merit preservation, except for the taller trees visible on the right hand side in **Figure 12** (first view), which include a large, mature redwood tree in the rear of the Alcorn yard. This redwood and several nearby trees are recommended for preservation, as discussed below, under the heading of Biological Resources.

Redwood Road, about 400 feet west of the site is designated as a County scenic route in the County *Scenic Route Element*, and development along this roadway is therefore subject to certain guidelines. However, neither Seven Hills Road nor Malabar Avenue are designated as scenic routes, and the site is too distant from Redwood Road for it to be subject to the guidelines of the *Scenic Route Element*.[5] The *Castro Valley Plan* (a part of the County General Plan, adopted in 1985) identifies the open space on the upper hillsides around the area as the principal scenic resource of the area. The *Plan* also establishes policies (referred to as "principles") under the heading of General

[5] Alameda County, *Scenic Route Element of the General Plan*, May, 1966, as amended, p. 5.

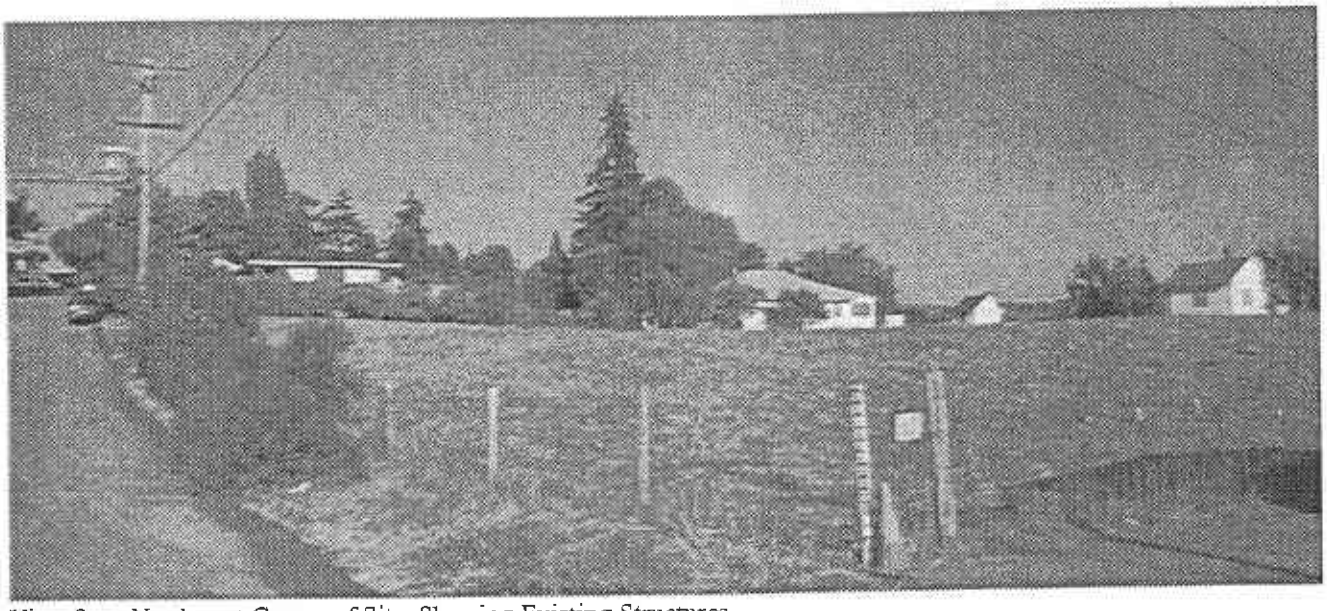


View to South along Malabar Avenue, West of Judy Street

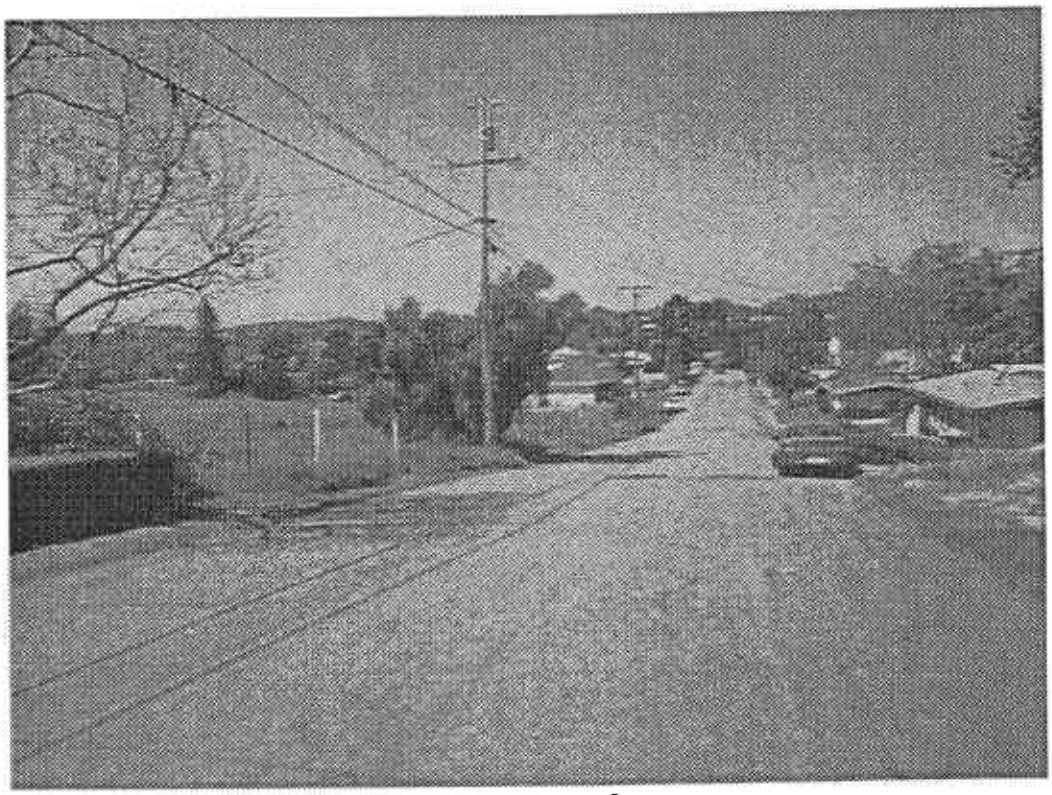


View to North along Seven Hills Road

Figure 11
Views of Site and Surroundings - Set 1



View from Northwest Corner of Site, Showing Existing Structures



View to West Along Malabar Avenue, West of Pepper Street

Figure 12
Views of Site and Surroundings - Set 2

Development Policies (Principle 3.9 under the subheading "Scenic and Aesthetic Qualities") that direct development to emphasize unique natural features, including vistas and unusual topography, and protect and enhance scenic views from established scenic routes. Principle 3.12 also states that scenic views from major pedestrian, bicycle and automobile routes should be protected wherever possible.[6]

For the purpose of this analysis, a "substantial adverse effect on a scenic vista" would normally result if the view affected were on a scenic route, from within a public park or public institution, provided an especially wide or unique view, or is a notable destination within the neighborhood. In addition, the *Castro Valley Plan* provides guidance on thresholds of significance, such that loss of unique vistas from major pedestrian, bicycle and automobile routes may be considered a conflict with the policies of the *Plan* and a substantial adverse effect.

In the case of the proposed project site, none of these criteria apply. The site is not alongside or visible from a designated scenic route, and the northward view from the Adult School parking lot is not considered important because the Castro Valley hills are largely concealed by existing development and trees. The view across the site from Malabar Avenue is fairly wide, but not particularly unique. A comparable view to the south is available from the south and front side of the adjacent Castro Valley Adult School, which does meet the criteria of a major public destination. The project site is not a notable destination for the neighborhood, and Malabar Avenue is not a major pedestrian, bicycle or automobile route.

The construction of homes on the project site, potentially up to 25 feet high along Malabar Avenue, would obscure the vista to the west and southwest from the northeast corner of the development area, adjacent to Malabar Avenue. The degree of obstruction could depend on which alternative is approved. Under Alternatives 1 and 2, the homes along Malabar Avenue would be set back a minimum of 20 feet from the front property line along Malabar Avenue, thus preserving a portion of the view along the street to the west. Under Alternative 3 (and 3A), the homes would face the Judy Street extension, and the sideyard setback from Malabar Avenue would be only 10 feet, as required by the R-1 District for a corner lot. However, because the view does not meet the criterion of a notable scenic vista, all of the alternatives would have a ***less than significant*** impact on a scenic vista. In addition, consistent with the requirements of the County Subdivision Ordinance, the existing overhead utility poles along Malabar Avenue would be required to be placed underground, which would enhance the view corridor to the west.

Scenic Resources/State Scenic Highway. The project site is not located adjacent to a state scenic highway, and therefore there would be ***no impact*** on such scenic resources.

Visual Character. The surrounding area consists of single family homes with some institutional uses, including a large church and synagogue to the west and the Castro Valley School District Adult School to the south. The residential area is characterized by irregular lot patterns of varying depth and width, ranging typically between 50 and 75 feet wide, and 100 to 150 feet deep, but with some very limited exceptions. On three sides of the site, along Seven Hills Road, Malabar Avenue and Pepper Street, there is no established lot pattern, and homes in these directions are the most variable, with a wide mixture of architectural styles, often characterized by additions, garage conversions and a mixture of single-story ranch and two-story homes. Due to sloping sites in these areas there are numerous split level homes or homes with steeply sloping front yards that result in homes with a higher profile and mass. However, to the north along Judy Street, which has a comparatively gentle slope north of Malabar Avenue, there is a noticeably more homogenous area of single story homes that were built as part of a common subdivision during the mid-1950s. These Judy Street lots are also highly uniform, and among the smallest lots in the area. The

[6] Alameda County, *Castro Valley Plan* (a part of the Alameda County General Plan), adopted by the County of Alameda Board of Supervisors, April 4, 1985, p. 11, pp. 35-37.

Judy Street area is also developed with sidewalks, including a portion along Malabar Avenue, whereas there are almost no sidewalks to the east, south or west of the site. A series of photographs of the general area, including the style of the various one-story, split-level and two-story homes in the vicinity, are shown in **Figures 13, 14** and **15**. **Figure 16** shows the location of homes with one story, split-level and two stories within the area defined by the Initial Study as the "close-in neighborhood" around the site, as well as the general location and direction of the views in **Figures 13, 14** and **15**.

In general the homes in the area range between 20 and 50 years in age. A few newer homes have been constructed on stem lots. The homes typically have front and side yard setbacks that comply with the R-1 (Single Family Residential) zoning of the area (i.e., 20 feet front and 5 to 10 feet on each side). Vegetation is mature and large, including both trees and shrubs, but overhead telephone poles and wires are prominent. The gently rolling hills are also a major feature of the area, as are the occasional long distance views. The largely vacant project site, with just a few abandoned residential and other structures, is a unique feature of the existing area, and not typical of the general area. The relative historic importance of the site and the structures are discussed in the Initial Study under the heading of Cultural Resources.

The *Castro Valley Plan* provides specific guidance on the way in which development should avoid disruption of the visual character of an area. Principle 3.9 of the *Plan* (General Development Policies, Scenic and Aesthetic Qualities policies), in addition to the guidance on protection of scenic views (discussed above), states that development should be planned and built to fit with and take advantage of the site and area conditions. Specifically, development should:

- Be compatible with surroundings in design, materials and landscaping;
- To the extent possible, retain man-made features of local and community-wide significance;
- Provide for siting and grouping of structures to complement each other and create a sense of place;
- To the extent possible, preserve natural vegetation, especially large mature trees;
- Use landscaping to blend structures with the natural landscape;
- Minimize grading for streets where it results in apparent scarring of hillsides; and
- Provide landscaping, lighting and street furniture appropriate for the scale and character of the development.[7]

For the purpose of this discussion, a significant adverse impact on visual character would be defined as the introduction of a use or structure that is clearly offensive in appearance or contrasts to an extreme degree with its surroundings, such as an open junkyard, open storage of raw materials, deteriorated materials, or an extreme change in land use and parcel characteristics. Clearly evident conflict with the *Castro Valley Plan* policies on visual character may also be considered as an adverse impact on visual character.

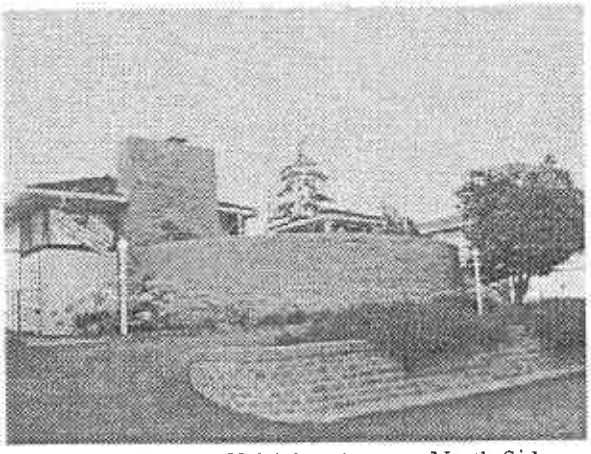
Public Comments on Aesthetic Compatibility of Project with the Neighborhood. Following the original presentation of the project proposal to the Municipal Advisory Council, residents in the area submitted comments on various aspects of the project, including potential changes to the visual character of the area. The paraphrased comments and responses to these comments are provided below in **Table 2**.

[7] Ibid., pp. 35-36.

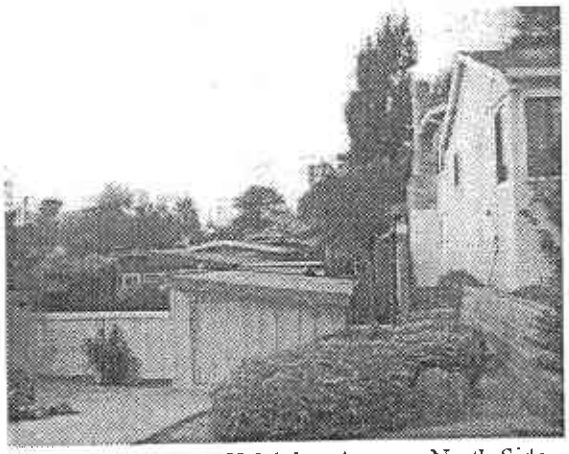
10-A: 4500 Block of Malabar Avenue, South Side

10-B: 4500 Block of Malabar Avenue, North Side (Private Court)

10-C: 4600 Block of Malabar Avenue, South Side (Alcorn Residence)

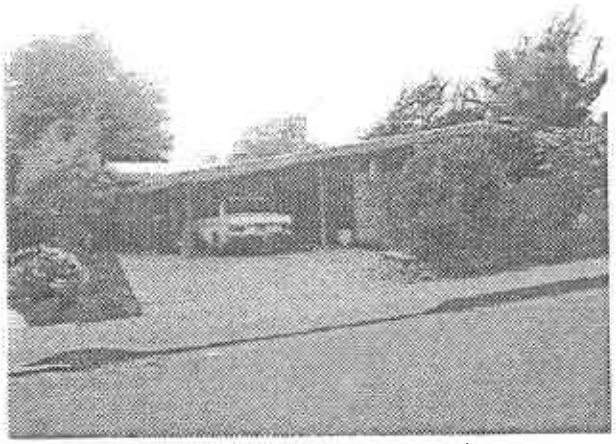


10-D: 4500 Block of Malabar Avenue, North Side

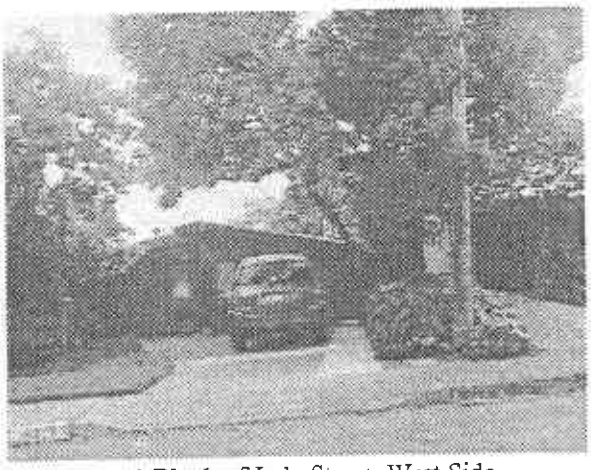


10-E: 4600 Block of Malabar Avenue, North Side

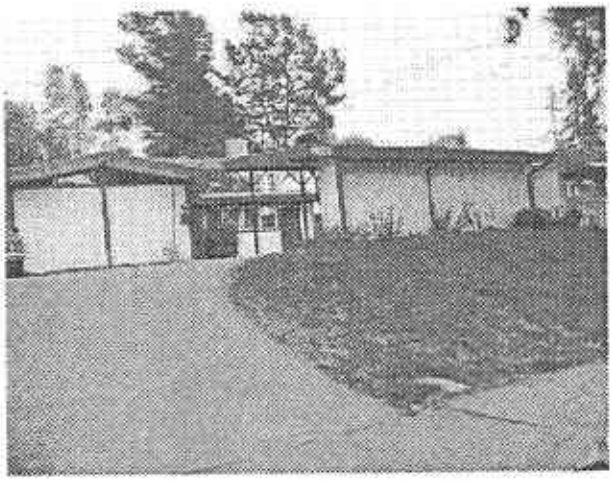
Figure 13
Representative Building Styles of Residences in Project Vicinity - Set 1



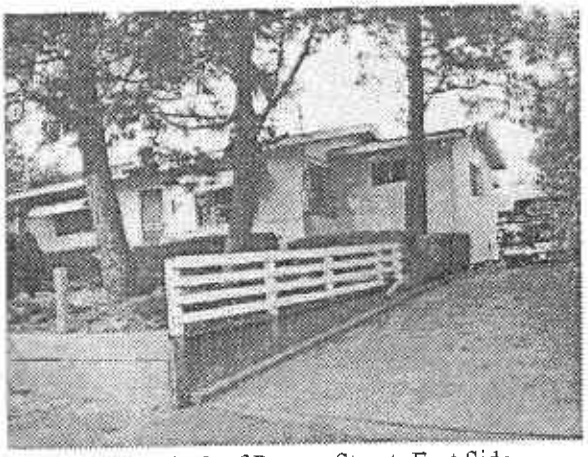
11-A: 18200 Block of Judy Street, West Side



11-B: 18400 Block of Judy Street, West Side

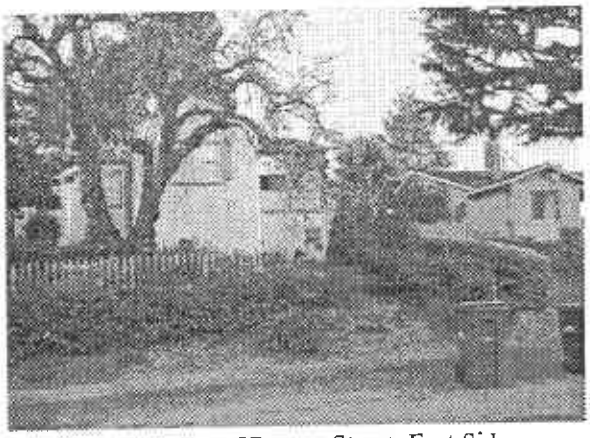


11-C: 18200 Block of Judy Street, East Side



11-D: 18300 Block of Pepper Street, East Side

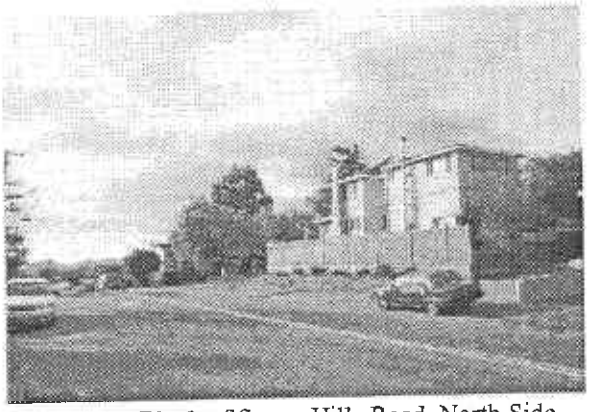
11-E: 18300 Block of Pepper Street, West Side



11-F: 18400 Block of Pepper Street, East Side

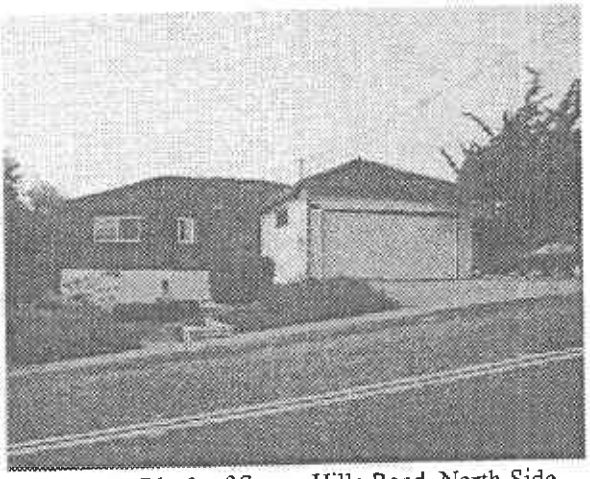
Figure 14
Representative Building Styles of Residences in Project Vicinity - Set 2

12A: 4500 Block of Seven Hills Road, North Side

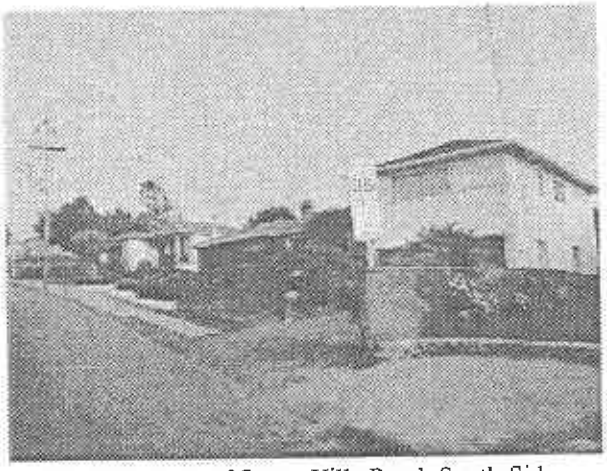


12-B: 4600 Block of Seven Hills Road, North Side

12-C: 4500 Block of Seven Hills Road, North Side



12-D: 4500 Block of Seven Hills Road, North Side



12-E: 4400 Block of Seven Hills Road, South Side

12-F: 4400 Block of Seven Hills Road, North Side

Figure 15
Representative Building Styles of Residences in Project Vicinity - Set 3

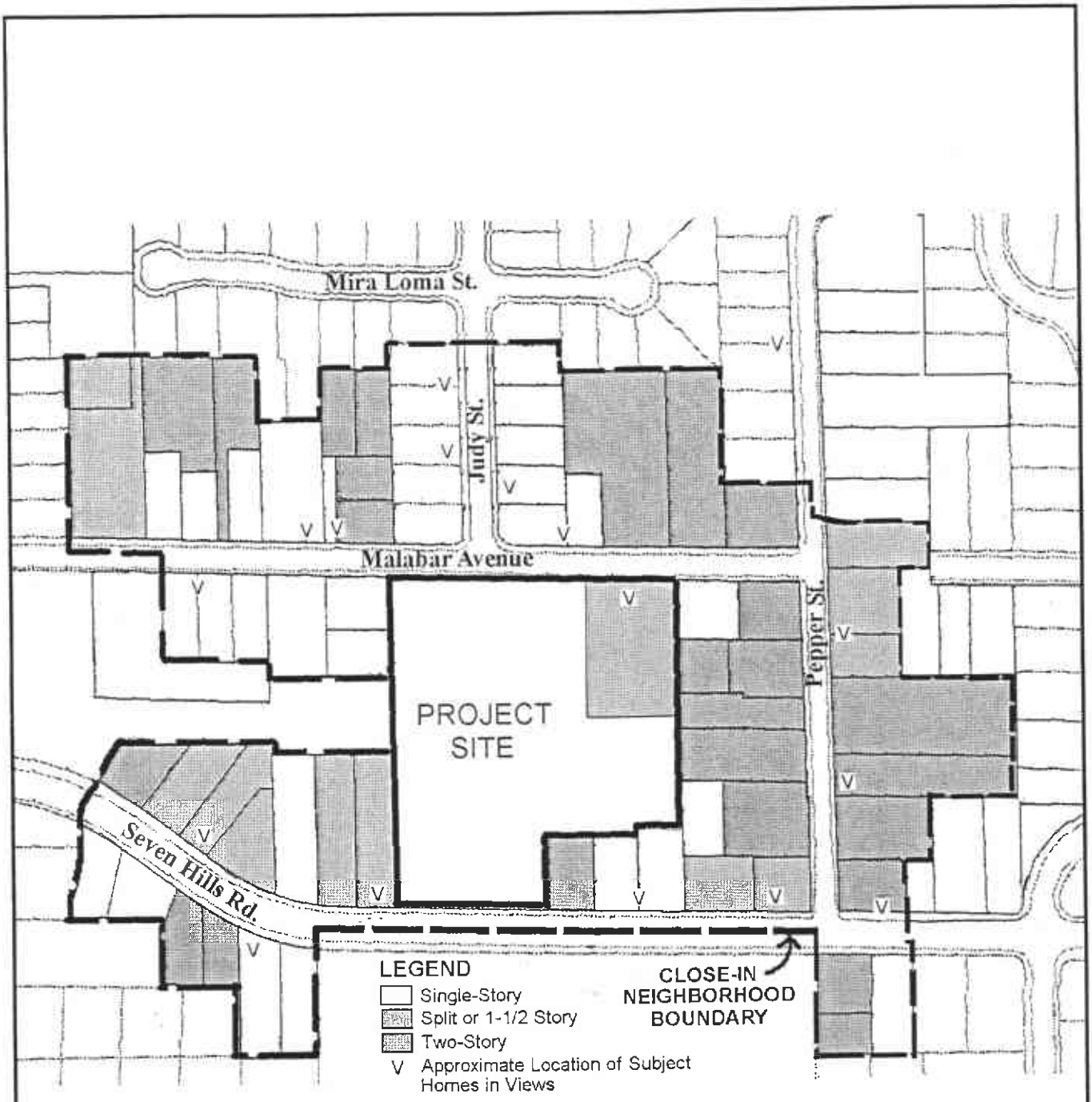


Figure 16
Residential Height Characteristics in Close-in Neighborhood

Table 2
Comments and Responses Regarding Aesthetic Compatibility of Project

Public Comment[8]	Response to Comment
The proposed two-story homes on the project site would not be compatible with the majority of houses in the neighborhood. (Petition, Davis/Irving)	Comment noted. Although there is a group of single-story homes along Judy Street, there are also numerous two-story homes in the area, as well as many split level type homes that are generally greater in height than single-story homes. See **Figures 13** through **16**.
The anticipated two-story homes on the site would contrast inappropriately with the single story homes that exist on Judy Street near the project site. (Milward, Athan, Hersch)	Comment noted. The proposed mixture of one- and two-story residences on the site will be consistent with the mixture of these types of houses that surround the site. The structures on the site are required to be compatible in scale, bulk and siting with surrounding residential uses While Alternative 3 would continue the existing lot pattern along Judy Street north of Malabar Avenue to the south of Malabar Avenue, it would contrast with the existing single-story homes north of Malabar Avenue. See further discussion in the general text.
The proposed residential structures should be consistent with the appearance and "square footage" [or floor area][9] of homes in the surrounding area. (Sadoff)	Comment noted. The floor area of new homes within a new subdivision is a function of the lot size, required setbacks, and economic conditions. Limits on the size of new homes is beyond the normal scope of the Zoning Ordinance.
Planning Department staff should have told the applicant that two-story homes might not be acceptable in a one-story neighborhood. (Milward)	The existing R-1 zoning permits two-story structures, and there-fore there would be no reason to advise the applicant that such structures would not be acceptable.
Twenty-one two-story homes on 5,000 square foot lots would appear out of character and loom over adjacent homes. (Milward)	The number of new homes has been reduced to a maximum of 19, and the average lot size would be between 6,700 and 7,200 square feet, depending on the alternative configuration. See further discussion in the general text.
Homes may have high surrounding walls. (Hersch)	No surrounding walls have been proposed. The maximum height of fences and walls permitted by the Zoning Ordinance is six feet (around rear and side yards, with some exceptions).
The new homes are within a zone district which permits the parking of recreational vehicles. (Blake)	Comment noted. Recreational vehicles are allowed to be parked throughout the surrounding area, and therefore there is no special dispensation for the applicant or future residents.
The new structures on the site would obstruct views from existing residences along Pepper Street. (Davis/Irving)	Comment noted. Some individual views from area residences could be obstructed. However, development to the maximum permitted height and in conformance with setback requirements is permitted on both the project site and its surroundings, and protection of private views does not extend beyond that provided by these restrictions. Protection of private views is not an objective or a criterion for evaluating proposed development. See discussion in the general text.
Homes should be restricted to one-story in height in order to protect the views enjoyed by neighboring residents. (Davis/Irving)	Comment noted. See discussion immediately above and in the general text.

[8] Copies of the original letters are available from the Planning Department.

[9] Floor area is the assumed meaning of "square footage".

The proposed subdivision would not introduce any offensively-appearing structures or uses to the area, and the future residents of the development would be required to conform to the County Neighborhood Preservation Ordinance for maintenance of yards and avoidance of storage of raw materials or junk. The project as a whole would not result in an extreme change in use or parcel characteristics inconsistent with the surroundings, although as discussed in detail under the heading Land Use and Planning, some of the individual parcels may be narrower than the prevailing nearby lots, in conflict with the lot size consistency requirements of the *Castro Valley Plan*.

The project would clearly change the visual character of the parcel itself, but mainly in the introduction of a new small neighborhood of new homes with new, young landscaping. It is likely that any new development on this would contrast with the character of surrounding development that has matured over several decades. However, depending on the style of home placed on those lots on the northern and southern peripheries of the site, the actual effect may range from innocuous to highly objectionable. As shown in **Figures 7, 8** and **9**, the developer proposes to construct a mixture of one- and two-story homes, as well as some "loft-style" homes with a limited upper story floor area. The greatest potential for a severe contrast between the new homes and the existing older homes would most likely result between new two-story development and the prevailing one-story character of homes along Malabar Avenue and Judy Street. Under Alternative 1 five new residences are proposed along Malabar Avenue with an average lot width of 59 feet; if each of these lots were developed with two-story homes, reaching the maximum permitted height of 25 feet and located at the minimum setback of 20 feet, the contrast from the surrounding area would be ***potentially significant***. A similar adverse effect could result from the four lots proposed along Malabar Avenue under Alternative 2 (and 2A), although the effect would be less striking due to the new street. A ***potentially significant*** impact of Alternative 2/2A (at least equivalent to the effect of all two-story homes along Malabar Avenue under Alternative 1) would be the effect of all two-story homes along Seven Hills Road.

Under Alternative 3 (and 3A) there would be no impact because only two lots would border Malabar Avenue, and they would face the Judy Street extension. The comparative increase in height of potential two-story homes over the existing one-story homes is not significant by itself, but in combination with the comparatively narrower lots. With regard to the project site overall, however, it should be recognized that all residents are permitted to build up to 25 feet in height, and have the same setback requirements. There are clearly a substantial number of two-story and split-level homes in the vicinity, and the potential two-story homes would be consistent with these existing homes.

- **MITIGATION MEASURE 1: Height Limitations.** If Alternatives 1 or 2 (or 2A) are selected, the developer should be required to limit the number of two story residences, including the loft-style design, on the lots located along Malabar Avenue and Seven Hills Road to a maximum of two along each of these streets.

Implementation of Mitigation Measure 1 would reduce the potential impact of a concentration of two-story homes in an area of mixed one- and two-story homes to a ***less than significant*** level.

In all other respects, the proposed project is expected to create a new small neighborhood within which, under any of the alternatives, the new residences would be sited and grouped in a manner that is complementary and compatible with nearby development. The use of cul-de-sacs under Alternatives 1 and 2, from the perspective of the applicant, would enhance the sense of place, whereas the wider Judy Street extension proposed under Alternative 3 would somewhat isolate the two halves of the development on either side of Judy Street. However, the limited variation in sense of place among the alternatives would not result in adverse environmental effects on visual character. Although the conceptual design, materials and landscaping for the development are illustrated in **Figures 7, 8** and **9**, the designs are subject to alteration. As a condition of approval the developer should be required to

submit detailed landscape plans and material boards to indicate how compatibility with the design characteristics of adjacent development will be assured.

As discussed below under the heading of Biological Resources, there are several mature trees on the property which are appropriate for preservation. The actual loss of trees which would result would vary among the alternatives. Mitigation Measure 5, discussed below, would provide guidelines for preserving trees on the property. A landscape plan which complements the trees to be preserved, and which includes lighting and street furniture appropriate for the project's scale, may be required as a condition of approval. There are no highly visible, major hillsides which would be affected by the grading required for the project streets. In overall terms, although a noticeable contrast in the age of structures would result, based on the thresholds of significance, the impact on visual character would be ***less than significant***. However, as discussed under the heading Land Use and Planning in this Initial Study, the project may conflict with policies in the *Castro Valley Plan* related to design, such that specific design limitations could be adopted as a condition of approval. lot size consistency

Light and Glare. The area is currently lit only moderately with street lights. The Subdivision Ordinance requires street lighting for new subdivisions, which could have a potentially adverse effect on nighttime light levels. Minimal nighttime light levels (i.e, discernable darkness), for comfortable sleeping and starlight visibility, are desirable features of the residential area. Street lighting and individual home lighting in the proposed subdivision, including any of the alternative lot and street configurations, could result in ***potentially significant*** impacts on the aesthetic quality of the neighborhood.

- **MITIGATION MEASURE 2: Lighting Plan.** The subdivision shall provide for a Lighting Plan with proper lighting fixtures and installation, including the use of full cut-off light fixtures (i.e., fixtures that do not radiate any light above the horizontal), motion sensitive exterior lighting circuits to provide light only when needed, recessed lighting where small areas require lighting. In addition, correct installation of all lighting shall ensure that light does not radiate beyond site boundaries either horizontally or upward, and ensure that light trespass on adjacent properties is minimized.

Implementation of Mitigation Measure 2 would reduce the lighting impact to a ***less than significant*** level.

Environmental Factors and Focused Questions for Determination of Environmental Impact	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
II. AGRICULTURE RESOURCES. Would the project:[10]				
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?	☐	☐	☐	☑
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☑

[10] 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.

Environmental Factors and Focused Questions for Determination of Environmental Impact	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☑

Agricultural Resources. The site is slightly less than four acres in size, and the project represents infill development in a largely suburban area. Neither the site nor any adjacent land is located on any map of prime, unique or other protected category of farmland, including lands under Williamson Act contracts. The site was previously used as a chicken farm, and contains some outbuildings related to that use, but the farm use has been discontinued for several decades. There would be ***no impact*** on agricultural resources.

Environmental Factors and Focused Questions for Determination of Environmental Impact	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
III. AIR QUALITY. Would the project:[11]				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☑	☐	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☑	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☑	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☑
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☑

Air Quality. The project site is subject to the Bay Area Clean Air Plan (CAP), first adopted in 1991, and updated in 1994, 1997 and 2000 by the Bay Area Air Quality Management District (BAAQMD).[12] The Bay Area is currently designated as an "attainment" area for the federal standards for carbon monoxide (CO), sulphur dioxide (SO2), nitrogen dioxide (NO2) and particulate matter (PM-10), and is designated as "non-attainment" for both federal and state ozone standards. Under the state standards, the region also has "attainment" status for CO, SO2, and NO2,

[11] Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make determinations regarding specific air quality impacts.

[12] Bay Area Air Quality Management District, *Bay Area '97 Clean Air Plan (CAP)*, December 1997.

but is "non-attainment" for the state PM-10 standard.[13] Small projects which generate less than 550 pounds per day of CO, or 80 pounds per day of reactive organic gases (ROG, which contribute to the formation of ozone), nitrogen oxides (NO_X), or PM-10 due to construction activity (dust and exhaust from construction equipment) or from vehicle trips are considered as generating less than significant air pollution, and as consistent with the CAP. However, based on the BAAQMD estimate that an apartment complex of 530 units could exceed the threshold of 80 pounds per day of ROG on an operational basis due to vehicle trips generated, the proposed 18- to 19-unit subdivision project would generate ***less than significant*** direct operational increases in criteria pollutants.

Project Construction Impacts. The project would result in short-term air quality impacts due to the generation of particulate matter, both by diesel construction vehicles and equipment, and disturbance of soils through excavation, grading, and construction vehicle travel on unpaved surfaces and tracking of soils onto paved roads. The BAAQMD does not require quantitative analysis of the construction impacts of projects, but instead considers the failure to implement appropriate dust control measures to be a ***potentially significant*** impact, and to conflict with the current Bay Area CAP.

- **MITIGATION MEASURE 3: Dust Control Measures.** The project applicant shall prepare and implement a construction dust mitigation plan. An appropriate dust mitigation plan shall, at a minimum, include the following:
  - Provision of equipment and staff for watering of all exposed or disturbed soil surfaces, as well as parking and staging areas, at least twice daily, with an appropriate non-toxic dust palliative or suppressant added to the water before application;
  - Covering of all soil, sand, debris or other loose material being transported in trucks;
  - Watering or covering of stockpiles of debris, soil, sand or other materials that can be blown by the wind;
  - Suspension of dust-generating activities during periods of high wind (over 15 mph);
  - Completion of landscaping at the earliest possible date; and
  - Regular sweeping of paved construction area of all mud and debris, and on adjacent streets if visible.
  - County ordinances and policies require the Applicant or successor to control dust and keep adjoining public streets and private drives clean of project dirt, mud, materials and debris, to the satisfaction of the Director of Public Works. All construction Best Management Practices (BMP) shall be used.

The implementation of Mitigation Measure 3 would reduce the impact of dust from construction of the project to a ***less-than-significant*** level.

Cumulative Impacts. Projects which result in measurable increases in air pollutants, even if their direct impact is less than significant, may contribute cumulatively to regional increases in air pollutant emissions, and existing violations of clean air standards. However, the BAAQMD considers projects that are within jurisdictions with general plans that are consistent with the 2000 CAP (based on inclusion of appropriate policies aimed at reducing emissions), are also considered to be consistent with the CAP.[14] The Castro Valley Plan, incorporated into the

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13 Bay Area Air Quality Management District, "Bay Area Attainment Status", January 2002 (obtained at BAAQMD website: www.baaqmd.gov - see index, Attainment Status).

14 Bay Area Air Quality Management District, *BAAQMD CEQA Guidelines: Assessing the Air Quality Impacts of Projects and Plans*, April 1996, p. 23-24

Alameda County General Plan, is considered to be consistent with the Bay Area CAP, and therefore the proposed subdivision would have a ***less than significant*** cumulative impact on air quality.

In summary, the project as mitigated would not conflict with or obstruct implementation of the Bay Area CAP, violate or contribute to existing or projected air quality violations, or result in cumulative increases of criteria pollutants. In addition, although the project site is located adjacent to the Castro Valley Adult School, which is defined as a sensitive receptor due to enrollment of physically-challenged persons, the project would not expose the school grounds or its occupants to substantial concentrations of pollution. The project would also not generate any unusual odors (or be located in an area with undesirable odors). Therefore, the project would have ***no impact*** on sensitive receptors or as a result of objectionable odors.

Environmental Factors and Focused Questions for Determination of Environmental Impact	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
IV. BIOLOGICAL RESOURCES - Would the project:				
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?	☐	☑	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☐	☑
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?	☐	☐	☐	☑
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?	☐	☑	☐	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☑
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?	☐	☐	☐	☑

Biological Resources. The site is a small area of less than four acres in a developed, suburban environment. The site is likely to provide habitat to rodents, small mammals and bird life, typical of a suburban area, with some characteristics typical of where rural and urban uses intersect. The site is a lower ridge above a branch of San Lorenzo Creek, and does not contain wetlands or other riparian habitat. The site was apparently used for minor amounts of poultry production, but has not been recently farmed or disced. In addition to about a dozen trees on the site, ground cover consists primarily of non-native weeds.

A site reconnaissance by a field biologist was conducted on February 22, 2001 by Sycamore Associates, LLC. The field study, incorporated into this Initial Study by reference, determined that the site does not contain any remnants of natural plant communities. Dominant plant species included wild oats, ripgut brome, Italian ryegrass, bristly ox-tongue, field mustard, white-stemmed filaree, common vetch, dovesfoot geranium and wild lettuce. The only native plant species were California poppies and young coast live oaks. The only special status animal species likely to occur on the site would include raptors (e.g., owls, hawks) and passerines (e.g., woodpeckers, nuthatches), which could nest in any of the larger trees on the site. In addition, protected or special-status species of bats may inhabit cavities in some of the trees or in the abandoned outbuildings.[15]

None of the site supports any animal or plant habitats under the jurisdiction of either the California Department of Fish and Game or U.S. Fish and Wildlife Service, and development would not require Clean Water Act permits (such as Section 401 or 404 permits), or state Fish and Game Code permits (Section 1603 permits). There would be ***no impact*** on any federally-protected wetlands (as defined by Section 404 of the Clean Water Act), riparian habitat or other sensitive natural community regulated by the California Department of Fish and Game or the U.S. Fish and Wildlife Service. There are no adopted Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans which the project would affect.

Based on the site reconnaissance findings of potential raptors and passerines nesting in the trees on the site, development of the site could have a ***potentially significant*** impact on some candidate, sensitive, or special status species recognized by state and federal law, including the Migratory Bird Treaty Act, the federal Endangered Species Act, the California Endangered Species Act, and the California Fish and Game Code.

- **MITIGATION MEASURE 4: Pre-Construction Bird Species Survey.** A survey shall be conducted by a qualified biologist prior to any tree removal or initiation of grading, to ensure compliance with the Migratory Bird Treaty Act, the federal Endangered Species Act, the California Endangered Species Act, and the California Fish and Game Code.

Implementation of Mitigation Measure 4 would reduce the potential impact on special-status birds to a ***less than significant*** level. As a somewhat isolated parcel in a developed suburban area, and at a distance from riparian habitat, the project would have a ***less than significant*** impact on the migratory movement patterns and corridors of native migratory wildlife species.

[15] Sycamore Associates, LLC, *Biological Reconnaissance - Malabar Property, Castro Valley*, March 14, 2001.

Local Tree Preservation Policies. The *Castro Valley Plan*, part of the Alameda County General Plan, provides policies (Principle 3.9 of the *Plan*) that state that new development should, "To the extent possible, preserve natural vegetation, especially large mature trees."[16] Although the *Castro Valley Plan* does not provide a specific standard, any tree with a diameter of 30 inches or greater measured 4.5 feet above ground, or a native species (e.g., coast live oak, coast redwood) with a diameter of 20 inches (measured at the same height) is considered a large tree under the *Fairview Area Specific Plan*, also a part of the Alameda County General Plan.[17]

A *Tree Report* was prepared by HortScience, Inc., in February, 2001, to survey the existing trees on or overhanging the site, assess the project impacts on the trees, and define tree preservation guidelines for construction activity. The *Tree Report*, incorporated into this Initial Study by reference, identified 28 trees on or immediately adjacent to the property, including 8 trees within the property owner's yard area, which is not currently planned for development, and 3 trees in other yards bordering the site which could be damaged by construction activity. These 28 trees represent 14 species, including in order of prevalence, 6 almond trees, 4 coast live oak (the only species native to the immediate area), and 3 each of European white birch and coast redwood (native only to upper hills in this vicinity). Almost half of the trees (12) are grouped near the rear of the owner's yard area, while the other 16 trees are generally scattered around and within other portions of the development area. All 11 of the trees outside of the development area were considered to be in good to fair condition. The eight trees in the owner's yard include a 37-inch diameter coast redwood in good condition, two younger coast redwoods (under 20 inches in diameter), a 28-inch diameter Canary Island pine, a Bailey acacia, and two cherry trees. Three other adjacent properties contained two junipers and an almond tree, all in good condition.[18]

Of the 17 trees within the site development area, six trees were in poor condition that could not be abated with treatment. Five of these six trees, including three almond trees, a plum, a black mulberry and a coast live oak, have diameters of between 6 and 19 inches, while the mulberry has a diameter of 35 inches. However, the mulberry is characterized in the *Tree Report* as split, with decay in the trunk and some branches, and a falling crown. The coast live oak has a suppressed crown and leans about 90 degrees at only 2 feet above ground. All of the almond trees were characterized as having multiple attachments at their base, with poor branch structure and crown dieback.

Of the other eleven trees in the development area, five were rated as having good health, structural stability, and high potential for longevity. The other six were rated by the *Tree Report* authors as having moderate health which may require more intense management and monitoring, and may have shorter life spans, but which could be preserved. The five "good" trees include three coast live oak, a European white birch, and an olive, with diameters of between 6 and 15 inches, although one of the coast live oak has four separate trunks at its base each of which are 5 to 6 inches in diameter. The six trees in "moderate" condition include the other two European white birch trees, two almond trees, an apple tree and a California pepper tree, with diameters of 7 to 15 inches.

The *Tree Report* indicated that adverse effects on trees may result from injury due to direct grading activity, indirect soil and drainage changes, and severance of roots during excavation. Based on the parcel map and proposed grading plan provided to the *Tree Report* authors (dated January of 2001, and therefore somewhat different from the alternatives under review in this Initial Study), eight of the eleven trees on the site in good or moderate health would need to be removed due to their location within the area of proposed roadways, building pads, utility lines or retaining walls. The six trees in poor condition were also recommended for removal. However, preservation of the

16 Alameda County, *Castro Valley Plan*, pp. 35-36.

17 Alameda County, *Fairview Area Specific Plan*, a part of the Alameda County General Plan, September 4, 1997, pp. 12-13.

18 HortScience, Inc., *Tree Report, Alcorn Property, Castro Valley, CA*, February, 2001, pp. 2, 6, Tree Survey Map, Tree Survey.

three European white birch was recommended due to their good to moderate condition, tolerance for construction activity, and location away from proposed roads, building pads, or retaining walls. In addition, the eleven trees outside of but overhanging the development area were recommended for preservation and protection in the *Tree Report*. Among all the trees reviewed in the Report, the 37-inch diameter coast redwood is the tree that best fits the profile of a large, mature tree that should be preserved. However, the *Castro Valley Plan* policy encourages preservation of all natural vegetation to the extent possible. Preservation of any off-site tree, unless it were determined to be a safety hazard, is normally considered possible and preferable. Public comments received on the *Tree Report* also expressed a strong desire for the maximum number of trees to be preserved in order to maintain compatibility of the future development with the mature trees that exist in the surrounding neighborhood.

The currently proposed alternatives differ from the plan as proposed in January 2001 in varying degrees. In addition to modified street layouts and different lot patterns, some previously proposed retaining walls have been eliminated or reduced. Under the January 2001 plan, preservation of the three European white birch would have required one lot to have a roughly 20-foot wide side yard setback on one side and/or a 45-foot partial front yard setback. In comparison with the current alternatives, the three birch trees could be retained with similar requirements on lot 16 under Alternative 2 (or 2A), or with inclusion in the rear yard of lot 4 (with some adjustment) under Alternative 1. Under Alternative 3 (or 3A), their preservation would require a 40-foot front yard setback in lot 17, which may not be feasible. The applicant has indicated that preservation of the three birch trees is not feasible, but that the preservation of the oak trees in good or moderate condition may be feasible, depending on the alternative selected and the final development plans.

Any damage to the larger coast redwood occurs as a result of the project would represent a ***potentially significant*** impact. Damage to any other off-site tree, or removal of the on-site trees, would have a ***less than significant*** impact on or conflict with the policies of the *Castro Valley Plan* regarding tree preservation, because these other trees do not meet the standard used in the *Fairview Area Specific Plan*. Although not required by the environmental review, preservation of the native coast live oak trees, and the other trees in good or moderate condition should be considered as a condition of approval, if possible under the adopted alternative. The *Tree Report* provides specific guidelines on tree preservation which are incorporated herein as mitigation for any potential off-site tree impacts, and as guidance for conditions of approval.

- **MITIGATION MEASURE 5: Tree Preservation Guidelines.** The developer should incorporate the recommendations of the *Tree Report* prepared by HortScience, Inc., in February of 2001, including measures to preserve the eleven off-site trees, and if feasible based on final improvement plans, the three on-site European white birch trees and three on-site oak trees in good condition. Because the approved plan will be different from the January 2001 plan used by the consulting arborist, the arborist should review the Alternative plan selected for implementation, and should also review final plans, including utility and drainage plans, landscape and irrigation plans, retaining wall plans, and demolition plans. Tree preservation measures identified in the *Tree Report* include establishment of tree protection zones with appropriate fencing, exclusion of all grading or material storage of any kind within the protection zones, limits on herbicide use, branch and root pruning of trees to be preserved where adjacent to construction activity, use of mulch, supplemental irrigation as directed by the arborist, and appropriate engineering of pavements and foundations to account for expansive soils near tree root structures.

Implementation of Mitigation Measure 5 would reduce the impacts on trees to be preserved, including the large mature trees in the owner's yard area, to a ***less than significant*** level.

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

Historic Resources. The California Environmental Quality Act (CEQA, 1970, as amended, Section 21084.1) identifies historic resources as those listed in or eligible for listing in the California Register of Historic Resources, based on a range of criteria, such as association with events or patterns of events that have made significant contributions to broad patterns of historical development in the United States or California, including local, regional, or specific cultural patterns (California Register Criterion 1). Alternatively, structures which are directly associated with important persons in the history of the state or the country (Criterion 2), which embody the distinctive characteristics of type, period or other aesthetic importance (Criterion 3), or which has the potential to reveal important information about the prehistory or history of the state or the nation (such as archaeological sites) may qualify as a historic resource (Criterion 4). In addition to meeting at least one of the above criteria, the structure must typically be over 50 years old (a state guideline rather than a statutory requirement) and have retained historic integrity sufficient to be clearly evident as a historic resource through a combination of location, design, setting, materials, workmanship, feeling and association with historic patterns. The definition of "integrity" in this context is based on criteria established by the National Register of Historic Places.

The CEQA definition of historic resources further states that resources included in a local register of historic resources are presumed to be historically or culturally significant, unless there is a preponderance of evidence demonstrating that the resource is not historically or culturally significant (the CEQA Guidelines section cited in the Environmental Checklist, 15054.5 provides similar language). Although CEQA also states, in both the Statutes and the Guidelines, that omission from the California Register or any local register of historical resources "shall not preclude a lead agency from determining whether the resource may be a historical resource" (Section 21084.1), the principle guidance provided by CEQA is that the agency should consider any potential resource to be significant "unless the preponderance of evidence demonstrates that it is not historically or culturally significant." (Section 15064.5(a)(2) of the Guidelines).

Historic Evaluation Report, May, 2001. Because there were indications that the existing ranch house on the site (at 4611 Malabar Avenue) was constructed near the beginning of the 20th Century (in the *Phase I Environmental Site Assessment*, discussed under the heading Hazards and Hazardous Materials), the County requested that the applicant have a study completed on the historic characteristics and other merits of the house and related outbuildings, to determine if their demolition would have adverse effects on historic resources, under CEQA Guidelines. A *Historic Evaluation Report*, prepared by William Self Associates and incorporated into this Initial

Study by reference, was submitted in May 2001.[19] The *Report* provides a summary of the historic context of the property as a chicken farm during the first half of the 20th century, typical of many properties in the vicinity. The *Report* includes the completed California State *Department of Parks and Recreation Forms DPR 523A, 523B, and 523L*, which provide the Department of Parks and Recreation (DPR) with the information needed to determine eligibility for the California Register of Historic Resources.

The *Report* indicated that during the 19th century, the Castro Valley area evolved from the large ranchos granted by the Spanish and Mexican settlers, to the population boom that followed California's entry into the United States, which led to relatively smaller ranches, farms and orchards developed to meet new demands for agricultural produce. Fruit and vegetable farms dominated the area at the turn of the century, with parcels of between 50 and 380 acres, but after World War I, the larger farms were broken up into smaller parcels and a few housing subdivisions. Many farm parcels of five to seven acres for poultry production were created, and a few large-scale commercial poultry processing plants were in place by 1910. Improved production through enhanced sanitation systems became widespread, and a marketing cooperative, the Hayward Poultry Producers Association, was instrumental in the success of this agricultural industry. The *Historic Evaluation Report* states that in 1936, Castro Valley was known as the second largest poultry production area in California – its human population of 2,000 was far outnumbered by its 800,000 roosters, hens, chicks and pullets. In 1946, the Polk Hayward area directory stated that the area contained an estimated 1800 poultry ranches with 2,500,000 laying hens, and hatcheries producing over 3 million baby chicks to be shipped throughout the country and abroad. However, after World War II, with the explosive growth in California's population, and larger producers elsewhere in the region with larger areas of land for specialized production methods, most of the small operations on the numerous five- to ten-acre poultry ranches were subdivided into smaller lots.[20]

The *Historic Evaluation Report* describes the existing property conditions as containing the farmhouse, built about 1905, located at the center of the site, with an addition at the rear dating to about 1936. The farmhouse has stud wall wood-frame construction on a concrete perimeter foundation, covered in wooden clapboard siding. The other three buildings on the site include a small 10- by 10-foot shed with notable structural deterioration, a one-room cabin with a rear shed-roof addition, and the rectangular 18- by 22-foot egg-storage building. Family photographs of the property during the 1930s indicated that several large chicken coops and other major outbuildings were located on the site. The *Historic Evaluation Report* states that the removal of these larger chicken coops and buildings compromised the historical integrity of the property, and its context for eligibility for the California Register of Historic Places. In addition, the farmhouse, although it has a good level of integrity, it does not appear to be an exceptional example of early 20th century domestic architecture of the region or Castro Valley. However, the *Report* noted that a complete survey of historic resources in Castro Valley has not been completed.[21]

The completed *Form DPR 253*, incorporated into the *Historic Evaluation Report*, notes that George Alcorn, whose parents purchased the property in the late 1920s, grew up in the farmhouse, and earned a B.A. and M.A. in economics at the University of California at Berkeley before joining the U.C. Agricultural Extension Department. Mr. Alcorn earned a Ph.D. from Harvard in 1952, and by 1956 was appointed director of the U.C. Agricultural Extension Department, and in that role contributed to developing national agricultural policies. He retired from the Extension Department in 1975. Also in 1956, he and his wife built the house at 4653 Malabar Avenue, where his

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19 William Self Associates, *Historic Evaluation Report, 4611 Malabar Avenue, Castro Valley, Alameda County, California*, May 2001, p. 3.

20 Ibid., pp. 3-4.

21 Ibid., pp. 4-5, p. 7.

family resided during his years as an agricultural economist. The *Report* indicated that properties associated with the "productive life... in which (s)he achieved significance" could be considered potentially significant historic resources, but normally do not include childhood homes. The evaluation portion of Form 253 indicates that as a result, the farmhouse at 4611 Malabar would not meet such criteria of significance, but that 4653 Malabar, after it reaches an age of 50 years in 2006, might be considered as such.[22]

In summary, the *Report* concluded that the buildings on the project site do not meet the definition of historic resources, and would not be eligible for listing on the California Register of Historic Places. Therefore the *Report* determined that the environmental impact of the buildings' demolition as part of the grading for the project, under CEQA Guidelines, would be less than significant. However, the *Report* also indicated that the *Report* and Form 253 must be filed with the Northwest Information Center at Sonoma State University (the archive of historical and archaeological data for the Bay Area), and recommended that a copy of the reports and photographs be donated to the Hayward Area Historical Museum library, or other appropriate local history collection.

Public Comments. Residents in the surrounding neighborhood submitted comments on the project in June and July of 2001 stating that the existing buildings on the site may have historic value, that the site was representative of Castro Valley's past, and that the *Historic Evaluation Report* was biased in favor of development over preservation of the site and its buildings. The subsequent review by the Alameda County Parks, Recreation and Historic Commission (PRHC) and an independent evaluation of the *Report*, discussed further below, were in part conducted to respond to these comments. No new or additional environmental consideration was raised by the neighborhood comments.

Alameda County Parks, Recreation and Historic Commission Review, August 2, 2001. The *Historic Evaluation Report* was presented to the Alameda County Parks, Recreation and Historic Commission (PRHC) at a hearing on August 2, 2001. The PRHC may make recommendations to the Planning Commission, Planning Director and the Board of Supervisors regarding development projects in Alameda County which pertain to parks, recreation or historic preservation issues. At the meeting, which was preceded by a site tour of the property by the Commissioners, a neighborhood group, the Citizens for the Preservation of History and Open Space (CPHOS) made a video presentation and submitted printed materials. The CPHOS group stated that the property and structures are of local and community-wide significance as the last remaining representation of the chicken farming industry that was prominent in the Castro Valley area in the early part of the 20th Century. The CPHOS group also presented materials related to the life and contributions of George Alcorn to agricultural economics. The CPHOS presentation was followed by a brief summary of the *Historic Evaluation Report* by its authors, questioning of the authors by the Commissioners, and then by members of the public, including representatives of the project applicant and the property owner.

After debating the need for additional historical documentation of the property and of George Alcorn's legacy, the Commission approved Resolution 01-2 recommending to the Castro Valley Municipal Advisory Council, the Alameda County Planning Department and the Planning Commission that the property and the contributions of George Alcorn be considered of historical significance, and further, that the property should be preserved subject to CEQA. In effect, the PRHC agreed with the CPHOS group that the site and buildings be considered historically significant as representing the last chicken ranch in Castro Valley and as representing the former residence of George Alcorn, and rejected the conclusion of the *Historic Evaluation Report* that removal of the structures and development of the project would not adversely affect historic resources as defined by CEQA.

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[22] California Department of Parks and Recreation, *Form 253: 4611 Malabar Avenue*, recorded by Marjorie Dobkin, Historian, and Ward Hill, Architectural Historian, San Francisco, CA, 94123, continuation sheet/pages 3 and 4 of 17.

Peer Review of the Historic Evaluation Report, July, 2002. To comply with CEQA, the lead agency is required to consider any potential resource to be significant "unless the preponderance of evidence demonstrates that it is not historically or culturally significant." (Section 15064.5(a)(2) of the Guidelines). Although the PRHC had made its recommendation that the property be considered historically significant, the Planning Department determined that the evidence provided by the CPHOS group was not sufficient to reverse the findings of the *Historic Evaluation Report* that the property and buildings do not retain sufficient context to adequately convey its historic associations, and therefore there are no significant local or community-wide man-made features which would be eliminated with the proposed development. Furthermore, the County does not have a local list or register of historical resources, or established criteria for establishing when a property, building or buildings should be deemed significant and appropriate for listing on such a register. In the absence of such local standards, the criteria provided by CEQA applies, such that the resource would be eligible for listing in the California Register of Historic Resources only if it were to meet the state criteria for such a listing. Due to conflicting evidence, the Planning Department determined that it was appropriate to require completion of a *Peer Review* of the *Historic Evaluation Report*, to establish either the validity and completeness of the *Report*, or alternatively, that supplemental information or interpretation of the historic resources on the site would be required.

Under contract to the County of Alameda Planning Department, Clark Historic Resource Consultants, Inc. prepared a *Peer Review of the Historic Evaluation Report* in July 2002. The *Peer Review*, also incorporated into this Initial Study by reference, reviewed the original *Report* for potential flaws or gaps in research, conducted a site visit to verify the *Report*'s findings, completed additional research on the 1905 farmhouse and its owners, the possible historic significance of both George Alcorn and earlier property owners, and evaluate the historic importance of George Alcorn with staff at the California State Office of Historic Preservation.[23] The *Peer Review* found that the authors were fully qualified and had prepared "a well-organized report with very good architectural descriptions and a sufficiently-developed historic context for the Castro Valley Poultry Industry, 1900-1945."[24] However, the *Peer Review* noted that the although the ranch house was apparently built circa 1905, the original *Report* did not provide ownership history of the residence prior to it being purchased by Charles and Anna Alcorn in 1929, so its association with potentially significant events (California Register Criterion 1) or significant people (Criterion 2) was not fully considered. To complete the *Peer Review* , Clark Historic researched ownership of the subject property beginning in 1878 through the Alameda County Recorder's Office, and identified several different owners, none of whom appeared in any directory of biographical histories of Alameda County, including *The New Historical Atlas of Alameda County, California, illustrated, History of Alameda County, Past and Present, Alameda County*, or *History of Alameda County, California* (specific sources provided in the *Peer Review* , available upon request).[25]

The *Peer Review* authors spoke to four different agricultural economists at the University of California to assess the importance of George Alcorn and his contributions to local, state or national historical trends. Their evaluation of his contributions were typified in a letter sent by Dr. Jerome Siebert, a specialist in marketing, management, resource and environmental economics, who stated that "My impression of Dr. Alcorn's agricultural economics program, while positive and contributing to the overall welfare of California agriculture, was not of a nature that could be classified as making outstanding contributions to the profession."[26] Staff at the California State Office of

23 Clark Historic Resource Consultants, Inc., *Peer Review of Historic Evaluation Report, 4611 Malabar Avenue, Castro Valley, Alameda County, CA*, July 2002.

24 Ibid., p. 3.

25 Ibid., p. 7.

26 Ibid.

Historic Preservation were also consulted, and consensus was reached that George Alcorn was not clearly established as significant in his field, so he did not appear to qualify as a significant individual under Criterion 2.[27]

The conclusion of the *Peer Review* , therefore, was to concur with the original *Historic Evaluation Report* prepared by Dr. Dobkin and Mr. Hill, that the complex of buildings do not appear to be historically significant resources associated with important events in local, state or national history (Criterion 1). Furthermore, the *Peer Review* did not find any evidence that the buildings are historically significant resources associated with individuals who are important in local, state or national history (Criterion 2). Lastly, the *Peer Review* reaffirmed that the buildings do not appear to be architecturally significant as resources which embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of a master or possess high artistic values (Criterion 3). For the purposes of the California Environmental Quality Act, a historic resource is a resource listed in, or determined eligible for listing in, the California Register of Historical Resources, and none of the buildings on the subject property appear to be eligible for the California Register of Historical Resources.

Prior to the preparation of the *Peer Review*, the CPHOS group submitted a partial application to the California State Office of Historic Preservation for listing of the site in the California Register of Historical Resources. The review of the application by the State Office staff concluded that the property does not qualify for listing under Criterion 1 as a good representation of the poultry industry in Castro Valley. In addition, the State Office staff indicated that a listing under Criterion 2 with regard to the contributions of George Alcorn to agricultural economics would require additional research to assess his legacy and a demonstration that his greater contributions were achieved while he was a resident on the portion of the parcel proposed for new development.[28]

Subsequent PRHC Review. The *Peer Review* was presented to the PRHC at its meeting on September 5, 2002, and the Commission considered it, together with the original *Report* and materials submitted by CPHOS (the neighborhood group). At this meeting the PRHC had the opportunity to take action based on the supplemental materials. After hearing the public comment and discussing the matter with PRHC and Planning Department staff, the Commission voted to sustain its original resolution to recommend to the Castro Valley Municipal Advisory Council, the Alameda County Planning Department and the Planning Commission that the site and buildings be considered historically significant.

Historic Evaluation Report on Nearby Property. In October 2002, a *California Register Evaluation* report and state *DPR 523A, 523B and 523L Forms* were completed for a proposed tentative tract map (Tract Map, TR-7267, Hayman Homes) on two adjacent parcels located about half a mile north of the Alcorn property. These two parcels, located on Proctor Road and consisting of about 11 acres combined, contain a complex of six farm buildings that are over 50 years old, including three chicken houses, a barn, a residence and a garage. The complex, previously known as the Auguste Borloz farm (but more recently as the McDoulett farm), was developed primarily during 1919 and throughout the 1920s, with the garage added circa 1935, and a newer residence built in the 1960s. The *Evaluation* concluded that the farm buildings would be eligible for the California Register of Historic Places under state criterion 1 (resources associated with important events in local, state or national history), because they possess historic integrity of place, design, materials, workmanship, feeling and association. Only the integrity of its setting has been compromised by the surrounding suburban-type development. The *Evaluation* also noted that although no comprehensive survey of poultry farms in Castro Valley has been completed, and that a comparative ranking of the Borloz farm with other such properties is therefore infeasible, the Borloz farm appears to be a fine example of such a property.

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[27] Ibid.

[28] Ibid., attachment.

The *Evaluation* is inconclusive regarding the Borloz farm's eligibility under other criteria (e.g., association with important individuals in local, state or national history, distinctive characteristics of a type, period, region or method of construction), but noted that both parcels were previously owned by the Proctor family after which Proctor Road is named. However, eligibility under just one of the criteria is sufficient to enable the site to be nominated for listing in the California Register. With regard to the Alcorn property, the assertion by the CPHOS group that the Alcorn property represents the last remaining representation of the chicken farming industry in Castro Valley appear to be unsupported by facts.

Summary. As previously indicated, resources included in a local register of historic resources are presumed to be historically or culturally significant, unless there is a preponderance of evidence demonstrating that the resource is not historically or culturally significant. Although CEQA also states, in both the Statutes and the Guidelines, that omission from the California Register or any local register of historical resources "shall not preclude a lead agency from determining whether the resource may be a historical resource" (Section 21084.1), the principle guideline is whether a preponderance of evidence has been presented for making the determination of its significance. Because the preponderance of evidence indicates that the property and buildings are not culturally or historically significant under the guidelines established by CEQA, the proposed project, including demolition of the structures and development of the site as proposed, would have a ***less than significant*** impact on historic resources. No mitigation measures are required.

Archaeological Resources. General knowledge of the history of the Castro Valley area does not provide extensive evidence of local use by prehistoric people or early historic settlers or ranchers, although the general area may have been used as a hunting area or travel corridor. Therefore, no specific measures are recommended at this time to address impacts on archaeological resources. However, when grading is performed in undisturbed areas, there is a potential to unearth significant archaeological or historical remains that were previously undiscovered. The California Environmental Quality Act (CEQA, Section 15064.5) requires certain basic measures to be completed in the event of discovery of historic or archaeological resources (including human remains). As a result, development that involves grading in previously undeveloped areas is therefore considered to result in a ***potentially significant*** impact on historic and archaeological resources. These procedures provide for temporary protection of the discovered resource until a determination can be made about its importance.

- **MITIGATION MEASURE 6: Cultural Resource Protection Procedures.** The applicant or the contractor shall provide for grading and trenching crews to implement the following procedures:
  - Immediately halt or relocate excavations and contact a qualified archaeologist to inspect the site. If the archaeologist determines that potentially significant archaeological materials or human remains are encountered, the archaeologist must record, recover, retrieve, and/or remove any archaeological materials;
  - The archaeologist must study any archaeological resources found onsite and publish data concerning these resources;
  - If human remains are found onsite, Applicant must notify the Ohlone Most Likely Descendants, as designated by the California Native American Heritage Commission; the coroner shall be called and the archaeologist shall provide safe and secure storage of these remains while on-site, in the laboratory and otherwise, and shall consult with the Native American representatives regarding either onsite reburial of the remains or other arrangements for their disposition;

- The archaeologist shall provide a copy of documentation of all recovered data and materials found on-site to the regional information center of the California Archaeological Inventory (CAI) for inclusion in the permanent archives, and another copy shall accompany any recorded archaeological materials and data.
- If any historic artifacts are exposed, the archaeologist shall record the data and prepare a report to be submitted to the local historical society.
- Monitoring for these measures must be performed by Applicant on a continual basis during construction. At the completion of work, Applicant will submit a summary of findings to the Planning Director for review and for the final record.

Implementation of the above requirements will reduce the potential loss of cultural resources to a less than significant level, including adverse changes to the significance of historic, archaeological, or paleontological resources.

Environmental Factors and Focused Questions for Determination of Environmental Impact	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
VI. GEOLOGY AND SOILS. Would the project:				
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.	☐	☐	☑	☐
ii) Strong seismic ground shaking?	☐	☑	☐	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☑	☐
iv) Landslides?	☐	☑	☐	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☑	☐	☐
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?	☐	☑	☐	☐
d) Be located on expansive soil, as defined in Table 181-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☑	☐	☐

Environmental Factors and Focused Questions for Determination of Environmental Impact	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
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?	☐	☐	☐	☑

Seismicity. A *Geotechnical Investigation* was prepared by TerraSearch, Inc., dated December 21, 2000, and is incorporated into the Initial Study by reference.[29] The project site is located in the seismically-active San Francisco Bay Area, and in relatively close proximity to the Hayward Fault, located approximately 2.1 miles (3.4 kilometers) southwest of the site. The Hayward Fault is considered seismically active, and consists of a strike-slip fault with right-lateral motion. Other potentially active faults include the Calaveras Fault, Concord Fault, Greenville Fault, and the San Andreas Fault, located, respectively, 11 kilometers (km) east, 22 km northeast, 27 km east, and 32 km southwest of the site. The site is not within an Alquist-Priolo Earthquake Fault Zone (i.e., directly above the area in which surface faulting could occur). A field investigation of the project site by a registered geologist determined that there were no apparent lines of previous faulting on the site,[30] and therefore the likelihood of surface rupture is considered to be a ***less than significant*** impact.

Potential structural hazards due to earthquakes, other than as a result of surface ruptures and related violent ground shaking, may result from secondary ground failure such as lurch cracking, landsliding, liquefaction, and differential compaction of soils. Such damage results from the transmission of earthquake vibrations, and may be highly variable according to their velocity, amplitude, and duration. On-site soil conditions and structural integrity, however, have the largest role in assessing potential damage due to earthquakes. Although the area is characterized by rolling hills, there are no steep slopes or non-urbanized areas around the site which would result in any landslide hazard. However, the *Geotechnical Investigation* for the project site has indicated that the project site is located on a swale feature filled with colluvium, and has potential for landsliding during a large seismic event.[31] The potential for strong seismic ground shaking and landslides, represent ***potentially significant*** project impacts.

- **MITIGATION MEASURE 7: UBC Earthquake Design Criteria.** The applicant and/or contractor shall use the procedures and design criteria appropriate for a Type A active fault, the nearby Hayward Fault, consistent with the requirements of the 1997 Uniform Building Code, and subject to approval by the Building Inspection and Grading Departments of the Alameda County Public Works Agency. The UBC provides specific design criteria for sites that match certain criteria, such as seismic zone, soil profile, and proximity to active faults. In addition, re-grading of the site as recommended in the *Geotechnical Investigation* would reduce the adverse risks of a seismic event on the project development.

Implementation of Mitigation Measure 7, required by the Alameda County Building Inspection Department, would reduce the potential for landslides and other seismic hazards to a ***less than significant*** level.

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29 Terrasearch, Inc., *Geotechnical Investigation on Proposed Residential Development, 4605 and 4611 Malabar Avenue, for Delco Builders and Developers*, 21 December 2000.

30 Ibid., p, 6.

31 Ibid, p. 7.

General Geological Considerations. The *Geotechnical Investigation* indicated that the most prominent geological feature of the site is the presence of shallow bedrock. Another subsurface condition includes the area in which an underground tank was removed and replaced with fill material. Because no information exists on the replacement fill material or the depth of the excavation, it represents a notable construction consideration. It is also likely that there are other areas of fill or excavation debris elsewhere on the site.[32] Depending on the grading of the site and treatment of such fill or excavation debris, there may also be a ***potentially significant*** impact due to hazardous conditions related to and differential compaction in selected areas of the site, and on such considerations.

Comments were submitted by members of the public regarding the *Geotechnical Investigation* stating that it did not fully explain several identified site conditions, including the history and manner by which a water well and underground storage tank were removed, other areas of fill or debris indicated to be on the site, and the type of physical survey that should be conducted for the site. The comments do not appear to raise any significant new environmental issue that will not be addressed through the required grading plan and permitting process, or by the following mitigation measure to address the above issue of differential settlement or compaction.

- **MITIGATION MEASURE 8: Subsurface Structure Removal and Grading.** As recommended by the Geotechnical Investigation for the site, all underground structures not specified for retention (i.e., drainage facilities, root structures, etc.) should be removed with periodic observation and inspection by the designated Soil Engineer for the project, to ensure that no subsurface structures are covered over and that root systems in specified areas are completely removed. The grading permit will require complete documentation of any such fill or excavation debris on the site. Cavities from excavation of subsurface structures such as drains and piping should be backfilled as engineered fill under the supervision of the Geotechnial Engineer for the project. The geotechnical analysis should be subject to peer review as required by the Public Works Agency, Grading Department.

Implementation of Mitigation Measure 8, subject to approval by the Grading Department, would reduce the potential for differential settlement and resulting injury or property damage to a ***less than significant*** level.

Environmental Factors and Focused Questions for Determination of Environmental Impact	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
VII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☑
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?	☐	☑	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within a quarter mile of an existing or proposed school?	☐	☑	☐	☐

[32] Ibid., p. 9.

Environmental Factors and Focused Questions for Determination of Environmental Impact	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 ("Cortese List," prepared by the California Integrated Waste Management Board) and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☑
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?	☐	☐	☐	☑
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?	☐	☐	☐	☑
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☑
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?	☐	☐	☐	☑

Routine Handling of Hazardous Materials. The proposed use of the site is for up to 19 new single family homes, and therefore, no substantial quantities of hazardous materials would be transported to or from the site, used on the site, or disposed on or from the site, other than general domestic waste such as insect sprays, paints and fertilizer materials. Alameda County operates a Household and Small Business Hazardous Waste program for the disposal of such materials. Pamphlets on the program are periodically mailed to residents in the Castro Valley area. There would be no reasonably foreseeable risk of substantial hazard to the public or the environment as a result of the commonplace use of such materials. However, purchase agreements for the homes should include conditions to require residents to annually review their handling and disposal of household hazardous materials. The potential for hazards to the public as a result of routine use of such materials would be ***less than significant***.

Upset and Accident Conditions/Emission of Hazardous Materials/Hazardous Materials Sites. A *Phase I Environmental Site Assessment* was completed by TerraSearch Inc. in September 2000 to evaluate the potential for contamination of the soils on the site due to past activities on or near the site (within a radius of 1.25 miles). Subsequently (in November 2000), based on the potential for residual hazardous materials to be located on the site, a *Phase II Surface and Subsurface Environmental Site Assessment* was completed, which provided for an evaluation of four surface soil samples, and a boring to the underlying bedrock level (five feet below ground surface; groundwater was not reached or sampled due to the density of the bedrock).

As part of the *Phase I Assessment*, a visual inspection of the site was conducted, which did not indicate any evidence of storage, use or disposal of hazardous materials, substances or wastes. No evidence of underground storage tanks, or drums, containers, sumps, stained soils or other wastes were observed. Historical aerial photographs dating from 1947 and historic topographical maps dating from 1896 were researched, which indicated three long chicken coops

existed on the site, and five smaller structures. No Sanborn Fire Insurance Maps were available to provide information on other construction activity in the past.[33]

Another component of the *Phase I Environmental Site Assessment* was a search of several databases on leaks of hazardous materials which might have migrated onto the project site, within a maximum radius of 1.25 miles. The database search indicated that in the surrounding area, four potential sources of contamination were identified within 0.375 miles of the site, including:

- a former underground storage tank (UST) with unknown contents and size, about 200 feet uphill from the site on Pepper Street, but for which no leaks were reported, and migration of contaminated groundwater would be very unlikely;
- a reported unauthorized release of an unknown quantity of paint thinner in 1993 into a storm drain about a quarter of a mile to the northwest;
- a former UST downhill and southwest of the site on Redwood Road, for which no leaks were reported
- a reported unauthorized discharge of 5 gallons of gasoline to pavement on Wilson Avenue about 0.36 miles west of the site, and for which no report of affected soil or groundwater was indicated.[34]

County records of building permits on the site did not identify any sources of hazardous materials on the site. An interview with the property owner indicated that as part of the property's use as chicken farm since the 1890s, a water well was dug towards the southern half of the site, but was filled in around 1980. At a later date, presumably in the 1920s or 1930s, an underground storage tank (UST) for gasoline and a pump were placed east of the existing cottage residence, but were removed some time during the 1960s. While no reports are on record of any leaks of gasoline from the tank occurred during its use or removal, it was considered possible that residual gasoline hydrocarbons and lead may be present in the soil in the vicinity of the former UST.[35] The soil samples taken for the *Phase II Site Assessment*, however, indicated that there were no detectable concentrations of petroleum by-products on the site, including gasoline, diesel, and known gasoline additives, and therefore there appears to be no risk or hazard related to the former UST or gasoline pump.[36]

The owner also indicated that row crops were grown on the southwestern and southeastern portions of the property. The *Phase I Environmental Site Assessment* indicated that it was likely that organochloride and/or metal-based pesticides may have been applied to the soil surface, which may represent a hazard to construction workers and future residents.[37] However, the soil samples taken for the *Phase II Environmental Site Assessment* did not detect any concentrations of typical organochloride pesticides, and the low levels of arsenic, lead and mercury detected on the site were all within normal background level concentrations typical of the Bay Area and northern Santa Clara County.[38] Therefore, there do not appear to be any risks or hazards on the site associated with past use of pesticides on the site.

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33 TerraSearch, Inc., *Phase I Environmental Site Assessment on Proposed Residential Development - 4605, 4611 and 4643 Malabar Avenue, Castro Valley, California - for Delco Builders and Developers, September 27, 2000*, pp. 6-8,

34 Ibid., pp. 9-11.

35 Ibid., p. 8.

36 TerraSearch Inc., *Phase II Surface and Subsurface Environmental Site Assessment*, November 2000, p. 3.

37 *Phase I Environmental Site Assessment*, p. 8.

38 *Phase II Environmental Site Assessment*, pp. 3- 4.

In summary, the results of the *Phase II Assessment* indicate that the risks associated with potential hazardous materials in ground-level and sub-surface soil on the site, from the former UST, past agricultural activities, and from unauthorized spills of hazardous materials near the site, are ***less than significant***, and no further investigation of soil conditions are warranted. Comments on the *Phase I* and *Phase II Assessments* were submitted by two residents of the area, one of whom is a Registered Environmental Assessor and a Registered Geologist. The lengthy comment letter stated, for example, that the *Phase I* and *Phase II Site Assessments* of the project site contain errors and require additional work to assess environmental impacts, including further investigation of any existing or former underground storage tanks (USTs), dispensers and piping, collection of groundwater and soil samples in the vicinity of identified USTs, documentation of groundwater depth and flow, investigation of any environmental impacts of the former structure on the former concrete pad, investigation of the former leach fields, and so forth. In another example, it was stated that pesticides used in the apricot orchard and chicken feed in the chicken ranch operations may have resulted in residual hazardous materials in the soil and groundwater, which could affect groundwater during development if the existing well is not closed with proper procedures. In order to respond to these comments, the Alameda County Environmental Health Department will conduct a review of the *Phase I* and *Phase II Environmental Site Assessments,* to determine if the comments merit further investigation. However, at the present time, no further investigation is warranted. The comments do not identify any new environmental impact.

Separate from subsurface contamination, the existing structures on the site (other than the owner's residence at 4653 Malabar Avenue) may contain harmful lead-based paint (LBP). Lead paint materials, and LBP-contaminated dust and soil in or near the structures, is considered to be a hazardous condition if children under the age of seven chew or mouth surfaces exposed to LBP, or if occupants or workers are exposed over prolonged periods of time to airborne LBP-contaminated dust. Oil-based paints used before 1980 are most likely to contain lead.

In addition to LBP, there may be asbestos-containing material (ACM) in the structures. Asbestos products were used heavily in building construction between 1960 and 1980, and to a lesser extent after 1980. Asbestos is a cancer-causing substance which may cause lung disease and other ailments in persons who have inhaled ACM dust and fiber particles, even after a latency period of up to 30 years.

The project site is located within a quarter mile of two existing schools, including the Castro Valley Adult School across Seven Hills Road to the south, which also operates a pre-school on the site, and the Redwood Christian School Campus. During demolition of the existing buildings, there would be a ***potentially significant*** impact if students at these schools, as well as construction workers, were to be exposed to LBP or ACM particulates.

- **MITIGATION MEASURE 9: Pre-Demolition LBP/ACM Inspection and/or Removal.** Prior to the demolition or other major alteration of the existing house and outbuildings on the site, the applicant shall contract with a state-licensed LBP and ACM contractor to test the structures for the presence of LBP and ACM, and provide for the safe removal of such materials.

Implementation of Mitigation Measure 9 would reduce the potential for hazards to the public or the environment due to upset or accident conditions, or the handling of hazardous materials, to a ***less than significant*** level.

The search of the database also indicates that the site is not included on any list of hazardous materials sites (i.e., the "Cortese List" prepared pursuant to Government Code Section 65962.5), and the project would therefore have ***no impact*** as a result of hazards to the public or the environment from sites with known hazardous materials.

Other Hazards. The site is not in the vicinity of any airport or airfield (the nearest airports, Hayward Air Terminal and Oakland International Airport, are 3 to 6 miles away, respectively). The project, including the traffic it would

generate on local streets and roadways, would not interfere with any emergency response or evacuation plan. The project is not located adjacent to any wildlands, or unusually hazardous concentrations of flammable vegetation. With implementation of Mitigation Measure 8, there would be ***no impact*** on the environment as a result of hazards and hazardous materials related to the site or the proposed project.

Environmental Factors and Focused Questions for Determination of Environmental Impact	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
VIII. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☑	☐
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)?	☐	☐	☐	☑
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?	☐	☐	☑	☐
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 in a manner which would result in flooding on- or off-site?	☐	☐	☑	☐
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☑	☐
f) Otherwise substantially degrade water quality?	☐	☐	☐	☑
g) 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?	☐	☐	☐	☑
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☑
i) 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?	☐	☐	☐	☑
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☑

Water Quality Standards. The California State Water Resources Board is responsible for establishing water quality standards, and designates the San Francisco Regional Water Quality Control Board (RWQCB) for regulation of discharges of wastes and runoff to San Francisco Bay, and as well as issuing permits for discharges of wastewater and runoff. Residential development projects, either during construction or from residential use, may result in a variety of types of pollution discharges in violation of water quality standards or requirements, depending on size, location, topography, nearby creeks and drainages, soil conditions, and connections to public water and sewer systems. Construction activity and final development characteristics of residential developments may result in violations of water quality standards or discharge requirements, and have adverse impacts on water quality.

Construction of the project would require a variety of excavation activities on the site, and in turn, stockpiling and grading activity. During construction, discharges of stockpiled fill materials or erosion of exposed soil into local storm drains and culverts during rainstorms could have adverse water quality impacts on San Lorenzo Creek, neighboring properties, local roadways, and storm drainage facilities. The RWQCB requires projects which disturb more than five acres of land to obtain special permits, whereas smaller developments such as the proposed four-acre subdivision are subject to the regulations of the local jurisdiction (the County of Alameda), which is required to hold a General Permit from the RWQCB. To meet the requirements of the General Permit, the County has adopted a Grading Ordinance to ensure that construction activities do not violate water quality or discharge requirements.

The project will be required to obtain a Grading Permit, pursuant to the County Grading Ordinance. The Grading Permit would require a number of best management practices (BMPs) to prevent runoff of stored soil or other materials into the street, drainage system and protected waters of San Francisco Bay. Consistency with the County Grading Ordinance, which requires specific practices to avoid discharges of soil or other materials into storm drains, will be determined during review of the Grading Permit application for the project. Typical requirements may involve temporary storage of excavated soil material, covering with 10-millimeter plastic sheeting, containment structures or devices (depending on weather conditions), and controls on discharges of any groundwater. Implementation of the requirements of the Grading Ordinance would avoid the potential impact of sediment-laden stormwater runoff from the soils on the site during construction, and the impact would be ***less than significant***.

When developed with single family dwelling units, the project site would be expected to generate storm water runoff containing typical suburban contaminants, such as litter, vehicle oil, pesticides and fertilizers. Such contaminants represent potentially adverse sources of polluted runoff. The County of Alameda adopted a Clean Water Protection Fee ordinance (General Ordinance, Title 13, Section 13.24) to implement the requirements of the U.S. Clean Water Act (1972, as amended) for a permit to discharge urban runoff under the National Pollution Discharge Elimination System (NPDES). The fee is assessed for each single family residence in the unincorporated County, and therefore the project will result in new fees being generated for implementation of the permit requirements, such as an annual report on the development of measures to reduce contaminated urban runoff. If Alternatives 1 or 2 (or 2A) are selected, a Joint Maintenance Agreement among the new homeowners would be required as a condition of approval for maintenance of the private street. The agreement should include measures to monitor the street and associated properties to ensure that litter and bacteria from pets are prevented from being discharged to the storm drain system, that vehicle oil on streets and pavements are cleaned periodically, and that pesticide and fertilizer use is restricted to normal and commonplace use. Under Alternative 3 (or 3A), these or similar measures would be implemented by the County as part of its responsibilities under the Clean Water Protection Fee ordinance. The urban runoff of the new project would be both individually and cumulatively ***less than significant***.

Groundwater. The project site does not represent a major groundwater recharge resource, because it is surrounded by urban development. The impact would have ***no impact*** on groundwater supplies, recharge or local groundwater table levels.

Drainage Patterns. All drainage from the site would be transmitted to the public storm drain system, managed by the Alameda County Public Works Agency and the Alameda County Flood Control and Water Conservation District. The storm drainage facilities in the vicinity include underground storm sewer conduits under Seven Hills Road, Judy Street, Malabar Avenue, and along the western edge of the project site. The drainage ultimately flows into an upper branch of San Lorenzo Creek, which flows in turn to San Francisco Bay. To address storm drainage from the project (i.e., drainage from the roofs of all structures, roads, driveway aprons, and other impermeable surfaces) the project proposes to provide new storm drain inlets and conduits in the private street, and a series of concrete surface V-ditches along the western perimeter of the site, and along the rear and sides of several of the other proposed lots.

A complete storm drain system study which describes the proposed system for storm runoff is required to be submitted to the Alameda County Public Works Agency before the Final Grading Plan can be approved. The storm drain system study is required to show a drainage map, hydrology and hydraulic calculations by a registered civil engineer that demonstrate that the proposed storm drain system, combined with existing facilities, can accommodate the design storm event specified by the County Hydrology and Hydraulics Criteria. Based on these requirements, increased drainage to San Lorenzo Creek due to new impervious surfaces, and any resulting increase in erosion, siltation or flooding on- or off-site, or would be ***less than significant***. The storm drain system study would also demonstrate that the project would not create or contribute runoff in excess of the capacity of existing or planned storm water drainage systems.

Impacts. During construction, there is a potential for runoff of exposed soil during rainstorms, which would have a ***potentially significant*** impact on water quality and could violate water quality standards.

◆ **MITIGATION MEASURE 10: Soil and Surface Water Management Plan.** Specific procedures for managing and handling exposed soil during construction are required. The site-specific Soil and Surface Water Management Plan shall include the following elements:

- *Dust control.* Measures could include water spraying or application of dust suppressants, and gravel covering of high-traffic areas;
- *Temporary storage of excavated soil material.* Fill and other materials excavated during utility trenching, pre-drilling for pile-driving, surface clearing and preparation should be stockpiled and covered with 10-millimeter plastic sheeting to prevent runoff or discharge of affected soil, water or dust. Depending on weather conditions, containment structures or devices may be required.
- *Dewatering.* Groundwater generated from dewatering activities should be handled in the same manner as other site runoff.

Implementation of Mitigation Measure 10 would reduce the impact of substantial emissions of windblown dust or sediment-laden stormwater runoff from the soils on the site to a ***less than significant*** impact.

Flooding. The project site is located outside of the 100-year flood plain.[39] The site is not in a location where dam or levee failure would have adverse effects, or where mudflow is a substantial risk. The project would have ***no impact*** related to flood-related hazards. Due to the project's location well away from San Francisco Bay or other large bodies of water, there would be ***no impact*** due to risk of seiche or tsunami.

Environmental Factors and Focused Questions for Determination of Environmental Impact	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
IX. LAND USE AND PLANNING POLICY. Would the project:				
a) Physically divide an established community?	☐	☐	☐	☑
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?	☐	☑	☐	☐
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☑

Physical Division of a Community. New development or other physical structures, such as a freeway or very large vertical structure (e.g., a hospital or a school) may adversely divide an established community if it results in street closures, or is especially inconsistent with its surroundings. The project site occupies the central portion of a very long block (approximately 1,250 feet) between Redwood Road and Pepper Street, and also bounded by Malabar Avenue on the north and Seven Hills Road on the south. Although such a large block of land may represent an internal barrier to neighborhood cohesion, because it limits access across the block, the large, long block is typical of this area of Castro Valley, based on its historic agricultural and topographic features. There does not appear to be any pattern of pedestrian or other travel across the site, which is a privately-owned parcel of land and any such pattern of travel would be discouraged by the owner. The surrounding area, while featuring a generally homogeneous area of single family homes, is also bordered by three large institutional uses, including the Redwood Baptist Church, the Congregation Shir Ami Synagogue, and the Castro Valley School District Adult School. The project would maintain the existing pattern of development, and would not introduce a new barrier into the community. There would be ***no impact*** related to the physical division of an established community. However, Alternatives 3 and 3A would introduce a new street connection through the large block, thereby reducing the existing barrier that the block represents.

Conflict with Land Use Plans. The following analysis of the project sets forth the existing land use designation of the site, applicable land use policies, and the zoning designation and related controls. The site is subject to the *Castro Valley Plan*, adopted by the County Board of Supervisors in April of 1985 as part of the Alameda County General Plan. The *Plan* consists of an extensive description of the planning area, including its environmental conditions, residential development potential, and facilities and services, followed by policies to be followed and

[39] U.S. Federal Emergency Management Administration, *Flood Insurance Rate Map, Panel # 060001 0090D*, Revised through February, 2000.

nplemented by the County of Alameda. The policies are arranged into four major categories that address evelopment in general, housing and residential land use, commercial development, and public utilities and services. omplementing the policies are maps that illustrate the general intention of the *Plan*, which designates the site and ıost of the surroundings as Suburban and Low Density Residential, which permits residential development of etween 1.0 and 6.6 units per gross acre (i.e., including adjoining and interior streets).[40]

nder the applicant's preferred option (Alternative 1), the tract map would create a total of 21 separate parcels from ıe entire 3.99-acre site, including two parcels from within the Alcorn residence yard area, the project would result ı a gross density of 5.3 units per acre. Excluding the Alcorn yard area, Alternative 1 would result in a gross density f 5.5 units per acre within the 3.46-acre area proposed for the new residences. Under Alternatives 2 and 3 and their ariants, the gross density of the entire site would be 5.0 units per acre, and 5.2 units per acre for the new residential evelopment area. Regardless of the alternative selected, or whether the Alcorn yard is included or not, the evelopment would result in a gross density of between 5.0 and 5.5 units per acre, therefore within the density range pecified by the *Castro Valley Plan*.

astro Valley Plan Conformity. Although the above analysis indicates that the proposed development would onform to the land use designations of the *Castro Valley Plan*, these same designations are explicitly indicated as nly illustrating the applicable policies of the *Plan*. The land use designations are to be used only in conjunction ith the *Plan*'s individual policies (referred to as Principles, with corresponding Implementation guidelines), as well s its development goals and objectives, when evaluating individual project proposals. Goals that may be applicable o the project include:[41]

- To maintain the predominantly low-density residential character of the community.
- To promote housing of good quality for persons and households of varying life styles and age, and for handicapped persons.
- To prevent and suppress undesirable noise.
- To reduce exposure to environmental hazards.
- To ensure that land uses are appropriate, and compatible with each other.
- To provide an aesthetically pleasing environment.
- To protect natural scenic features.

lore specific guidance, derived from these Goals, is reiterated in specific Objectives and Principles. As previously ıdicated, the *Plan*'s Principles (and Objectives) are organized into four major topic headings: general development; ousing and residential land use; commercial land use; and public facilities and services. The following evaluation f the project is based on the General Development and Housing and Residential Land Use Policies.

he General Development Policies are also arranged under four major headings and corresponding objectives, elated firstly to the extent of urban development, which requires that development occur within the Castro Valley rban Area (Objective 1 and Principle 1.1), and secondly, the availability of public services and facilities, such that ll development within Castro Valley is to be provided with basic urban services and facilities consistent with urrent and projected service capabilities, fiscal constraints, and maintenance and improvement of services to

) *Castro Valley Plan (a part of the County of Alameda General Plan), adopted by the County of Alameda Board of Supervisors*, April 4, 1985, p. 60.

Ibid., p. 26.

existing development (Objective 2). Objective 3 is to conserve and protect important environmental, energy, archeological and historic resources, including scenic qualities, biological resources, and major open spaces, through adoption of mitigation measures of development impacts; Objective 4 and related Principles address the reduction of impacts of development due to environmental hazards, such as seismic events, urban and wildfires, flooding, hazardous materials, and adverse noise.[42]

The project site is well inside the identified Urban Area line, and is therefore consistent with Principle 1.1, regarding the extent of urban development. Principles under the second heading of General Development Policies relate to the need for adequate urban services and facilities, including roads, flood control, drainage, erosion control, water supply, sewer and waste treatment facilities, solid waste collection and disposal, schools, library services, parks, recreation, and police and fire protection. The *Plan*, in various policies, seeks to ensure that development pays the cost of required improvements to such facilities and services, and that the environmental review process makes an adequate assessment of the needs for such services by new development, as well as potential adverse effects that new development may have on existing services. In addition, the County is authorized to require fees, assessments and/or dedications as conditions of project approvals, as needed to ensure that the costs of providing services to new and existing development are equitably distributed.[43] The project conforms to these policies in the Plan, because no new extensions of water, sewer, storm drains would be required. In addition, fire and police protection, schools and parks have the capacity to accommodate the proposed development. These issues are addressed in detail in corresponding portions of this Initial Study (e.g., Public Services, Utilities, Recreation, etc.).

The third heading of General Development Policies in the *Castro Valley Plan* address individual topic areas in which development may have environmental impacts, ranging from land form and soils, to water resources, air quality, biological resources, open space, archaeological and historic resources, and scenic and aesthetic issues. Finally, the fourth group of General Development Policies address environmental and other hazards that may be associated with new development including geological and seismic safety considerations, wildland and urban fire risks, flood hazards, and unwanted noise.[44] Each of these issues is addressed in the Initial Study, and where necessary, mitigation measures have been identified to reduce or avoid impacts on resources or as a result of a potential hazardous condition. The project contractors will be required to conform to applicable noise controls during construction (see discussion under the heading of Noise), and to implement other measures to ensure that exposure to environmental hazards by future residents is reduced (e.g., see discussion under the heading of Hazards and Hazardous Materials). The project would therefore be consistent with the General Development Policies in the *Castro Valley Plan*.

In addition to the General Development Policies, the *Castro Valley Plan* also includes Housing and Residential Land Use principles, which more closely relate to the proposed project. **Table 3** identifies other applicable Housing and Residential Land Use Principles, together with an analysis of the project's relative conformance to each policy. Based on **Table 3**, the project would be consistent with the *Castro Valley Plan*, and there would be a ***less than significant*** impact with regard to General Plan policies.

[42] Ibid., pp. 30–50, and Figure 2, p. 29.

[43] Ibid., pp. 30-33.

[44] Ibid., pp. 33-50.

Table 3
Castro Valley Plan, Housing and Residential Land Use Conformity Analysis, Tract Map, TR-7305

Objective Number/Principle Number and Text paraphrased in part)[45]	Consistency Discussion
Objective 1: To ensure a supply of good quality housing for persons and households of varying lifestyles, income and age groups, and handicapped persons who choose to live in Castro Valley.	By meeting all current building and seismic safety codes, and enabling the development of 18 to 19 new dwelling units, the project would promote housing of good quality, which would be suitable for households with families, as well as for other types of households, including various age groups and handicapped persons' households. There would be ***no impact*** on or conflict with Objective 1 of the Housing and Residential Land Use Policy section of the *Plan*.
1.1 A mix of affordable housing should be provided consistent with the needs of all income groups. Priority should be given to maintaining and improving the supply of housing available to low and moderate income households.	Although the proposed project would provide new dwelling units, it is unlikely that any of the new homes would be affordable to low or moderate income households due to market conditions in the Bay Area and the comparatively large lots dictated by the zoning and general plan policies. The overall effect would be to increase the net and long-term housing supply. Although the project would not directly serve the Principle, it would not obstruct its implementation, and there would be ***no impact*** on or conflict with Principle 1.1.
1.2 The housing supply should include a mix of housing units for both rent and sale, based on demand for these types of units.	The development of new units would increase the supply of housing units for sale, and there would be ***no impact*** on or conflict with Principle 1.2.
2.2 The quality of residential neighborhoods should be maintained and improved by excluding residential and non-residential projects which would significantly impair desirable residential qualities, and by maintaining and improving public facilities and services provided within residential areas.	The project represents infill development of a character that would be very similar to the existing residential neighborhood surrounding the project site. The project would maintain the low-density single family residential character of the site's surroundings. The project would also improve public facilities and services by generating additional property tax revenue, and provide sidewalks and street improvements along its perimeter and bordering at least one side of its internal street. The capacity of facilities and services to accommodate the proposed project is addressed in various locations in this Initial Study. The impact would be ***less than significant***.
3.1 New residential development should be encouraged to locate on vacant or under-utilized sites within the existing urban area, and where development would result in more efficient use of existing public services and facilities and improve housing opportunities close to employment centers, shopping areas, and major transportation facilities.	The proposed development represents infill development on a largely vacant or underused site, well within the existing urban area, and where public services and facilities are present and in relatively close proximity. Malabar Avenue is located about 1.2 miles north of Castro Valley Boulevard, and thus the project is comparatively closer to shopping, transportation facilities and employment centers than other outlying development. The project would also be served by Redwood Road and Interstate I-580. The development would have ***no impact*** on or conflict with Principle 3.1.

[45] Ibid., pp. 52-59.

Table 3, continued
Castro Valley Plan, Housing and Residential Land Use Conformity Analysis, Tract Map, TR-7305

Principle Number and Text (paraphrased in part)	Consistency Discussion
3.2 All new residential projects should be compatible with adjoining residential uses in terms of site planning and building design.	The new units would be comparable to the wide majority of adjoining residential uses in regards to lot size, required setbacks, and maximum height. While the new residences would be larger than many other existing houses in the neighborhood, the new homes would be built to the same height and setback standards that are required throughout the neighborhood. The potential for conflict with Principle 3.2 is ***less than significant***.
3.3 Residential projects should utilize a variety of housing types, unit clustering, and special construction techniques where these will preserve natural topographic, landscape and scenic qualities.	The proposed development would not increase the variety of housing types in the area. Clustering of the units to preserve land form, landscape and scenic qualities would generally be inconsistent with the appearance of the area. The impact on or conflict with Principle 3.3 would be ***less than significant.***
3.4 Use of passive and active solar energy and other energy and water resource conservation measures should be encouraged in residential developments.	No solar energy or other energy or water resource measures have been identified by the developer for use in the proposed project. However, because their use is not mandatory, the impact or conflict with Principle 3.4 would be ***less than significant.***
3.5 All residential projects should be sited, designed and landscaped to: ensure privacy and adequate light, air and ventilation to all dwelling units and residential open space areas; provide adequate and usable private indoor and outdoor spaces; and ensure adequate visual and acoustical buffering and/or separation between residential units and adjoining non-residential uses and major transportation facilities.	Through compliance with the established zoning for the area, the proposed project would provide, both within and surrounding the site, adequate privacy, light, air and ventilation, as well as sufficient usable indoor and outdoor open space, and visual and acoustic buffering or separation. There are no major transportation facilities in direct proximity to the site which would require noise or visual buffering. A parking lot for the First Baptist Church borders a small segment (about 100 feet) of the west side of the project site, and a parking lot serving the Castro Valley Adult School lies across Seven Hills Road from the site, either of which could generate noise. However, both parking lots are bordered by existing residential uses which have not generated unusual complaints. Due to a steeper slope within the site near the edge of the church parking lot, the homes in this area would have deeper rear yard setbacks (35 to 45 feet), thus increasing the separation between the two uses. The western view from the homes that would border the church parking lot, which would have pad elevations of about 15 feet higher than the parking lot, may be diminished by the parking lot, but in other respects would have exceptional long range views. There would be a ***less than significant*** impact on or conflict with Principle 3.5. However, it may be appropriate for the County to encourage trees and other landscaping with sufficient height to screen the parking lot while preserving the long distance views at the rear of these lots.

Table 3, continued
Castro Valley Plan, Housing and Residential Land Use Conformity Analysis, Tract Map, TR-7305

nciple Number and Text (paraphrased in part)	Consistency Discussion
) Secondary housing units (units which are subordinate in size and prominence to the principal single family residence on a residential property, and as otherwise specified by the County) should be permitted in predominantly single family residential areas where lot sizes, site improvements, public utilities, transportation facilities, and residential support systems are such that the density increase can be accommodated in a manner that will have minimal effects on desirable qualities of these residential areas.	The project is within a combining "CSU" (conditional secondary unit) District, in which a secondary unit with a maximum of 640 square feet of floor area may be approved with a conditional use permit. Therefore, the zoning of the site could contribute to the objective of providing secondary units in a single family residential area where the lot size and site improvements may accommodate such units, and transportation, public services and utilities are in place. The developer has not proposed any secondary units and the decision to apply for such units is normally made by an individual homeowner. The proposed project (including any of the alternatives) contains several large lots which may could accommodate such units. However, because many factors go into the decision to apply for approval of a secondary unit, and they are approved on a case-by-case basis, it is considered highly unlikely that, if the project is approved, more than two or three secondary units would be approved within the development over the course of ten or even twenty years. There would be a ***less than significant*** impact on or conflict with Principle 3.6.
3 Suburban and low density residential development (defined in the *Plan*'s Glossary as having a density of between 1.0 and 6.6 units per gross acre) should be permitted throughout the Urban Area, except for areas required for commercial and public uses, and in the central area where these uses are not predominant.	As discussed with regard to the land use designation of the site as "Suburban and Low Density Residential" regardless of which alternative is selected, the development would result in a gross density of between 4.8 and 5.5 units per acre, therefore within the density range specified. The area is not required for any commercial or public use. There would be ***no impact*** on or conflict with Principle 3.8.
) Within predominantly single-family residential areas, the density of new suburban and low density development should be approximately the same as the surrounding residential uses.	The site is in a predominantly single-family residential area, and the project would provide for lot sizes that are equal to or larger than the majority of lots in the vicinity. However, the conformity of the project to the related "Policy Statement on Lot Size Consistency of Single Family Subdivision in Castro Valley" is discussed separately below. While Alternatives 1, 2 and 2A would have a ***less than significant*** impact on or conflict with Principle 3.9; Alternatives 3 and 3A would result in lots with a narrower average lot width than in the surrounding area, which would be a ***potentially significant*** impact.
11 New suburban and low density residential projects may include attached and/or detached units, provided that the development is otherwise compatible in scale, mass and siting with surrounding residential uses. Attached and semi-detached units are encouraged where it allows preservation of important natural or man-made features.	The project proposes only detached dwelling units with setbacks as required by the Zoning Ordinance. There are no notable or important natural or man-made features on the site for which the use of attached or semi-detached (e.g., zero-lot line development) is required. There would be ***no impact*** on or conflict with Principle 3.11.

Table 3, continued
Castro Valley Plan, Housing and Residential Land Use Conformity Analysis, Tract Map, TR-7305

Principle Number and Text (paraphrased in part)	Consistency Discussion
3.12 All suburban and low density residential development projects should provide adequate, usable open space directly accessible to each unit at ground level.	Each proposed lot, regardless of the alternative, would include adequate and usable open space. Because there are no proposed lots with steep slopes or moderate slopes throughout the entirety of any lot, the open space would be available at ground level. There would be ***no impact*** on or conflict with Principle 3.12.

Suggested Design Guidelines. As indicated in **Table 3** with regard to Principle 3.2, the new residences would be built to the same height and setback standards that are required throughout the neighborhood. Although conceptual building designs have been submitted, the individual placement or siting of the one- and two-story residences (and loft-style homes) has not been determined. Mitigation Measure 1 (see discussion under the heading Aesthetics) will avoid a concentration of two-story homes in areas where one-story homes are more prevalent. Depending on the alternative selected, and the actual building siting, it is suggested that as a condition of approval that the project applicant should submit building elevations for each parcel for review by the Planning Director, to ensure that the new residences along Malabar Avenue conform to Principle 3.2. For example, along Malabar Avenue the upper stories of homes could be proportionally set back or narrowed, and half or more of such units could be limited to one-story or split level. Garages could be limited to two car-widths, and any additional garages could be oriented to the side. Landscaping could be installed at the earliest opportunity, and could include a minimum of one 24-inch box tree per lot (a larger tree than the typical 15-gallon size required), and rapid-growing species of shrubs and ground cover at the perimeter of the project site.

Lot Size Consistency Policy. The "Policy Statement for Lot Size Consistency of Single Family Subdivision in Castro Valley" (hereafter the "Lot Size Policy") was adopted by the Alameda County Board of Supervisors at the recommendation of the Castro Valley Municipal Advisory Council and the Alameda County Planning Commission on August 1, 1991. The policy states:

> New single family parcels must be consistent with the existing land use pattern of the surrounding neighborhood. Even though subdivision proposals may meet the minimum zoning requirements for lot size or median lot width, they may not create lots that are substantially smaller or narrower than the prevailing lots in the neighborhood.[46]

The purpose of the Lot Size Policy is to "clarify, enhance and reaffirm" Principle 3.9 in the *Castro Valley Plan*, that the density of new suburban and low density residential development should be approximately the same as that of surrounding residential uses, and Principle 3.11, that either attached or detached residential units may be included in residential development provided that they are compatible in scale, bulk and siting with surrounding residential uses.[47] The Lot Size Policy applies to neighborhoods which have R-1 (Single Family Residential) zoning, including R-1 District areas with any combining District (e.g., R-1-CSU-RV, or R-1-B-8), and PD (Planned Development) zoning based on an R-1 District. The R-1 District requires a minimum building site area of 5,000 square feet, and a median lot width of not less than 50 feet.

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[46] Alameda County Board of Supervisors, *Policy Statement for Lot Size Consistency of Single Family Subdivision in Castro Valley*, August 1, 1991.

[47] *Castro Valley Plan*, pp. 57-8.

ie Lot Size Policy also states that "This policy statement gives guidance to decision-makers in determining when id where infill subdivisions should take place. It is not intended to preclude infill development which meets ounty Policies."[48] The Lot Size Policy reiterates state planning law that subdivisions are subject to the quirements and policies of the local General Plan, as represented by the Castro Valley Plan, as well as the zoning dinance requirements for minimum lot size or width. The key terms used to apply the Lot Size Policy to a roposed subdivision are the "surrounding neighborhood" and the "prevailing lot". To identify the prevailing lot ea and width it is first necessary to define the surrounding neighborhood, which should be determined by using ie of three methods or criteria:

- A discrete tract which was developed at one time and which functions as a cohesive neighborhood.
- An area defined by physical features, both natural and human-made, including creeks, ridges and roads. These features function as area boundaries that define an integral area.
- A discrete unit of contiguous, similarly-sized lots which have an established pattern of single family lots larger than the minimum zoning requirement.

he existing "prevailing lot" size and width to which new subdivisions should conform should be determined by ne of two methods, either:

- Predominant lot area and width (that which occurs with the greatest frequency within the neighborhood); or
- Average area and width of lots within a surrounding neighborhood.

he Lot Size Policy also indicates that the decision to approve or deny a proposed subdivision should be based on n evaluation of "neighborhood character and external influences which affect that character" and a determination iat any significant changes to a neighborhood character can be mitigated, or if an environmental impact report is repared, that there are overriding considerations. External influences and adverse effects on character that should e considered include:

- Traffic conditions, street width, and parking
- Natural features such as mature vegetation and creeks
- Retention of existing areas of contiguous open space
- Public services and utilities
- Building height
- Slopes and grading[49]

ot Size Policy Application to Project Area. The project site is located within an R-1-CSU-RV District, and is thus ibject to the Lot Size Policy. However, it is difficult to apply the Lot Size Policy's criteria for defining the surrounding neighborhood" to the project area because: 1) the area around the project site was not developed as single tract, but incrementally from the early 1900s to the present; 2) there do not appear to be any notable natural hysical features which unify the area as an integral neighborhood; and 3) the project site is not within an area or nit with an established pattern of contiguous, similarly-sized single family lots larger than the minimum zoning equirement.

pecifically, the general area around the site is characterized by highly variable lot sizes. Although the lots along udy Street north of the site fit the first criterion as an area built as a single tract, with relatively uniform, small lots

[48] *Policy Statement for Lot Size Consistency.*

[49] Ibid.

(5,600 to 5,800 square feet), the areas to the east, south and west of the site have been built up with irregularly-sized lots during the 1940s, 1950s and 1960s, and range in size from about 3,000 square feet to roughly 30,000 square feet. Although there are no natural features that establish boundaries for the neighborhood, the human-built roadway network forms a kind of boundary. However, the large blocks and irregular street pattern result in a neighborhood that is disparate rather than cohesive, and the neighborhood cannot be defined on the basis of streets alone. In addition, while some streets such as Redwood Road may be considered as a boundary, other streets with little traffic such as Malabar Avenue or Pepper Street may serve to unify a neighborhood.

To satisfy differing perceptions of the neighborhood boundaries by the public and different decision-makers, and to enable the identification of the prevailing lot size and width within the neighborhood, the Planning Department staff has identified three different ways of defining the surrounding neighborhood, as shown in **Figure 17**, including: 1) a larger neighborhood area containing 149 single family residential lots, based mainly on the second criterion, using a portion of the roadway network, and secondly distance from the site, resulting in a nearly rectangular area around the project site; 2) a close-in neighborhood of 67 single family residential lots along the streets that adjoin the site or extend from it such as Judy Street, or lie within 400 feet of the proposed development area of the site; and 3) the 16 single family residential lots that directly border the entire site, and five lots across Malabar Avenue from the site (both directly and diagonally). In addition to defining specific boundaries for the surrounding neighborhood, it may also be appropriate for a relatively large project site such as the Alcorn property to simply compare the average lot size proposed along each outside edge of the site with the average lot size of those lots which border that edge.

The larger neighborhood area boundary is based on lines drawn along the centerlines of Redwood Road and Alma Avenue, and along the rear property lines of the outermost homes facing Mira Loma Way and Pepper Street, but excluding lots over 500 feet north of Malabar Avenue. Therefore, the boundary line defined for this larger neighborhood lies approximately 500 feet north of Malabar Avenue, 300 to 400 feet east of the site along the rear property lines of the furthermost lots which face Pepper Street, 400 feet south of Seven Hills Road to the centerline of Alma Avenue, and 500 feet west of the site to the centerline of Redwood Road. This area includes six properties with non-single family residential uses, including a multiple-family residential property on Redwood Road, a large lot with one residence and three legal non-conforming apartment units on Malabar Avenue, the First Baptist Church, the Shir Amir Synagogue, and the Castro Valley Unified School District facility. The area defined as the close-in neighborhood includes only single family parcels along the nearest bordering streets, along Malabar Avenue, Seven Hills Road, Pepper Street and Judy Street up to Mira Loma Way, and not including corner lots at Redwood Road and Mira Loma Way. The immediately adjacent lots include seven lots along Malabar Avenue (including five lots across the street), four lots on Seven Hills Road and three lots with Pepper Street addresses.

Although the Lot Size Policy does not specifically indicate which lots should be included or excluded when determining average lot sizes for a given neighborhood, it has been the County's practice to exclude the lot or lots proposed for subdivision and non-single family residential uses, because the Lot Size Policy refers to the "*surrounding* residential uses" in the neighborhood (emphasis added). In addition, because the Lot Size Policy clearly states that it is not intended to preclude infill development which meets County policies, it is County practice to exclude lots which have the potential for being subdivided, subject to meeting the requirements of the R-1 District and the General Plan (i.e., the *Castro Valley Plan*), including the Lot Size Policy. Recent subdivisions in Castro Valley have been approved using these criteria, including Rose (PM-7593 and PM-7594) and Weiser (PM-7685), where they were located within areas of variable lot sizes, similar to the project site area. In the case of the Rose application, two parcels over 15,000 square feet in size were excluded due to their potential for subdivision, as well as large parcels owned by the East Bay Municipal Utility District. In the Weiser application, there were three nearby

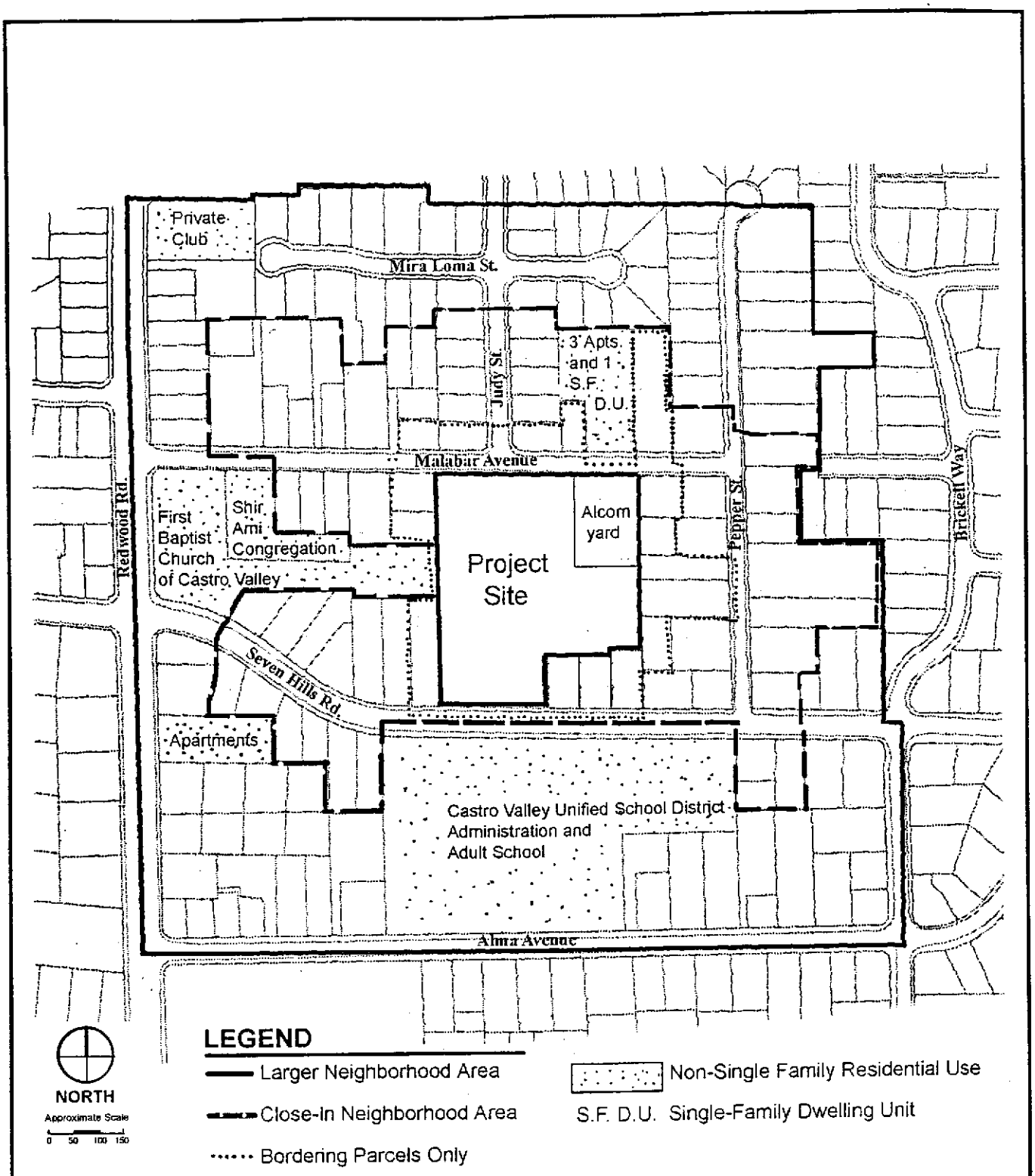

Figure 17
Surrounding Neighborhood Area Boundaries

parcels with over 30,000 square feet that were not included in the determination of the average lot size for the surrounding neighborhood. In most other cases of subdivision in Castro Valley, the consistency of proposed lot sizes with those in the surrounding neighborhood has been generally apparent and non-controversial.

There are no single family residential lots over 30,000 square feet within the neighborhood area (however defined), but the larger neighborhood area includes four lots with over 20,000 square feet, five lots with between 15,000 and 20,000 square feet, and another 26 with between 10,000 and 15,000 square feet. The close-in neighborhood includes four of the lots over 20,000 , but all of the bordering parcels are under 15,000 square feet in area. Lots with less than 10,000 square feet could not be split under the 5,000 square-foot minimum lot size requirements, and lots of between 10,000 and 15,000 square feet may be unable to be split without creating lots substantially smaller than the average surrounding lot size. Although there are likely some lots of less than 15,000 square feet which could be split into conforming lots, and even some lots of up to 20,000 square feet could have conditions that would prevent a lot split, for the purposes of this Initial Study, it is assumed that on average any lot of 15,000 square feet or more could be subdivided, and should be excluded from consideration when determining the average lot size. However, the Lot Size Policy does not specifically exclude lots which could be subdivided, and it is therefore possible to depart from County practice and include lots of up to 20,000 square feet or even larger.

The Lot Size Policy is generally directed at lot sizes of proposed subdivisions and their compatibility with existing lot sizes. However, the *Castro Valley Plan* policy on which it is largely based states that "the *density* of new suburban and low density residential development should be approximately the same..." (emphasis added).[50] The gross density of the larger neighborhood, including all lots, is approximately 4.6 dwelling unit per acre, which decreases slightly to 4.4 units per acre within the close-in neighborhood and rises to 4.7 units per acre for only the adjacent lots.[51] However, excluding the lots larger than 15,000 square feet, consistent with County practice, the density is about 5.0 units per acre for the larger and close-in neighborhood areas, and about 5.2 per acre for the bordering parcels.

To establish a "prevailing lot" size by which the project should be evaluated, the Lot Size Policy requires use of either the most frequently occurring lot size or width, or an average of the lot sizes and widths in the neighborhood. Average lot size is normally assumed to be the arithmetic mean of a set of values (i.e., the total area of all lots divided by the number of lots). However, the term average is also defined as a single value that may also be represented by median or mode values. The median value is the middle value in an ordered set, such that there are an equal number of values above and below that point (e.g, the 4th of 8, or the 7th of 13). The mode value is the most frequent value (e.g., 4 out of the series of numbers 1, 2, 2, 3, 4, 4, 4, 4, 5, 7, 7, 8), and is recognized by the Lot Size Policy as "that which occurs with the greatest frequency", and as representative of the neighborhood.

To identify the most frequently occurring lot size, the lots have been divided into groups of 1,000 square-foot increments (i.e., 5,000 to 5,999, 6,000 to 6,999, etc.). This division of lots within the larger neighborhood area, as shown in **Table 4**, identified 47 lots with between 5,000 and 5,999 square feet, 30 lots with between 6,000 and 6,999 square feet, 14 lots with between 7,000 and 7,999 square feet, and between 6 and 10 lots in each of the next five higher increments. In each of the other eleven increments with any representative lots (including two groups under 5,000 square feet), there are only one to four lots. Therefore the most frequently occurring lot in the larger neighborhood is between 5,000 and 5,999 square feet in area. For both the close-in neighborhood and the bordering parcels, the majority of lots are also in the range of 5,000 to 5,999 square feet.

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50 *Castro Valley Plan*, pp. 57-8.

51 Note: the gross density is estimated by totaling the lots included in each defined area, and increasing it by 15 percent to allow for street access, which is the roughly typical amount of street right-of-way provided within most small lot subdivisions.

Table 4
)istribution of Single Family Residential Lot Sizes Within Surrounding Neighborhood (As Variously Defined)

Lot Size	Larger Neighborhood (149 lots)	Close-In Neighborhood (67 lots)	Bordering Lots Only (16 lots)
2,000 – 2,999	1	-	-
3,000 – 3,999	1	-	-
4,000 – 4,999	3	1	-
5,000 – 5,999	47	20	6
6,000 – 6,999	30	17	5
7,000 – 7,999	14	4	1
8,000 – 8,999	8	5	1
9,000 – 9,999	10	4	-
0,000 – 10,999	7	2	-
1,000 – 11,999	6	2	-
2,000 – 12,999	7	5	1
3,000 – 13,999	2	1	1
4,000 – 14,999	4	1	-
5,000 – 15,999	2	1	-
6,000 – 16,999	1	1	-
7,000 – 17,999	-	-	-
8,000 – 18,999	1	-	-
9,000 – 19,999	1	-	-
0,000 – 20,999	2	1	1
1,000 – 21,999	1	1	-
9,000 – 29,999	1	1	-
TOTAL	149	67	16

= indicates break in lot size group.
ote: lot size given in square feet.
f - 1,000s of square feet.

Table 5
Average Lot Sizes of Single Family Residential Lots Within Surrounding Neighborhood (As Variously Defined)

Type of Average	Larger Neighborhood (149 lots)	Close-In Neighborhood (67 lots)	Bordering Lots Only (16 lots)
Mean, all lots	8,260	8,580	8,040
Mean, <15 ksf	7,530	7,620	7,230
Median, all lots	6,710	6,640	6,200
Density: Units per gross acre	4.6 (149÷32.5)	4.4 (67÷15.2)	4.7 (16÷3.4)
Density, <15 ksf	5.0 (140÷27.9)	5.0 (62÷12.5)	5.2 (15÷2.9)

Table 6
Distribution of Single Family Residential Lot Widths and Average Widths Within Surrounding Neighborhood (As Variously Defined)*

Lot Width	Larger Neighborhood (134 lots)	Close-In Neighborhood (57 lots)	Bordering Lots Only (13 lots)
40 – 49	6	3	1
50 – 59	46	22	3
60 – 69	28	10	5
70 – 79	22	6	1
80 – 89	15	7	3
90 – 99	9	4	-
100 –109	6	4	-
110 – 119	1	1	-
120 – 129	1	-	-
TOTAL	134	57	13

Type of Average			
Mean, all lots	68	68	65
Mean, <15 ksf	67	66	64
Median, all	62	60	65
Median, <15 ksf	61	60	65

* not including stem lots.

In contrast to the most frequently occurring lot size, as shown in **Table 5**, the mean average lot size ranges from about 7,230 to about 7,620 square feet depending on the boundary used, and not including the ten potentially subdividable lots over 15,000 square feet (consistent with County practice). However, if parcels of 15,000 square feet are included, the mean average lot size increases to between about 8,040 and 8,580 square feet (also depending on the boundary). In another contrast to the mean average, the median average (the middle of the range, which represents one type of average) for the area ranges from roughly 6,200 to 6,700 square feet, somewhat closer to the most frequent lot size. A detailed breakdown of the lot addresses, sizes, widths and averages, and by neighborhood boundary, is available from the Planning Department.

The distribution and average lot widths within the various neighborhood boundaries are shown in **Table 6**. Lot widths in the larger neighborhood area range from 40 to 126 feet, and between 45 and 110 feet for the close-in neighborhood. The immediately adjacent parcels range from 45 to 82 feet.[52] For the purpose of determining the most frequently-occurring lot width, the lots directly bordering a street (i.e., not including the stem or flag lots, the width of which have little or no effect on the visual character of the neighborhood) were arranged in size order and divided into ten-foot increments of width. This analysis indicates that the most frequently occurring lot width is between 50 and 59 feet within the larger and close-in neighborhoods (46 and 22 lots respectively) and between 60 and 69 feet for the directly adjacent lots. The mean average median lot width, however, is 68 feet for both the larger the close-in neighborhood areas, and 65 feet for the immediately adjacent lots.[53] Without the parcels larger than 15,000 square feet, the mean average decreases only slightly to between 64 and 67 feet, and the median lot width (the middle value) ranges from 60 to 65 feet, depending on the neighborhood boundary used.

Lot Size Policy Application to Project. Based on the three possible options for defining the surrounding neighborhood and based on the most frequent lot size, the prevailing lot size may be defined as either between 5,000 and 5,999 square feet (5,500 square feet for this purpose, and consistently among all neighborhood definitions). Based on the mean average for the lots of less than 15,000 square feet (consistent with County practice), the prevailing lot size may be defined as either 7,230, 7,530 or 7,620 square feet, depending on the neighborhood definition. Because the Lot Size Policy does not specifically exclude lots which could be subdivided, it is also possible to depart from County practice, include lots of up to nearly 30,000 square feet and use either 8,040, 8,260 or 8,580 square feet as the neighborhood average lot size. The prevailing lot size may also be considered as one of the median averages for the neighborhood, 6,200, 6,640 or 6,710 square feet. The prevailing lot width may be considered as between 50 and 60 feet as the most frequently occurring lot width in the larger and close-in neighborhood areas (55 feet for this purpose), between 60 and 70 feet (i.e., 65 feet) as most common among the lots which border the site, or as one of the mean averages for the neighborhood (either 64, 66 or 67 feet). The prevailing lot width may also be considered as one of the area medians, 60, 61 or 65 feet (for lots of less than 15,000 square feet).

The Lot Size Policy does not indicate whether it is more appropriate to use the most frequent or the average lot size or width. Because of the wide discrepancy between 5,500 and 8,600 (i.e., 8,580) square feet and between 55 and 65 (the lowest and highest possible indicators of representative lot size and width), it is reasonable to use an average, and establish 7,000 square feet as the *prevailing lot size* (a rough average of 5,500 and 8,600), and 65 feet as the *prevailing lot width* (an average of 55 and 68, rounded up to an even interval and to be conservative), to which the proposed subdivision of the project site should conform. Given the median lot size within each of the possible neighborhood boundaries (6,200 to 6,700 square feet), the figure of 7,000 square feet is considered to be highly

[52] Median lot width is defined by the Zoning Ordinance as the width of a lot measured at a right angle at the midpoint of a line drawn from the middle of the front lot line to the middle of the rear lot line. (Zoning Ordinance Definitions, Section 17.04.10).

[53] Within the larger neighborhood, the average rises very slightly to 70 feet when the stem lots are included.

onservative. A prevailing lot width of 65 feet is also consistent with the median of the lot widths under the various eighborhood definitions.

ı addition, the Lot Size Policy states that new residential subdivisions "may not create lots that are *substantially* naller or narrower than the prevailing lots in the neighborhood..." (emphasis added). In this context "substantially naller" should be recognized as meaning considerably, notably, or conspicuously smaller, and conservatively anslated as a greater than 10 percent reduction in size. The primary *Castro Valley Plan* policy on which the Lot ize Policy is based (Housing and Residential Land Use Principle 3.8) also specifically states that "the density of... evelopment should be *approximately* the same as that of surrounding residential uses." (emphasis added)[54] herefore a new subdivision in this neighborhood area which results in an average lot size equal to or greater than ,300 square feet (90 percent of 7,000) should be considered consistent with the Lot Size Policy adopted for Castro alley. Likewise, a subdivision with an average median lot width of 59 feet or greater (90 percent of 65) should lso be considered consistent with the Lot Size Policy. Lastly, any *individual* lot in a proposed subdivision that is p to 10 percent smaller than the subdivision's average lot size or width should also be considered consistent with ıe Lot Size Policy, if the overall average of the subdivision meets these neighborhood standards (a minimum verage lot size of 6,300 square feet and a minimum average lot width of 59 feet).

ı addition, as indicated previously, it may be appropriate to compare the average lot size proposed along each utside edge of the site with the average lot size of those lots which border that edge. Because of the small number f lots under consideration with this approach, only simple (mean) averages are used, rather than a most frequently ccurring or median lot. On this basis, the five lots that border the east side of the entire property average 7,905 quare feet, although with the three lots on the southeast corner of the property, the average decreases to 7,605 quare feet. The Castro Valley School District property to the south of the site prevents a comparison among xisting and proposed lots along the southern edge of the site. Only three single family lots border the western edge f the site, and based on two lots of under 6,000 square feet and one lot of about 12,600 square feet, they average ,111 square feet in area. Along the northern edge of the site (across Malabar Avenue and on each side of the site), ıere are seven lots which average 7,832 square feet in area, based on six lots near 6,000 square feet and one lot of ıore than 20,000 square feet, which lies north and east of the Alcorn residence. Excluding the 20,000 square foot te, the average lot size among the other six lots along Malabar Avenue is only 5,778 square feet.

he minimum, maximum, average and most frequent lot sizes and widths of each alternative, as well as that of the ırrounding neighborhood area as discussed above (each of the three possible definitions), are shown in **Table 7**, ıd a simplified comparison of the alternatives with the neighborhood standard adopted for this purpose is shown **Table 8**. The last column in **Table 7** shows combined averages for the different neighborhood area for lot size, ensity, and median lot width (with and without lots over 15,000 square feet). **Table 8** shows the percentage that ıch alternative is smaller or larger than the average of the differing neighborhood areas, thus enhancing the ımparison of the lots in the subdivision (including the two Alcorn yard remainder parcels) with all the lots in the ırrounding area. The increase or decrease in average lot size of each alternatives is also shown as a percentage in **able 8**. As shown in **Table 8**, depending on the alternative, the new residential lots would have an average lot size between about 6,750 and 7,200 square feet, or about 3 percent smaller to 3 percent larger than the prevailing lot ze as established above of 7,000 square feet. Alternatives 1, 2 and 2A would provide for an average median lot idth of between 59 and 66 feet, ranging between about 1 percent larger to about 9 percent smaller than the ırevailing" lot width of 65 feet established herein, and therefore in sufficient compliance with the lot width criteria the Lot Size Policy. Alternatives 3 and 3A, however, would result in an average median lot width of 56 feet,

Castro Valley Plan, pp. 57.

Table 7
Comparison of Alternatives Lot Size and Widths, and With Surrounding Neighborhood

	Alt. 1 (19 lots)	Alt. 2 (18 lots)	Alt. 2A (18 lots)	Alt. 3/3A (18 lots)	Surrounding Neighborhood of 149:	of 67:	of 16:	Average
Minimum Lot Size	5,890	5,880	5,830	6,000	2,920	4,700	5,250	n.a.
Maximum Lot Size	9,580	10,200	10,200	8,170	29,920	29,920	20,160	n.a.
Average Lot Size (all, including Alcorn property)	7,340	7,640	7,380	7,210	8,260	8,580	8,040	8,290
Average for new lots only	6,910	7,220	6,930	6,760	7,530	7,620	7,230	7,460
Median Lot Size (all)	6,620	6,800	6,600	6,250	6,710	6,640	6,200	6,520
Most Frequent Lot Size	6 - 6.9ksf	6 - 6.9ksf	6 - 6.9ksf	6 - 6.9ksf	5 - 5.9ksf	5-5.9ksf	6 - 6.9ksf	5.8ksf
Gross Density, all lots	5.0	4.8	4.8	4.8	4.6	4.4	4.7	4.6
Gross Density <15ksf	5.5	5.2	5.2	5.2	5.0	5.0	5.2	5.1
Minimum MLW	50	50	50	50	40	45	45	n.a.
Maximum MLW	71	118	118	68	126	110	82	n.a.
Average MLW, all lots	62	69	68	60	68	68	65	67
Avg. MLW, lots <15ksf	59	66	65	56	67	66	64	66
Most Frequent MLW	50-60	50-60	50-60	50-60	50-60	50-60	60-69	58

Notes: ksf = 1,000 square feet. MLW = Median Lot Width. MLW results exclude stem lots.
Gross Density = dwelling units per acre. The bold line enclosures highlight most important comparisons.

Table 8
Comparison of Alternatives Lot Size and Widths With Neighborhood Standard

	Alt. 1 (19 lots)	Alt. 2 (18 lots)	Alt. 2A (18 lots)	Alt. 3/3A (18 lots)	**Neighborhood Standard**
Average Lot Size, all lots	7,340	7,640	7,380	7,210	
% smaller or larger than neighborhood standard	**4.9%**	**9.1%**	**5.4%**	**3.0%**	**7,000**
Average Lot Size, new lots only	6,910	7,220	6,930	6,760	
% smaller or larger than neighborhood standard	**-1.3%**	**3.1%**	**-1.0%**	**-3.4%**	
Median Lot Width	59	66	65	56	
% smaller or larger than neighborhood standard	**-9.2%**	**1.5%**	**0.0%**	**-13.8%**	**65**

most 14 percent smaller than the median lot width standard for the neighborhood, and therefore out of compliance ith the Lot Size Policy as interpreted for this project.

he specific lot characteristics of each alternative and their comparative consistency with the neighborhood andards established for the project area, and compatibility with their surroundings on the basis of the lots along ıch side of the site, are summarized below:

Alternative 1 (most lots connected to Seven Hills Road) would provide for 19 new residential lots ranging between about 5,900 and 9,600 square feet in area, with an average lot size of 6,900 square feet and an average lot width of 59 feet, which are respectively one and nine percent smaller than the neighborhood standard, and thus consistent with the Lot Size Policy. Five lots would be about 7,500 square feet or larger; only one lot would be smaller than 6,000 square feet. The gross density would be 5.5 units per acre, not including the Alcorn yard, and 5.3 units per acre with the Alcorn yard. Including the remainder parcels within the Alcorn yard, the average lot size would be approximately 7,340 square feet and the average lot width would be 63 feet, respectively five percent larger and three percent smaller than the neighborhood standard.

On a lot-specific basis, comparing adjacent existing and proposed lots along three sides of the project site, the five lots to be created under Alternative 1 along the eastern side (including the two remainder lots) would have an average lot size of 8,525 square feet, which is about 12 percent larger than the average of the eight neighboring parcels (7,605 square feet). Only two lots would be created along the southern edge of the site, and at an average of 6,822 square feet they would be only slightly smaller than the three lots along Seven Hills Road to the east, which average 7,107 square feet in size, although clearly smaller by nearly half than the large 12,600 square foot lot to the west. The seven lots along the western side would have an average lot size of 7,732 square feet, which is about 5 percent smaller than the average for the three existing lots to the west (8,111 square feet).

The five new lots along Malabar Avenue (including one lot also considered as being on the western border) would have an average lot size of 6,490 square feet, 12 percent larger than the average for the six smaller lots that lie directly along or across the street (5,778 square feet), but 17 percent smaller than the average lot size across the street if the lot to the northeast of the Alcorn yard is included, which contains over 20,000 square feet. However, it is more reasonable to compare the total combination of proposed lots along Malabar Avenue (i.e., including the proposed Alcorn residence parcel), for which the average lot size would be 7,785 square feet, with the average lot size (7,832 square feet) of all seven of the single family residential lots along this segment of Malabar Avenue. On this basis, the project would result in six lots along Malabar Avenue that would be less than one percent smaller than the average for the seven nearest single family residential lots. In addition, under County practice the 20,160 square foot lot should be assumed to be subdivided in the future, and not included in estimations of existing average lot sizes.

Alternative 1 would conform to the Lot Size Policy on the basis of lot size, and the average lot width of all six proposed lots along Malabar Avenue would be approximately 69 feet, about 6 percent above the neighborhood standard established above. However, the five new parcels would be at least *21 percent* below the average lot "width" of either group of six or seven lots along Malabar Avenue (two of the lots are on opposite corners at Malabar Avenue and Judy Street and have extended frontage along Malabar Avenue, but they contribute to the pattern of wide lots along Malabar Avenue). On this basis, the proposed new lots along Malabar Avenue would have a ***potentially significant*** impact on or conflict with the Lot Size Policy regarding lot width compatibility (Impact 11.1).

- *Alternative 2* (most lots connected to Malabar Avenue) would have 18 lots of between 5,900 and 10,200 square feet, and an average lot size of about 7,200 square feet, the highest average lot size. The average lot width would be 66 feet, also the largest of the alternatives. The lot size and width are respectively three and two percent larger than the neighborhood standard, and thus consistent with the Lot Size Policy. Seven lots would be greater than 7,500 square feet in area, and like Alternative 1, there would be only one lot of less than 6,000 square feet. Not including the Alcorn yard, Alternative 2 would have a gross density of 5.2 units per acre.

  Unlike Alternative 1, four lots would be created along the east side of the site (including the two Alcorn yard parcels) with an average lot size of 9,805 square feet, 29 percent larger than the eight adjacent lots' average lot size. Four lots would be created along Seven Hills Road, with a uniform size of about 5,850 square feet each, and a 50-foot lot width. This lot size would be about 18 percent smaller than the three consecutive lots to the east, and less than half the size of the three consecutive, large lots to the west. This represents a ***potentially significant*** impact on or conflict with the Lot Size Policy regarding lot size compatibility (Impact 11.2.a). Only five lots would border the western edge of the site, and they would average 7,647 square feet, only 6 percent smaller than the average of the three adjoining lots. The four new residential development lots proposed along Malabar Avenue under Alternative 2 would have average lot sizes of about 6,320 square feet, which is 9 percent larger than the six nearest single family lots, not counting the single lot over 20,000 square feet. However, the average width for the new lots along Malabar Avenue (64 feet), while larger than for Alternative 1, is still about 20 percent smaller than the 80-foot average lot width along Malabar Avenue of existing development, which represents an additional ***potentially significant*** impact (Impact 11.2.b).

- *Alternative 2A* (all lots connected to Malabar Avenue) would also result in 18 new residential lots, and a maximum lot size of 10,200 square feet, but including two roughly 5,800 square-foot lots. In total there would be three lots of less than 6,000 square feet, three lots of over 7,500 square feet, and an average lot size of 6,900 square feet. The average lot size would be approximately 6,900 square feet, about half a percent larger than the neighborhood standard, while the average lot width, 65 feet, would be three percent larger than the standard; the average size and width would be consistent with the Lot Size Policy. The gross density would be the same as for Alternative 2. The impact of Alternative 2A on a lot-by-lot basis would be virtually identical to that of Alternative 2 (***potentially significant***), although because four homes would back up to instead of facing Seven Hills Road, the effect could be less noticeable.

- *Alternative 3* (Judy Street extension, and including Alternative 3A) would yield 18 new residential lots of between 6,000 and about 8,200 square feet, and an average new lot size of 6,800 square feet, about three percent smaller than the neighborhood standard, which conforms to the neighborhood standard for lot size. Alternatives 3 and 3A would have an average lot width of 56 feet, which is 11 percent smaller than the neighborhood standard, and therefore does not conform to the Lot Size Policy as specifically applied to this neighborhood. However, including the Alcorn property, the average lot width is 60 feet, only five percent below the neighborhood lot width standard, and therefore well within the Lot Size Policy as equitably administered. Five lots would contain 7,500 square feet or more. Including the Alcorn yard area, the average lot size would be about 7,600 square feet. The gross density for both Alternatives 3 and 3A would also be the same as under Alternative 2.

  Like Alternative 1, a total of five lots would be created along the eastern edge of the site, and the average lot size among these lots would be comparable and about 14 percent larger than the eight bordering parcels.

With only two lots along Seven Hills Road, there would be no substantial concentration of narrower lots. However, along the west side of the site and along the Judy Street extension, a total of nine lots are proposed with an average lot size of 7,153 square feet, which is 12 percent smaller than the average for the three bordering parcels. This concentration of lots with a smaller lot size along the western side of the lot represents a ***potentially significant*** impact on or conflict with the Lot Size Policy (Impact 11.3). The placement of only two new residential lots with their long sides towards Malabar Avenue would have the effect of complete compatibility with the adjacent lots.

:mmary of Lot Size Policy Analysis. Alternatives 1, 2 and 3 would not conform to the "Policy Statement for Lot ze Consistency of Single Family Subdivision in Castro Valley", and the impact of the project would be ***potentially ;nificant***.

MITIGATION MEASURE 11: Modification of Tract Map. Under each alternative at least one parcel should be eliminated and combined with the area of other proposed parcels, in order to provide for lot size consistency. To address Impact 11.1 (under Alternative 1), one lot of the five along Malabar Avenue should be combined with the remaining four. To avoid Impact 11.2.a (Alternatives 2 and 2A), either one lot could be eliminated, or the four lots facing Malabar Avenue could be rotated approximately 90 degrees to face the new cul-de-sac. In order to avoid Impact 11.2.b (also Alternatives 2 and 2A), one of the four lots along Seven Hills Road should be eliminated, unless their size can be adjusted upward to an average of at least 6,360 square feet (90 percent of the average for the three consecutive lots to the east) through the elimination of a lot adjacent to Malabar Avenue. Lastly, if Alternative 3 is selected, the nine lots along the west side of the Judy Street extension should be reduced to no more than eight lots to address Impact 11.3

ıplementation of Mitigation Measure 11 would reduce the potential impact due to a conflict with the General Plan embodied in the Lot Size Policy to a ***less than significant*** level.

ıblic Comments on Lot Size Analysis. An extensive number of public comments were received on the preliminary : size analysis for the proposal. The discussion in the foregoing text is intended to address these comments. ›wever, the individual comments (as paraphrased) and responses to each comment are provided in **Table 9**.

ale, Mass, Building Design and Siting. The immediately surrounding area is characterized as a mixture of velopment patterns, with a majority of homes having generally conventional scale, mass, design and siting. Such ›ical features include 20-foot deep front yards, minimum 5-foot wide side yards, and minimum 20-foot deep rear :ds. Although some of the homes on larger, deeper lots have larger front yard setbacks, the vast majority of homes ve roughly equivalent front yard setbacks. The majority of homes in the area are two-story, or at least two-level, th the lower level built into the natural slope of the lot. Only in the uniformly developed Judy Street area are mes consistently single story. Because of gentler slopes in this particular area, these homes do not have the mass other homes built on slopes, where the average height tends to be between 15 and 20 feet. Many lots slope wards from the street, so that a two-story building height is the general effect in many parts of the neighborhood.

e project would allow the construction of homes that would comply with the zoning of the area, R-1-CSU-RV. e R-1-CSU-RV District prohibits dwellings to exceed two stories or 25 feet in average height, except that lots th a median lot width of 80 feet or greater are allowed an additional two feet in height for each 10 feet that the width exceeds 70 feet, up to a maximum of 30 feet. Average height is determined by averaging the lowest and ghest distance of the topmost roof line from the surrounding finished grade. Under Alternatives 1 and 3 (and 3A) :re would be no lots with more than 80 feet in width, whereas Alternatives 2 and 2A would create three lots that ›uld allow homes with a maximum height of 27 feet (lots 6, 13, 14), and one lot permitting a height of 30 feet t 16).

Table 9
Comments and Responses Regarding Lot Size Analysis

Public Comment	Response to Comment
The project proposes an excessive numbers of homes on the site. (Petition, Hollingsworth)	Comment noted. The project has been revised since the first proposal (in June of 2001) to result in one to two fewer homes on the site. As indicated in the general text, the project as a whole would result in lot sizes that are consistent with the prevailing lot size in the neighborhood. However, based on a detailed evaluation of the lots proposed along each side of the site, each alternative would result in a number of lots along at least one side that would result in lot sizes that are not consistent with adjoining lot sizes. See Mitigation Measure 11.
The average lot size of the development appears to be smaller than is typical of the surrounding area, and will negatively affect the attractiveness of the area. (Davis/Irving)	This issue is addressed in depth in the general text. The effect of the project on aesthetic considerations is dealt with in detail under the heading Aesthetics.
Average lot size calculation should include, and not exclude large parcels. Comparison of project lots with existing area would indicate project lots would be out of place. (Sadoff, Billa)	The inclusion and exclusion of large parcels is addressed in depth in the general text. County practice is to exclude large lots that have the potential of being subdivided. The comparison of lots as shown in **Table 8** indicates that project lots would be within 10 percent of the lot size standard as defined for the neighborhood, and would therefore not appear unusually out of place. However, see the above discussion and the general text regarding Impacts 11.1 through 11.3.
The original Staff Report to the CVMAC improperly concluded that the average lot size of the proposed development (6,450 square feet as originally proposed) would be consistent with the overall average lot size of the surrounding area (8,800 square feet), and did not provide adequate explanation for such a conclusion. (Sadoff)	The general text regarding lot size consistency provides a detailed explanation of how the average lot size of the surrounding area was determined.
Comparison of proposed project lot sizes with existing lot sizes along Judy Street is not appropriate if the proposed homes are two-story and have a much larger footprint than the single-story and smaller footprint homes along Judy Street. (Barclay)	Comment noted. As discussed under the heading of Aesthetics, there are many two-story and split level homes in the nearby area, many of which exist on relatively small lots. The *Castro Valley Plan*, including the Lot Size Policy, and the Zoning Ordinance as well, do not directly regulate building floor area ratios. The lots in the project would be required to conform to the same building setbacks and height limitations of the surrounding R-1 District, and therefore all property owners have equal opportunity to build out to a specific maximum based on their lot size. The developer has indicated it intends to build a combination of one- and two-story residences, and the potential effect of all two-story homes along Malabar Avenue, near Judy Street has been addressed by Mitigation Measure 1, as discussed under the heading Aesthetics.
The 500-foot radius around the project site used in the original Staff Report should have been expanded to 1,000 feet to calculate the average lot size, using all lots to reach an average. (Billa)	Comment noted. A radius of 1,000 feet would have extended to areas that are distinctly different and separate from the areas established in the general text as the surrounding area. At a meeting with neighborhood representatives it was agreed that a smaller area around the site was appropriate.

Table 9, continued
Comments and Responses Regarding Lot Size Analysis

ublic Comment	Response to Comment
pecific information should be provided to area residents about ot sizes in the "immediate" neighborhood area extending north to eaview Avenue, east to Sandy Road, south to James Avenue, and vest to Redwood Road. (Hersch)	Comment noted. See previous response.
lanning Department staff was not confident of the results of the ot size analysis in the original staff report. (O'Keith)	Planning staff was confident of the results of the lot size analysis, and has reached a similar conclusion about the compatibility of the project as currently proposed (and each of the Alternatives) with the prevailing lot sizes and lot widths in the neighborhood on an overall basis. However, as discussed in the general text, the project would result in lots along some sides of the site that are not consistent with adjoining lot sizes.
lthough existing [quarter-acre to one-sixth-acre][55] lot sizes vould be ideal, it may be appropriate to have smaller lots. Dexheimer)	Comment noted. The proposed project lots would be similar to the many smaller lots that exist in the area. See the general text.
lanning Department staff worked with the developer for two ears to maximize the number of dwelling units that could be eveloped on the site, and did not consider that most of the homes re one-story structures on large properties. (Milward)	County staff are responsible for providing property owners and developers with information on the permitted uses, minimum lot sizes, setback requirements and other limitations. The past two years since the project application was submitted have not resulted in any increase in the number of units, but instead two to three fewer dwelling units. The relative preponderance of one-story structures on nearby properties is discussed in detail in the Initial Study under the Aesthetics heading.
lanning Department staff seemed more sympathetic to the eveloper and the importance of having the maximum number of ots, and were acting outside of their responsibilities to re-work ie applicant's plans or to prepare a survey of average lot sizes in ie neighborhood. (Milward, O'Keith)	County staff are responsible for evaluating project proposals and ensuring that they serve to implement the County General Plan (as embodied in the *Castro Valley Plan* and the *Housing Element*). Among the objectives of the *Plan* and the *Housing Element* is infill housing development, which makes efficient use of existing infrastructure and services and facilities. Projects that conform to the *Plan* and other County standards and requirements are appropriate for consideration for approval by the County, and may serve both local and region-wide objectives. County staff is responsible for preparing and impartial lot size analysis.

is assumed that all the homes to be built on the site will comply with the height limits imposed by the Zoning dinance. Unusual topography, lot shape or adjacent development conditions may allow a variance to be granted allow a greater height than otherwise permitted, if findings can be made that those conditions, combined with the ict requirements of the Zoning Ordinance, deprive a property owner of the full enjoyment of the rights of property e. However, there are no apparent physical conditions within or around the site, or created by any of the lot nfigurations of the alternatives which would inherently deprive the new homeowners of privacy or other rights.

Ms. Dexheimer stated: "My property is about a quarter-acre in size and I think that would be the ideal size for the new lots..." Her property at 4542 Seven Hills Road is actually only about one-sixth of an acre (6,760 square feet, divided by 43,560 equals about 0.155 acres, six times which equals a little less than one acre).

The applicant has indicated that they propose to build a mixture of one- and two-story homes, the latter of which would be expected to have a maximum average height of 25 feet. As indicated in the discussion of the project under the heading of Aesthetics (section I of the Initial Study), if all of the lots proposed along Malabar Avenue under Alternatives 1, 2 or 2A, or all of the lots along Seven Hills Road under Alternative 2 or 2A were developed with two-story homes, the impact on scale, mass, building design and siting of the new residential structures would be ***potentially significant***. Mitigation Measure 1 would avoid the potential impact of a concentration of two-story homes in those areas where single-story homes are predominant. In addition, as discussed in the analysis of the project's conformity to the *Castro Valley Plan* (see **Table 3**), although the building designs for each lot have not been determined and only conceptual illustrations have been provided, it is suggested that a condition of approval be adopted to require that the project applicant submit building elevations for each parcel for review by the Planning Director to ensure that dwellings along Malabar Avenue have a reduced profile. One approach could include limiting half or more of such units along Malabar Avenue to one-story or split level-type homes, or minimizing the predominance of the upper stories of the new homes.

Zoning Ordinance Compliance. The site is also subject to the Alameda County Zoning Ordinance (Chapter 17 of the General Ordinance), and the zoning district in which the site is designated, "R-1-CSU-RV" (Single Family Residence, Conditional Second Unit, Recreational Vehicle). The same zoning applies to the remainder of the block and areas to the north and south of the site. The Zoning Ordinance indicates that the "R-1-CSU-RV" District permits one one-family dwelling per parcel, field crops, orchards and gardens, and requires a minimum building site of 5,000 square feet and a median lot width of 50 feet (60 feet for corner lots). With approval of a conditional use permit, the District also allows a second dwelling unit (up to 640 square feet only), community facilities and clubhouses (e.g., churches, meeting halls), and medical or residential care facilities. The District requires front and rear yard setbacks of 20 feet, 10 feet on the side of a corner lot, and a minimum of 5 feet on each side plus one foot per ten feet that the median lot width exceeds 50 feet. Dwellings may not contain more than two stories, or exceed 25 feet in height on average based on finished slope.

Any proposed dwelling that would not meet the required setbacks or which would exceed the height limits would be disapproved, although as indicated above, a variance may be applied for if the property owner is able to demonstrate that an unusual hardship exists such as the slope of the property, its shape or adjacent uses, that prevents the dwelling from complying with the requirements and which prevents the resident from enjoying the privileges shared by similar lots in the vicinity. Although no detailed building plans have been submitted, each lot under all the alternatives has sufficient area to provide the required front, rear and side yard setbacks. All of the alternatives would provide for lots with a minimum of 5,800 square feet, and a minimum median lot width of 50 feet, to be developed with single family residences. The corner lots under Alternatives 2 and 2A would have a minimum median lot width of 60 feet. However, the corner lot under Alternatives 3 and 3A at the northwest corner of Seven Hills Road and the "Judy Street Extension" would have a median lot width of only 58 feet. An exception from the zoning requirements may be granted through the Tentative Tract Map for this lot, although standard setback requirements for corner lots would apply. A narrower home would therefore be required on this lot. However, if Mitigation Measure 11 is implemented, the lot widths would be adjusted upward and the insufficient lot width would be avoided.

All of the other proposed lots under Alternatives 3 and 3A, and all lots under the other alternatives, would result in physical conditions for which a variance would not normally be needed or granted, such as steep slopes where privacy, light and air would be inadequate. It is possible that a variance may be needed for the corner lot under Alternatives 3 and 3A. However, the project would have ***no impact*** on or conflict with the Zoning Ordinance.

onflict with Habitat Conservation Plan or Natural Community Conservation Plan. There are no habitat onservation plans which apply to the project site, and there would be ***no impact*** on such plans.

Environmental Factors and Focused Questions for Determination of Environmental Impact	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
. MINERAL RESOURCES. Would the project:				
) 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?	☐	☐	☐	☑
) 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?	☐	☐	☐	☑

linerals. The site contains no known mineral resources, and it is unlikely that the underlying soils, primarily onsisting of a shallow layer of sand and clay over sandstone bedrock,[56] would have any extractive value. Extraction ould also be infeasible due to the small project site. The Conservation Element of the Alameda County General lan does not identify any mineral resources in the vicinity.[57]

Environmental Factors and Focused Questions for Determination of Environmental Impact	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
I. NOISE. Would the project result in:				
) 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?	☐	☑	☐	☐
) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☑	☐	☐
) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☑
) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☑	☐	☐

Terrasearch, Inc., *Geotechnical Investigation*, 21 December 2000, p. 7.

Alameda County, *Conservation Element of the Alameda County General Plan*, Adopted by the Alameda County Board of Supervisors November 23, 1976, pp. 1-78 to 1-84.

Environmental Factors and Focused Questions for Determination of Environmental Impact	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
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?	☐	☐	☐	☑
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?	☐	☐	☐	☑

Noise Standards. New development may result in either new noise disturbing existing residents or other land uses, or in the introduction of persons into existing environments with high noise levels. Temporary noise resulting from construction activity may also be significant. The threshold of significance for these effects is determined by state law, embodied in the Alameda County General Plan Noise Element.[58] The Noise Element provides definitions for specific concepts of environmental noise, such as L_{dn}, the day-night average noise level measured in decibels (dB), which is weighted to give more significance to nighttime noise. Other key terms include the dBA (weighted-average decibels), and Community Noise Equivalent Level (CNEL), which is based on a complex series of calculations to measure average community noise levels such as generated by a major roadway, transit corridor or airport runway. Another term is L_{10}, defined as the level of sound exceeded 10 percent of the time, such as during the morning and evening peak hour traffic commute periods. For example, Interstate 580 through Castro Valley is described in the Noise Ordinance as having a CNEL of 65 dB–L_{10}, that is approximately 1,600 feet wide, well beyond its right of way.[59] Definitions of noise terms are also provided in the County Noise Ordinance (Chapter 6.60 of the Alameda County General Ordinance, as amended).

The Noise Element establishes countywide goals, objectives and principles (or policies) to protect residents against excessive, unnecessary and unreasonable noises, and promotes compatibility among land uses through protection of sensitive land uses from unwanted noise. Separate policies for unincorporated areas authorize the County to adopt regulations on noise pollution, including high noise levels, frequencies and duration of noise.[60] In general, however, the focus of the Noise Element is on incompatible land uses, and exposure to other sources of unwanted noise such as freeways. The proposed project would be compatible as a land use with its residential surroundings, as well as with the nearby school.

Alameda County's Noise Ordinance prohibits specific noise levels of between 45 and 70 dBA from being exceeded for greater than a cumulative number of minutes, with more limitations during nighttime than during daytime, and lower limits for noise exposure within commercial areas. For example, the exterior noise level for residential, school, hospital or public library uses may not exceed 60 dBA for more than 5 minutes in any one hour time period between 7 a.m. and 10 p.m., or 55 dBA for more than 15 minutes during the same period of time. The Ordinance, however, exempts construction activities from such limits, provided they are limited to the hours of 7 a.m. and 7

58 Alameda County , *Noise Element of the Alameda County General Plan*, Adopted by Board of Supervisors July 31, 1975, As Revised September 1975 and Amended May 5, 1994.

59 Ibid., p 4-13f (Figure 5).

60 Ibid., pp. 4-16 to 4-17.

).m. on weekdays, and between 8 a.m. and 5 p.m. on Saturdays and Sundays (Section 6.60.040 and Table 6.60.040A and 6.60.040B, General Ordinance).

Because construction, as a temporary activity limited to the hours set by the Noise Ordinance is exempted from the noise standards there would be a ***less than significant*** impact on or conflict with the local noise ordinance. However, there may be ***potentially significant*** exposure of persons to excessive noise levels due to grading activities, which typically produce maximum noise levels of about 80 to 85 dBA at a distance of 50 feet, and equipment such as trucks, backhoes, graders, cranes, concrete mixers, power drills and saws may result in maximum noise levels of between 75 and 91 dBA at a distance of 50 feet. Grading is estimated to occur over a period of three to four weeks, and construction could continue for a minimum of five to six months, but would most likely be suspended or limited during the winter season due to weather conditions. During construction, these activities could interfere with normal speech inside residences at distances of less than 100 feet during the daytime.

- **MITIGATION MEASURE 12: Construction Noise Management.** The applicant shall ensure that all equipment powered by internal combustion engines are fitted effectively with mufflers in good operating condition. Where feasible, noise-generating equipment should be staged as far as possible from existing residences, and mobile equipment should not be allowed to idle unnecessarily near residences.

Mitigation Measure 12 would reduce construction noise impacts to a ***less than significant*** level.

As a residential use compatible with its surroundings, the project would have ***no impact*** as a result of any substantial permanent or ongoing periodic increases in ambient noise levels in the project vicinity compared to existing conditions. Because the nearest airports, Hayward Air Terminal and Oakland International Airport, are 4 to 10 miles away, respectively), there would be ***no impact*** as a result of exposure to airport noise. Comments were received from local residents which expressed concern that the increased traffic from the project and the residential use would result in additional noise levels. However, because the project represents infill development of a similar nature to the surroundings, no substantial or unusual increase in ambient noise levels would be expected.

Environmental Factors and Focused Questions for Determination of Environmental Impact	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
XII. POPULATION AND HOUSING. Would the project:				
) 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)?	☐	☐	☑	☐
) Displace substantial numbers of existing housing, units, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☑
) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☑

Housing and Population. Castro Valley's population rapidly increased after World War II as a bedroom community, with a more-than-doubling of population between 1950 and 1960 (18,000 to 39,000), and then more modest growth

in the latter part of the 20th century. By 1990, 30 years later, the population stood at about 48,600 persons, and in the 2000 Census, its population has reached roughly 57,300.[61] The Association of Bay Area Governments (ABAG), which provides population projections for all Bay Area cities and areas, projected Castro Valley's population would increase by about 4,800 persons between 2000 and 2005, primarily based on the buildout of the Palomares Hills and Five Canyons developments on the eastern edge of Castro Valley. However, the growth is also based on an assumption that infill development on sites such as the currently proposed project will increase the community's population in small increments.

The project would result in between 18 and 19 new single family homes on a site that previously contained two rental dwelling units, including the original ranch house, and a small cabin. Because of the small size of the cabin and ranch, compared to the three- to four-bedroom homes that would likely be constructed on the site, the net increase in units is considered to be a maximum of 18 units. Based on the current household size in Castro Valley, of 2.67 persons per household, the proposed subdivision would increase the city's population by a projected 51 persons. The proposed subdivision is consistent with the zoning and General Plan designation for the area, and thus does not represent an unanticipated increase in population or housing, nor a substantial increase in the area. Because of the very few parcels in Castro Valley containing three or more acres of land such as the current project site (other than in the Palomares Hills and Five Canyons areas which are already approved for development), the projected population increase related to the project represents one of the larger infill projects in Castro Valley; however, the additional 51 persons would represent about 1 percent of the anticipated population increase between 2000 and 2005. Therefore the project represents a ***less than significant*** impact on population.

The planned demolition of the two existing dwelling units on the site would not represent a substantial number of housing units, and because the units are currently vacant, no persons would be displaced. There would be ***no impact*** on the housing supply that would require the construction of new housing elsewhere. New property taxes would be generated which would contribute to Alameda County housing programs.

Environmental Factors and Focused Questions for Determination of Environmental Impact	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: *No Impact

XIII. PUBLIC SERVICES. Would the project:

a) 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:

i) Fire protection?	☐	☐	☐	☑
ii) Police protection?	☐	☐	☐	☑
iii) Schools?	☐	☐	☑	☐

[61] U.S. Census Bureau, Census 2000 Redistricting Data (Public Law 94-171) Summary File, Matrices PL1, PL2, PL3, and PL4. American FactFinder (website: www.factfinder.gov).

Environmental Factors and Focused Questions for Determination of Environmental Impact	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: *No Impact
iv) Parks?	☐	☐	☐	☑
v) Other public facilities?	☐	☐	☑	☐

re Protection. The Alameda County Fire Department (ACFD) provides fire protection services for the unincor-
orated areas of Alameda County, including the Castro Valley area. Fire protection by the ACFD also includes
ovision of services related to hazardous materials, paramedic services, urban search and rescue, fire prevention,
ilding code enforcement, risk management and public education, all of which contribute to prevention of fires,
cidents and injuries before they occur. The Department operates 2 battalions, 16 fire stations, 16 engine
mpanies, and 4 ladder truck companies. The first response station for emergencies at the project site would be
CFD Station 4 at 20336 San Miguel Avenue, located about 4,500 feet northeast of the site along city streets.
ation 4 houses one engine company and one truck company. It is also the home for the Battalion 2 Battalion Chief
d the Hazardous Materials Support Unit. The station houses a reserve engine, an Air Unit, a Light Unit, and a
500 gallon water tender. ACFD Station 2 at 19780 Cull Canyon Road, which houses one engine and a patrol unit,
ould provide secondary response to the site. The project represents a generally small increment in the amount of
velopment in the vicinity, and the cost of providing fire protection to the site would be provided through property
xes paid by the new and existing area residents. There would be ***no impact*** on fire protection services which
ould require the construction of new facilities, or compromise the service level or response time of the ACFD.
ll ACFD standards would be required to be met. Alternatives 3 and 3A would provide for improved fire response
ne both within the proposed development and to surrounding homes due to the extension of Judy Street through
e site to connect Malabar Avenue and Seven Hills Road, with slightly lower average response time for Alternative
A due to the need to remove bollards.

lice Protection. The Alameda County Sheriff's Office provides police protection in the project area, as well as
her unincorporated areas of the county. The Sheriff provides numerous other services, including operations of
e County Office of Emergency Services, operating the two County jails, Coroner services, and other duties. The
len Township Substation of the Sheriff's Office, located at 15001 Foothill Boulevard (directly east of Interstate
80), would be able to provide any needed police services to the project site without any adverse effect on staffing
equipment resources. The cost of providing police protection to the site would be provided through property
xes paid by the new and existing area residents. There would be ***no impact*** on police protection services which
ould require the construction of new facilities, or compromise the service level or response time of the Sheriff's
ffice. There may be occasions when the provision of a through-street as proposed under Alternative 3 would
prove response time.

hool Facilities. The Castro Valley Unified School District (CVUSD) provides public school services in the Castro
lley area. School fees are required prior to issuance of building permits as part of the development to mitigate
y impacts to these services from the development. However, the project would not require the construction of
w school facilities, or compromise the service level of the CVUSD, and there would be ***no impact*** on school
rvices and facilities.

Parks. Park facilities in the area are provided by the Hayward Area Recreation and Park District (HARD), a special use district serving Hayward and the unincorporated areas of Castro Valley and San Lorenzo. The District operates over 100 separate park facilities. Although the Applicant would be required to pay park fees, it does not represent a substantial new burden on the park standards of the District, and there would be ***no impact*** on parks which would require the development of new park facilities, or adversely affect the District's service levels.

Other Facilities. The Alameda County Public Works Agency provides for roadway maintenance and design, management of flood control projects, and a variety of other facilities and services. The County of Alameda provides the majority of other governmental services in the Castro Valley area. The cost of providing roadway maintenance, flood control and other services would be provided through property taxes paid by the new and existing area residents. As a result, there would be ***no impact*** on roadway, flood control or other facilities and services, and the project would not adversely affect the County's levels of service for these facilities and services. However, the development would be required to meet the Agency's requirements for improvements to drainage, lighting, etc., and to provide for their maintenance by a joint maintenance agreement, or a similar mechanism.

Environmental Factors and Focused Questions for Determination of Environmental Impact	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
XIV. RECREATION. Would the project:				
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?	☐	☐	☐	☑
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☑

Recreation. Recreational facilities for the Castro Valley area are provided by the Hayward Area Recreation and Park District (HARD), also discussed above under the heading of Public Services – Parks. The proposed project would not represent an increase in the use of any existing recreational facility in a way that would be likely to result in deterioration of such facilities, or to require the development of new facilities. There would be ***no impact*** on recreational facilities.

Environmental Factors and Focused Questions for Determination of Environmental Impact	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
V. TRANSPORTATION/TRAFFIC. Would the project:				
Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☑	☐
Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency (CMA) for designated roads or highways?	☐	☐	☐	☑
Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☑
Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☑	☐	☐
Result in inadequate emergency access?	☐	☐	☐	☑
Result in inadequate parking capacity?	☐	☐	☐	☑
Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☑

ıe following analysis of traffic and transportation is based primarily on a Traffic Impact Analysis prepared for the oject by TJKM Transportation Consultants, dated June 24, 2002, incorporated into this Initial Study by reference.[62] ıe analysis also incorporates evaluation by County Planning Department and Public Works Agency staff. The scussion is arranged under the major headings of existing conditions, methodology and project impacts. The scussion is primarily focused on the first and fourth questions in the Environmental Checklist, regarding the tential for substantial increases in traffic relative to the existing traffic load and capacity of the street system, and zards due to design features. This section of the Initial Study also provides an assessment, based on staff analysis, the project's conformity to the level of service standard of the Alameda County Congestion Management Agency CCMA), the adequacy of emergency access, sufficiency of parking provisions, and relationship to adopted licies, plans and/or programs (in the General Plan) related to alternative transportation.

ıe project would have ***no impact*** on air traffic patterns, including any unanticipated increase in traffic levels, cause the site is located at a substantial distance from any airport, no structure would exceed two stories, and the oject represents infill development consistent with the local general plan (the *Castro Valley Plan*).

TJKM Transportation Consultants., *Alcorn Property Traffic Study*, August 22, 2002.

Existing Conditions and Methodology

Roadway Characteristics. The project site is located about 550 feet east of Redwood Road between Seven Hills Road and Malabar Avenue. These roadways and important interconnecting streets and roads are described below:

Redwood Road is a major north-south arterial through Castro Valley which provides access between residential neighborhoods and the central business district along Castro Valley Boulevard. It continues north to the skyline ridge of the Oakland Hills, and south to downtown Hayward. North of Seven Hills Road it is a wide roadway with one-lane in each direction and a center turn lane extending north to the edge of the urbanized area of Castro Valley, near Camino Alta Mira. South of Seven Hills Road, Redwood Road is a four-lane roadway with commercial, residential and institutional frontage. In the segment near the project site, on-street parking is allowed along both sides of Redwood Road, and bicycle lanes are designated on each side. Sidewalks are present in most locations. Redwood Road also provides access to the regional highway, Interstate 580, about a mile and a half to the south of the site.

Seven Hills Road is a two-lane residential collector street that extends between Chabot Road on the west (about a mile west of Redwood Road) to Madison Avenue on the east (about a half mile east of Redwood Road), characterized by hilly terrain. It provides access through the residential neighborhoods east and west of Redwood Road. It is generally a more important collector street between Chabot and Redwood Roads for east-west travel, whereas between Redwood Road and Center Street, near the eastern edge of Castro Valley, the more important collector street is Heyer Avenue. Although Seven Hills Road is somewhat out of the way, it is used as an alternative to Heyer Avenue and Castro Valley Boulevard due to congestion on these routes. There is a signalized intersection at Redwood Road. There are few sidewalks along Seven Hills Road, and parking is allowed on the shoulder in most locations.

There are steep inclines throughout the length of Seven Hills Road, including a typically steep grade of greater than 10 percent along the segment west of the project site. Between Redwood and Chabot Roads, four-way STOP signs are present at intervals of between approximately 500 and 900 feet, although there is a long interval of about 1,700 feet directly west of Redwood Road. By comparison, there is no STOP sign on Seven Hills Road east of Redwood Road for a distance of approximately 1,800 feet to its intersection with Alma Avenue. In the project vicinity, the street has a right-of-way width of 60 feet, and parking is allowed on both sides. There is an entry to a parking lot of the Castro Valley Adult School almost directly across from the southeast corner of the project site.

Malabar Avenue is a local street that extends about 1,200 feet east of Redwood Road over moderately hilly terrain, where it "Ts" into Pepper Street. It has a right-of-way of 50 feet, and parking is allowed on both sides. There are very few sidewalks along this roadway, primarily limited to the lots that also border Judy Street.

Judy Street is a local street that extends about 1,300 feet between Malabar Avenue and Seaview Avenue, and serves as a minor collector for Mira Loma Way, Lodi Way and Audrey Drive, a mixture of short cul-de-sacs and through streets. Judy Street has sidewalks on both sides, and parking is also permitted on both sides. It has a right-of-way width of 50 feet. Its southern terminus currently Ts into Malabar Avenue at the approximate center of the northern edge of the project site. Between Malabar Avenue and Seaview Avenue there are no STOP signs on Judy Street except for the southbound approach to Malabar Avenue and the northbound approach to Seaview Avenue.

Pepper Street is a narrow, private street which extends about 1,100 feet north of Seven Hills Road, where it ends as a cul-de-sac, also about 500 feet north of Malabar Avenue. Although it is owned privately by the adjacent property owners, and is signed as a private street without through access, it provides a connection between Malabar Avenue and Seven Hills Road. It has a limited right-of-way width of 40 feet, which does not meet County standards for width, and has no sidewalks.

In spite of the limited width and private ownership, Pepper Street is used regularly by the public for access between Malabar Avenue and Seven Hills Road east of Pepper Street. For traffic originating from or traveling to addresses along or near Malabar Avenue and Judy Street, traveling to or from eastern Castro Valley (destinations such as Canyon and Creekside Middle Schools, Bay Trees Park, and Cull Canyon and Crow Canyon Roads), the Pepper Street route is the most direct and convenient route. The route on public streets from the Judy Street intersection with Malabar Avenue is an additional quarter mile in distance (about 1,200 feet) along Malabar Avenue, Redwood Road and Seven Hills Road, and involves two left turns and the signalized intersection at Redwood Road and Seven Hills Road, through comparatively heavier traffic.

ıe area is characterized as a very loose and partial grid pattern with many curvilinear roads, cul-de-sacs (both ivate and County-maintained) and loosely connected collector streets which provide access between area sidences and Redwood Road, as well as to local destinations such as schools, parks and churches. The street ıttern results in some very large "super-blocks", such that access to many individual residences requires out-of-the-ay travel. In particular, the block that encompasses the project site extends for approximately 1,200 feet, or about quarter of a mile in one direction, and for about half a mile when private streets such as Pepper Street are not cluded. However, this pattern is typical within Castro Valley. For public access, therefore, the area has a ınstrained level of access, which compromises the quality of access, whether by vehicle, by foot or by bicycle, and hether for travel by adults or by children. Emergency vehicles may also have greater difficulty reaching specific cations in the area.

cisting AC Transit service nearest the proposed development is provided along Seven Hills Road by Line 87, hich is a local feeder route to the nearby Castro Valley BART station and the Center Street Park and Ride lot. ART serves major employment centers in downtown Oakland, downtown San Francisco, Walnut Creek/Concord d Pleasanton/Dublin.[63]

evel of Service Concepts. Level of service (LOS) ratings are qualitative descriptions of intersection operations d are reported using an A through F letter rating system to describe travel delay and congestion. In addition to general characterization of each LOS, each LOS grade is associated with a specific range of average delay per hicle in seconds, which is lower for unsignalized intersections, where expectations of delay are lower. For ample, LOS A indicates free flow conditions with little or no delay and LOS F indicates congested conditions with cessive delays and long back-ups. Average delay per vehicle under LOS A conditions at either a signalized or unsignalized intersection is less than 5 seconds, while average delay per vehicle under LOS F conditions for a gnalized intersection are greater than 60 seconds; at an unsignalized intersection, LOS F would result if the average lay exceeded 45 seconds.

ıder LOS C, progression through a signalized intersection is fair, and although the number of vehicles stopping noticeable, and individual cycle failures begin to occur (i.e., some vehicles may have to wait for an entire cycle pass through an intersection), most vehicles do not have to stop. Average delays are between 5 and 25 seconds r signalized intersections, and 10 to 20 seconds for unsignalized intersections. Under LOS D, progression is

[63] Ibid., p. 5

unfavorable, many vehicles stop, and longer delays occur of 25 to 40 seconds for signalized intersections and 20 to 30 seconds for unsignalized intersections.[64]

Because the LOS is based on the average delay for all movements through an intersection, at an unsignalized intersection where a minor street is STOP-sign controlled and the other street has free movement, the LOS will reflect the absence of delay on the major street, although the delay for movement from the minor street may be greater than the average delay, assuming also that the major street carries noticeably more traffic than the minor street. For this reason, both the average delay and LOS for the entire intersection and the average delay and LOS from the minor street is included in the analysis of intersections where one of two streets has free movement. Furthermore, levels of service are based on the average delay experienced by each vehicle at those intersections. The average delay, as reported, is a product of the total delay and the total number of vehicles entering the intersection during the peak hour. Therefore, even when the total delay may be higher at one intersection than the other, the average delay may be lower due to the higher traffic volume at the intersection.[65]

Intersection Operations. Conditions at the four nearest intersections to the project site were measured and evaluated by TJKM Transportation Consultants to establish existing LOS conditions, using the operations method presented in the *1985 Highway Capacity Manual (Updated 1994).* Unsignalized intersections were evaluated using the method contained in Chapter 10 of the *1994 Highway Capacity Manual.* This method calculates the average delay at the intersection, as well as the highest minor movement delay, with corresponding levels of service. All-way STOP intersections were evaluated using the Transportation Research Board's intersection capacity analysis methodology. Each of these methods are described in the Appendices to the *Traffic Study.*

Turning movement counts for the a.m. and p.m. peak hours for all study intersections were conducted by TJKM between July 23 and July 26, 2001. **Figure 18** illustrates the existing peak hour turning movements for the study intersections (as well as turning movements for each of the three main alternative project configurations). **Table 9** summarizes the results of the intersection analysis for existing conditions. As indicated in **Table 9**, all study intersections are operating acceptably at LOS B or better during either peak periods. Only the westbound approach of Malabar Avenue at Redwood Road operates at LOS C during the p.m. peak hour. The detailed calculations of the level of service analysis for Existing Conditions are included in Appendix D in the *Traffic Study.*

Pepper Street Cut-Through Traffic. The *Traffic Study* authors observed cut-through traffic on Pepper Street in August of 2001 during both the a.m. and p.m. peak hours. Cut-through traffic is defined as those vehicles that traveled from Seven Hills Road to Malabar Avenue and vice versa. Vehicles which originated from or traveled to any Pepper Street residence were not regarded as cut-through traffic. Total traffic on Pepper Street, as shown in **Figure 18**, was 19 trips during both the a.m. and p.m. peak hours. Of 18 vehicles observed during a single peak hour, 11 vehicles did not travel to or from any Pepper Street address, and therefore represent cut-through traffic. The majority of all vehicles traveling south on Pepper Street turn left onto Seven Hills Road (7 of 9 during the p.m. peak hour, and 15 of 19 during the a.m. peak hour).[66]

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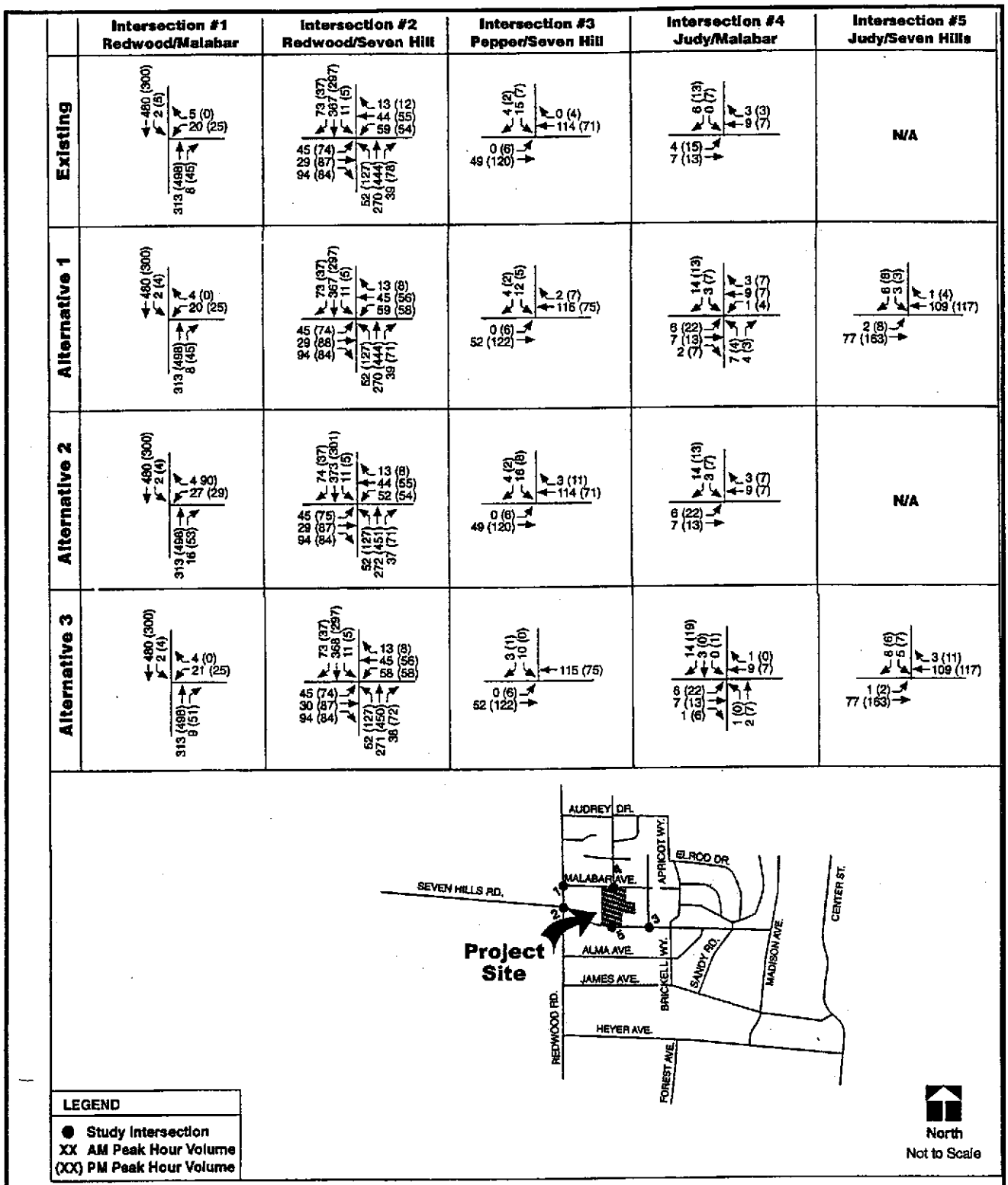
64 Ibid., Appendix A (Highway Capacity Manual, *Special Report No. 209*, Transportation Research Board, 1985, and *Special Report No. 87*, Highway Research Board, 1965), TJKM.

65 Ibid., Appendix A.

66 Ibid., p. 12.



Alameda County (Castro Valley)
Alcorn Property

Peak Hour Turning Movement Volumes

TJKM

Figure 18
Peak Hour Volumes, Existing and Project Alternative Conditions

Table 9: Intersection Level of Service - Existing Conditions[67]

			A.M. Peak Hour		*P.M. Peak Hour*	
ID	*Intersection*	*Control*	*Delay*	*LOS*	*Delay*	*LOS*
1	Redwood Rd / Malabar Ave	One-Way STOP	0.3 (9.4)	A (B)	0.4 (10.8)	A (C)
2	Redwood Rd / Seven Hills Rd	Signal	9.7	B	14.7	B
3	Seven Hills Rd / Pepper St	One-Way STOP	0.4 (4.0)	A (A)	0.2 (3.3)	A (A)
4	Malabar Ave / Judy St	One-Way STOP	2.4 (2.6)	A (A)	2.4 (2.6)	A (A)

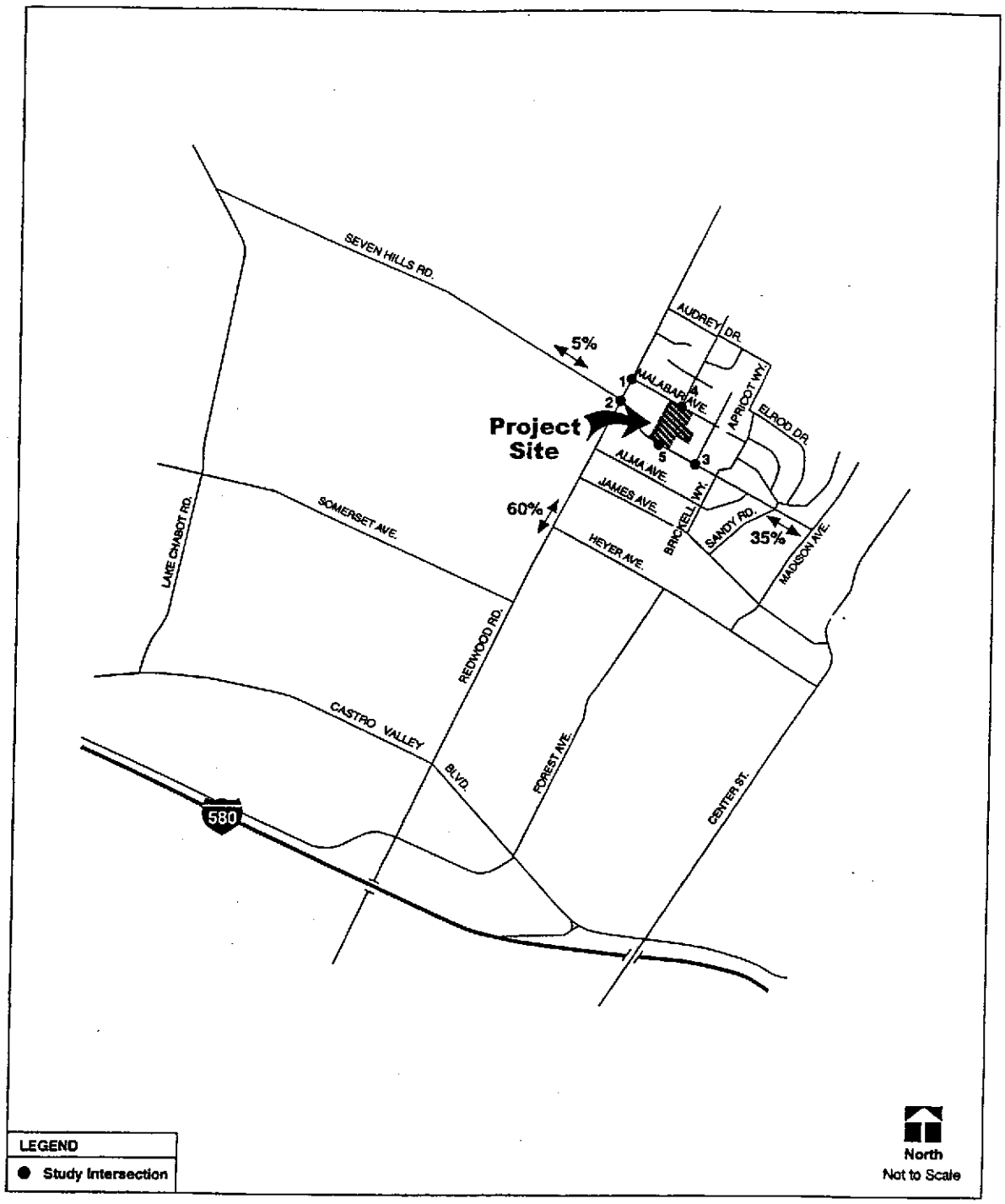
(x) Average stopped delay in seconds per vehicle for minor movements.
LOS = Level of service

Project Impacts

Project Trip Generation. The project proposal would result in between 18 and 19 new residences, and therefore the *Traffic Study* was prepared on the basis of a "worst-case" (or maximum development) scenario of 19 new residences. Therefore the impacts of the project, on average, will not be greater than indicated. The estimated trip generation for the project is shown in **Table 10**. **Table 10** indicates that, based on trip generation rates used by traffic engineers for typical suburban density residential development (in *Trip Generation, Sixth Edition*, published by the Transportation Research Board), the project would generate an estimated 9.57 trips per day per dwelling unit, or an estimated 182 trips per day, of which typically 7.5 percent, or 14 trips, would occur during the a.m. peak hour, and 10.1 percent (19 trips) would occur during the p.m. peak hour. Each trip in a single direction to or from the project site is considered as one trip, so each trip is also determined to be either inbound or outbound ("in" or "out"). Three-quarters of a.m. peak hour trips are outbound, while only 36 percent of p.m. peak hour trips are outbound. These predictions represent typically worst-case conditions, although the number of trips may occasionally exceed these estimated volumes.

Project trip distribution assumptions were developed for the *Traffic Study* based on the existing traffic conditions. **Figure 19** illustrates the trip distribution assumptions for the proposed project. Preliminary traffic analysis indicated that the project as originally proposed (Alternative 2, a Judy Street cul-de-sac extending south from Malabar Avenue) would generate new trips on Pepper Street, which as a private street would be undesirable. To reduce the generation of project traffic on Pepper Street, the applicant proposed a cul-de-sac extending from Seven Hills Road, with only five homes accessed from Malabar Avenue (Alternative 1, the preferred alternative). Because of project site frontage on both Malabar Avenue and Seven Hills Road, the development created the opportunity to provide a public through street to provide access between Malabar Avenue and Seven Hills Road, as an appropriate substitute for Pepper Street. In response to comments by the County Traffic Engineer, the applicant has agreed to

[67] Ibid., p. 6.



Alameda County (Castro Valley)
Alcorn Property
Project Trip Distribution

Figure 4

TJKM

14-105 - 6/01 - JL

Figure 19
Trip Distribution

Table 10: Project Trip Generation[68]

Use	*Size*	*Daily*		*A.M. Peak Hour*					*P.M. Peak Hour*				
		Rate	*Trips*	*Rate*	*In:Out*	*In*	*Out*	*Total*	*Rate*	*In:Out*	*In*	*Out*	*Total*
Single-Family	19 du	9.57	182	0.75	25:75	3	11	14	1.01	64:36	12	7	19

du = dwelling units

consider an alternative access configuration with Judy Street extended through the site to Seven Hills Road (Alternative 3), which was evaluated in the *Traffic Study* together with the project as originally proposed (Alternative 2). Additionally, in response to concerns of some local residents that Judy Street would become a new collector street under Alternative 3, Alternative 3A has been conceived whereby the Judy Street extension would be closed at Seven Hills Road except for emergency vehicles, and open to general vehicles only from Malabar Avenue as a cul-de-sac. Finally, in response to concerns by the Traffic Engineer that vehicles maneuvering into and out of the five driveways along Seven Hills Road under Alternative 2 would result in safety hazards, Alternative 2A was developed as variation on Alternative 2, in which all lots would be accessed from Malabar Avenue only.

The project trips were assigned to the study intersections based on the distribution rates. The projected peak hour turning movement volumes for the Existing plus Project Scenario with all three access alternatives is illustrated in **Figure 18**. With the addition of project generated traffic, the four study intersections that were evaluated under existing conditions are projected to continue to operate at acceptable levels of service for all three main alternatives. The potential new intersection of Seven Hills Road and Judy Street, under Alternative 3, is expected to operate at LOS A during the a.m. and p.m. peak hours.[69]

Thresholds of Significance. Appendix G of the CEQA Guidelines identifies potentially significant impacts on traffic and transportation as including seven types of impacts, as set forth in the Checklist. For the purpose of this analysis an "increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system" such that would result in "a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections" (see Checklist item XIV.a) is based on the requirement by the County of Alameda for a minimum intersection operation of LOS D. Therefore, in terms of traffic impacts in this study, any intersection that is shown to drop below the LOS D minimum standard due to the proposed project will require mitigation measures to be identified and incorporated into the project as a condition of its approval.[70]

Other potentially significant traffic impacts may result if the project were to result in design features that would substantially increase safety hazards or result in inadequate emergency access, based on thresholds provided by the *Traffic Study* and the County Traffic Engineer. The Initial Study will also assess whether or not the project provides adequate parking capacity based on Zoning Ordinance requirements, and conforms to adopted policies, plans, and/or programs related to alternative transportation, based on General Plan policies and programs.

[68] Ibid., p. 8.

[69] Ibid., p. 8.

[70] Ibid., p. 6.

oject LOS Impacts. The results of the level of service analysis for each main alternative are shown respectively **Tables 11** through **13**. Detailed calculations are contained in Appendix E in the *Traffic Study*. In overall terms, l intersections in the project area, including turning movements from minor streets at unsignalized intersections, well as at the one signalized intersection, would operate at LOS C or better. Therefore no intersection would perience a substantial increase in traffic relative to existing traffic and capacity of the street system, including the mber of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections. There would be ***no pact*** on traffic from an operational standpoint. The remaining traffic considerations of the project relate to the e of Pepper Street as a private street, safety, pedestrian and bicycle safety and access, and parking.

Table 11: Intersection Level of Service - Existing plus Project Conditions, Alternative 1[71]

		Existing				*Existing plus Project (Alt. 1)*			
		A.M. Peak Hour		*P.M. Peak Hour*		*A.M. Peak Hour*		*P.M. Peak Hour*	
ID	*Intersection*	*Delay*	*LOS*	*Delay*	*LOS*	*Delay*	*LOS*	*Delay*	*LOS*
1	Redwood Rd / Malabar Ave.	0.3 (9.5)	A (B)	0.4 (10.9)	A (C)	0.3 (9.4)	A (B)	0.4 (10.8)	A (C)
2	Redwood Rd / Seven Hills Rd.	9.7	B	15.1	C	9.7	B	14.8	C
3	Seven Hills Rd / Pepper St.	0.3 (4.1)	A (A)	0.1 (2.4)	A (A)	0.3 (4.0)	A (A)	0.2 (3.3)	A (A)
4	Malabar Ave / Judy St.	2.5 (2.7)	A (A)	2.4 (2.6)	A (A)	2.4 (2.6)	A (A)	2.4 (2.6)	A (A)
5	Seven Hills / Project cul-de-sac*	n/a	n/a	n/a	n/a	1.4	A	1.7	A

Jnder Alternative 1 (does not exist at present)

Table 12: Intersection Level of Service - Existing plus Project Conditions, Alternative 2[72]

		Existing				*Existing plus Project (Alt. 2)*			
		A.M. Peak Hour		*P.M. Peak Hour*		*A.M. Peak Hour*		*P.M. Peak Hour*	
'D	*Intersection*	*Delay*	*LOS*	*Delay*	*LOS*	*Delay*	*LOS*	*Delay*	*LOS*
1	Redwood Rd / Malabar Ave	0.3 (9.5)	A (B)	0.4 (10.9)	A (C)	0.4 (10.1)	A (C)	0.4 (11.2)	A (C)
2	Redwood Rd / Seven Hills Rd	9.7	B	15.1	C	9.7	B	15.1	C
3	Seven Hills Rd / Pepper St	0.3 (4.1)	A (A)	0.1 (2.4)	A (A)	0.4 (4.1)	A (A)	0.3 (3.5)	A (A)
4	Malabar Ave / Judy St	2.5 (2.7)	A (A)	2.4 (2.6)	A (A)	2.6 (2.8)	A (A)	2.5 (2.7)	A (A)
5	Seven Hills/Judy St. Extension (would not exist under Alt. 2)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Ibid., p. 10.

Ibid., p. 10.

Table 13: Intersection Level of Service - Existing plus Project Conditions, Alternative 3[73]

		Existing				*Existing plus Project (Alt. 3)*			
		A.M. Peak Hour		*P.M. Peak Hour*		*A.M. Peak Hour*		*P.M. Peak Hour*	
ID	*Intersection*	*Delay*	*LOS*	*Delay*	*LOS*	*Delay*	*LOS*	*Delay*	*LOS*
1	Redwood Rd / Malabar Ave	0.3 (9.4)	A (B)	0.4 (10.8)	A (C)	0.3 (9.5)	A (B)	0.4 (10.9)	A (C)
2	Redwood Rd / Seven Hills Rd	9.7	B	14.7	B	9.7	B	15.1	C
3	Seven Hills Rd / Pepper St	0.4 (4.0)	A (A)	0.2 (3.3)	A (A)	0.3 (4.1)	A (A)	0.1 (2.4)	A (A)
4	Malabar Ave / Judy St	2.4 (2.6)	A (A)	2.4 (2.6)	A (A)	2.5 (2.7)	A (A)	2.4 (2.6)	A (A)
5	Seven Hills/Judy St. Extension*	n/a	n/a	n/a	n/a	1.5	A	1.8	A

* = The intersection of Seven Hills/Judy Street Extension does not exist under existing conditions.
(X) = Average stopped delay/LOS in seconds per vehicle for minor movements; LOS =Level of Service

General Project Effects. Under Alternative 1, the Judy Street and Malabar Avenue intersection would remain as a three-way intersection. Traffic generation from the five new homes with access to Malabar Avenue would be very minimal, and no discernable change in traffic would occur along Malabar Avenue at any intersection. With Alternatives 2 and 3 (and their respective variants), the Judy Street and Malabar Avenue intersection would be converted to a four-way intersection, with a two-way STOP-sign-controlled intersection, and with Judy Street as the minor street and Malabar Avenue as the through street. The *Traffic Study* notes that because the traffic volumes at this intersection would be low, a four-way STOP sign controlled intersection could be installed at this location without any adverse effects on LOS. However, the low traffic volumes are unlikely to justify such controls.

Along Seven Hills Road, a new three-way intersection would be created under Alternatives 1 and 3. Under Alternative 1 there would be a cul-de-sac extending north from Seven Hills Road, and a STOP-sign control for the new cul-de-sac. A direct extension of Judy Street between Malabar Avenue and Seven Hills Road would result with Alternative 3, creating both a four-way intersection at Malabar Avenue and a three-way intersection at Seven Hills Road. Alternative 3A would also extend Judy Street between Malabar Avenue and Seven Hills Road, with a four-way intersection at Malabar Avenue, but the intersection at Seven Hills Road would remain closed with bollards and curb and gutter along Seven Hills Road which would be removable only by emergency personnel. Although the physical capability would be provided for a three-way intersection at Seven Hills Road in the future, Alternative 3A would require all vehicular traffic to use Malabar Avenue for the foreseeable future. A three-way STOP-sign controlled intersection could be placed on Seven Hills Road at the Judy Street extension under Alternative 3, which is discussed in greater detail under a separate heading below.

Safety Considerations

Pepper Street Cut-Through Traffic Impacts. The observation of traffic on Pepper Street in July of 2001 by the authors of the *Traffic Study* indicated that there were an average of 11 cut-through trips during either the a.m. or p.m. peak hour. About three-quarters of all vehicles turned left from Pepper Street onto Seven Hills Road, as expected

[73] Ibid., p. 10.

ue to the long distance of going the other way from Judy Street, for example. Based on counters placed on Judy treet north of Malabar Avenue, there were a total of 242 vehicles per day (vpd) on Judy Street, including 130 outhbound and 112 northbound. Because the surroundings consist of single family residences, it is assumed that ie trips generated are typical of the project as proposed, i.e., that 7.5 percent of daily trips occur during the a.m. eak hour (18 total, with 11 southbound and 7 northbound), and10 percent of daily trips occur during the p.m. peak our (24 total, with 13 southbound and 9 northbound). The 11 cut-through trips observed during either peak hour ppear to represent roughly half of all trips on Judy Street (45 to 60 percent), although a few of the cut-through trips ould be to or from Malabar Avenue or other points not on or connected to Judy Street.

.s indicated in **Figure 18**, 35 percent of all project trips, e.g., are expected to travel to or from eastern Castro Valley .ong Seven Hills Road. It is expected that with Alternatives 1, 2, 2A and 3A, in which Judy Street would not onnect Malabar Avenue and Seven Hills Road, that most if not all of these vehicles that currently use Pepper Street s a "cut-through" would continue to do so. Under Alternatives 2, 2A or 3A the project would be expected to enerate up to 5 out of 14 a.m. peak hour trips, and 7 out of 19 p.m. peak hour trips, which would use Seven Hills oad for travel to or from eastern Castro Valley. Although Pepper Street is signed as a private street, it is assumed iat most if not all of these trips would use Pepper Street as a cut-through due to the inconvenience of traveling west n Malabar Avenue, south on Redwood Road, and then east on Seven Hills Road.

/hile this potential volume of traffic on Pepper Street would represent a relatively inconsequential increase in the se of any street or intersection, because it is a private street with insufficient width for safe accommodation of ehicles, bicyclists and pedestrians (the latter two of which are required to use the street due to the absence of dewalks), such cut-through traffic would be a ***potentially significant cumulative*** impact of project Alternatives 2A and 3A on traffic safety on Pepper Street. Alternative 1 would avoid this impact because only one or ccasionally two vehicles would be generated on Pepper Street by the five homes that would face or be connected · Malabar Avenue. Alternative 3 would also avoid this impact because all project vehicles would be able to turn ft from the Judy Street extension onto Seven Hills Road. In addition, Alternative 3 would virtually eliminate the eed for any cut-through traffic on Pepper Street.

MITIGATION MEASURE 13: Alternative 3/Malabar Avenue Traffic Calming. Alternative 3 would avoid any increase in traffic on Pepper Street as a result of the project. If another alternative is selected, including Alternative 3A, traffic calming measures should be placed on Malabar Avenue between Judy and Pepper Streets, including but not limited to one or two speed humps, traffic diverters (e.g, bollards removable only by emergency personnel), or other measures to be recommended by the Alameda County Traffic Engineer.

nplementation of Mitigation Measure 13 would reduce the cumulative safety impact on Pepper Street to a level at is ***less than significant***. Alternative 3 would completely eliminate the need for cut-through traffic on Pepper reet, whereas traffic calming measures would divert a proportion of traffic away from Pepper Street equal to or eater than that generated by the project if Alternatives 1, 2, 2A or 3A are selected.

dy Street at Seven Hills Road. Under the applicant's preferred proposal, Alternative 1, a cul-de-sac would be eated extending from Seven Hills Road northward to provide access to 14 of 19 home sites, all of which would ce and have driveways connected to the cul-de-sac. As a result, approximately three-fourths of the entire project p generation would use the new three-way intersection of the Alternative 1 cul-de-sac at Seven Hills Road. The tal of 134 trips per day that would be generated, including 14 p.m. and 10 a.m. peak hour trips, would not meet e required standards (warrants) for a three-way STOP-sign controlled intersection, so Seven Hills Road would main as a through street, and a STOP sign would be provided only on the southbound approach of the cul-de-sac.

Under Alternative 3, Judy Street would be extended between Malabar Avenue and Seven Hills Road. All but three of the lots would face and be connected by driveways to the Judy Street extension (the other three would be served by a short cul-de-sac and hammerhead). The majority of trips generated by the project (90 percent), as well as a substantial proportion of existing trips between Seven Hills Road and the neighborhood north of (and along) Malabar Avenue, are assumed to travel through the new three-way intersection at Seven Hills Road. Alternative 3, with only 18 new residential lots, would generate approximately 172 trips per day, including 14 a.m. and 18 p.m. peak hour trips. As indicated previously, Judy Street north of Malabar Avenue is observed to have a total volume of 242 vehicle trips per day. Based on existing turning movements along Malabar Avenue at both Redwood Road and Judy Street, the *Traffic Study* authors estimated that two-thirds of the existing southbound traffic (87 vpd) and one-fourth of the northbound traffic (28 vpd) may use the Judy Street extension between Malabar Avenue and Seven Hills Road. Combined with project traffic (155 of 172, i.e., 90 percent), a total of 270 vpd would be expected to travel on the Judy Street extension to the three-way intersection at Seven Hills Road. Based on the trip distribution for the project (see **Figure 19**), 65 percent would travel to or from the west, towards or from Redwood Road, and the remainder (35 percent) would travel to or from the east on Seven Hills Road.

Right-hand turns into or out of Judy Street to or from Seven Hills Road would generally be safe due to adequate sight distance to the east. However, because of the contour of Seven Hills Road to the west, which has a steep hill downward from the southwest corner of the site, there is limited sight distance between vehicles traveling eastbound on Seven Hills Road and the intersection proposed under Alternative 1 or 3. The field measurements and sight-line analysis completed for the *Traffic Study* indicates that future southbound Judy Street drivers approaching the intersection with Seven Hills Road will be able to see about 600 feet to the left (east), but only about 90 feet to the right (west). The posted speed limit on Seven Hills Road is 25 miles per hour (mph). Assuming the 85th percentile speed (the speed at which 85 percent of the drivers are traveling, regardless of the posted speed limit, and commonly used in traffic engineering decisions) on Seven Hills Road is 35 mph, the distance needed according to Caltrans' stopping sight distance requirements, is 250 feet. Therefore, there would be insufficient safe stopping sight distance for both vehicles traveling south on Judy Street and east on Seven Hills Road, which represents a ***potentially significant*** vehicular safety hazard. Specifically, vehicles turning left out of Judy Street, whether the cul-de-sac under Alternative 1 or the through street under Alternative 3, may have insufficient time to accelerate to normal speed when eastbound vehicles on Seven Hills Road, traveling at typical speeds (35 mph), to avoid the potential for collision. In addition, vehicles queuing to turn left from eastbound Seven Hills Road to northbound Judy Street could be hit from behind by other vehicles on Seven Hills Road traveling in excess of the speed limit. Seven Hills Road does not have a wide paved shoulder to allow for passing a waiting vehicle on the right.

In addition, under Alternatives 1, 3 and 3A, there is a potential for project residents, including young children, to travel as pedestrians or bicyclists, to cross Seven Hills Road near this intersection, and thereby endanger themselves due to the poor sight line visibility. There is a modest play field within the Castro Valley Unified Adult School facility, southeast of the site which would attract project residents and their children. A driveway entry to a parking lot for the School is located approximately 70 feet east of the potential intersection of Judy Street with Seven Hills Road. Left turns out of the parking lot are prohibited due to the lack of safe sight distance. Therefore, while crossing near the driveway would be somewhat safer, it would not meet Caltrans' standards. Although there is no sidewalk on the south side of Seven Hills Road, it would be difficult to discourage pedestrians crossing at this intersection, especially children. With Alternatives 3 or 3A, pedestrians or bicyclists from points north of and along Malabar Avenue, outside of the project site, may also travel along the Judy Street extension and cross Seven Hills Road in this manner. These conditions represent ***potentially significant*** safety impacts of Alternatives 1, 3 and 3A.

ıe risk would increase with higher vehicular, bicycle and pedestrian traffic volumes associated with Alternative 3, ıd to a lesser extent with Alternative 3A, which would only increase bicycle and pedestrian traffic at this location.

nder Alternative 2, five homes would face or have access to Seven Hills Road, and vehicular entry and egress to ıd from these lots would be subject to the same hazards as at the potential three-way intersection of Judy Street Seven Hills Road. Although the potential for accidents is greatly reduced compared to the traffic volume related Alternatives 1, 3 and 3A, it remains a ***potentially significant*** safety impact of Alternative 2. If Alternative 2A selected, however, the safety impact at this location would be avoided, because no new intersection on Seven Hills oad would be created, and all homes would be connected to the main cul-de-sac extended south of Malabar venue. It is clearly evident, however, that this option would result in the highest generation of trips making the ıt-through on Pepper Street, and increased travel on Malabar Avenue.

MITIGATION MEASURE 14: Alternative 3/Three-Way STOP Control Sign. The authors of the *Traffic Study* identified two possible approaches to accommodate safe travel through this intersection, and the County has suggested two other options:

- If Alternative 3 is selected, an all-way STOP control should be installed at the intersection of Judy Street and Seven Hills Road, with a pedestrian crossing and "STOP Ahead/Pedestrian Crossing" warning signs on the hill approach to the intersection. This mitigation would eliminate any potential sight distance restrictions, and would permit all traffic movements to be allowed at the intersection. Alternative 3 is strongly favored by the County Traffic Engineer, because it would reduce cut-through traffic on Pepper Street by vehicles traveling both to and from the project site and existing traffic generated along Malabar Avenue and Judy Street north of Malabar Avenue. Although the traffic volumes on Judy Street would not normally meet the standards (referred to as "warrants") for placement of an all-way STOP control at this location, if subsequent required analysis of the hill contour confirms that the sight distance is inadequate for safe stopping, together with the benefit of reducing existing and potential project use of a private, sub-standard street (Pepper Street), the County Traffic Engineer has indicated that the warrants could be met. A new all-way STOP control in this location would also be consistent with the 500- to 800-foot intervals between STOP sign controls on Seven Hills Road west of Redwood Road, in comparison to the existing 1800-foot long interval adjacent to the site between Redwood Road and Alma Road. However, if any other alternatives are selected, including Alternative 1 with a cul-de-sac extending north from this intersection, or Alternative 3A with closure of the Judy Street extension at Seven Hills Road, the warrants for the STOP sign control would presumably not be met.
- A substitute approach for Alternatives 1 and 3 would be to install, together with the STOP control sign for the southbound approach to Seven Hills Road from the Alternative 1 cul-de-sac or from the Judy Street extension under Alternative 3, a traffic island within the Judy Street/Alternative 1 cul-de-sac right-of-way, directing traffic to the right, and a sign indicating that left turns to eastbound Seven Hills Road are prohibited. In addition, pedestrians should be prohibited from crossing Seven Hills Road near Judy Street due to the restricted sight distance. This would require a warning sign, a new sidewalk along the north side of Seven Hills Road, with a barricade to guide pedestrians to a new walkway a safe distance from the crest of the hill, at least 160 feet east of the Judy Street intersection (to Pepper Street, about 70 feet east of the Castro Valley Adult School driveway). The major drawback of this approach is that under Alternative 3 project traffic would be generated on Pepper Street for access to Seven Hills Road, and existing traffic generated by residences along Malabar Avenue and Judy Street north of Malabar Avenue would continue to cut-through Pepper Street for

access to eastbound Seven Hills Road. If Alternative 1 is selected, this would likely be the only option to mitigate conditions at this location.

- As another option for conditions without Alternative 3 and a three-way STOP sign, with Alternatives 1, 2 or 3A, and as a substitute for a "no left turn" sign on the southbound Judy Street approach under Alternatives 1 and 3, it would be possible to install warning signs along Seven Hills Road facing eastbound traffic, highlighting the blind hill and indicating that cross-traffic lies ahead near the hilltop. Such warnings could include a flashing light for night time or foggy conditions. A mirror could also be placed on the south side of Seven Hills Road at the hill top, with appropriate illumination for low-light conditions, so that project vehicles, under any of these alternatives, may see vehicles traveling up the hill. Finally, a sidewalk should be constructed along the southern edge of the project site, extending to Pepper Street, with a barricade as suggested above, and a crosswalk located only near Pepper Street. Although no new intersection would be created in this location under Alternative 2 or 3A, these or equivalent measures would improve safety for the five properties with driveways connected to Seven Hills Road. However, the County Traffic Engineer has strong reservations about meeting design standards with warning signs, flashing lights or mirrors.
- The County Traffic Engineer has also suggested that the Judy Street connection to Seven Hills Road may be re-aligned as far to the east as possible, to maximize the safe stopping distance. However, the effectiveness of such re-alignment is subject to a required evaluation of the hill contour. This option would also require preparation of a new, additional alternative lot configuration.

Implementation of one of the three options defined by Mitigation Measure 14 would reduce the safety impact to a ***less than significant*** level. At the new intersection at Judy Street and Malabar Avenue under Alternatives 2 and 3, there are no safety hazards due to sight distance or other obstructions, and therefore left, through and right turn movements should be allowed from each approach at this intersection. However, as discussed further below, if Alternative 3 is approved, traffic on Judy Street should be monitored for speed, volume and safety conditions, to determine if traffic calming measures may be appropriate.

If Alternative 3 is not selected, the County Traffic Engineer recommends Alternative 1 as the next-best option, for reducing public use of Pepper Street, followed by Alternative 3A, which would avoid the construction of driveways connected directly to Seven Hills Road. Although Alternative 2A would also avoid driveways connected to Seven Hills Road, it would have the disadvantage of increasing traffic on Pepper Street.

The County Traffic Engineer had expressed concern that under Alternative 1 or 3 a potential conflict could result between vehicles turning left out of the Castro Valley Adult School driveway and southbound vehicles turning from Judy Street extension onto Seven Hills Road. Based on the proposed site plan, these two accesses will be approximately 100 feet apart. Drivers stopped at the two accesses will be able to see each other without any sight distance restrictions.

Another concern of the County Traffic Engineer was that the intersection of Malabar Avenue with Redwood Road is only about 100 feet south of the intersection of Joseph Drive with Redwood Road, such that motorists using these intersections (and bicyclists on the Redwood Road bike lane) need to be exceptionally observant of vehicles turning onto Redwood Road from either Malabar Avenue or Joseph Drive. The hazard is a result of these intersections being in opposite directions and close to one another. No specific control is recommended at the present time, although with implementation of Alternatives 2, 2A or 3A, which would generate trips mostly on Malabar Avenue, observation and monitoring of conditions should be required as a condition of approval.

udy Street Traffic. Residents of the area have expressed concern with the concept of Alternative 3, of creating a orth-south through street between two existing east-west collector streets, Seaview Avenue and Seven Hills Road. esidents are concerned that the result would be the creation of a collector street with higher traffic volumes and elated traffic (and pedestrian) safety. As previously indicated, there were a total of 242 (130 southbound and 112 orthbound) vehicles per day (vpd) counted on Judy Street. By comparison, based on the existing peak hour olumes shown in **Figure 18** at the intersection of Redwood Road and Seven Hills Road, and multiplying the total .m. peak hour by ten (because p.m. peak hour trips normally represent ten percent of total daily trips), Seven Hills oad is likely to have a daily vehicle volume of up to 2,840 vehicles per day (1,640 westbound and 1,210 astbound). Traffic volumes on Seaview Avenue are unknown, but most likely are not higher than on Seven Hills oad.

he traffic generated by the project itself, under any of the alternatives, would not be expected to travel on Judy treet, other than for internal neighborhood travel that is beyond the ability to predict. However, implementation f Alternative 3 could be expected to increase traffic volumes on Judy Street by an unknown degree, because there ould be a new connection to Seven Hills Road that would not otherwise exist. Yet for development along and orth of Seaview Avenue, there are three other north-south routes, including Redwood Road, Apricot Way (which ffectively continues as Brickell Way), and Seaview Avenue as it connects to either Sandy Road or Madison venue. These routes are better alternatives, because they extend further, to James Avenue, Heyer Avenue, or in ie case of Redwood Road, to I-580 and into Hayward.

he counters placed on Judy Street on July 18, 2001 indicate that the 85th percentile speed in the southbound lownhill) direction to be approximately 30 mph. After stopping (or slowing down) for the STOP sign at Malabar venue, southbound traffic from Judy Street continuing towards Seven Hills Road is expected to travel through the oject site at similar speeds. These travel characteristics are highly typical throughout any residential area, and utside of the project site, do not result in any tangible impact that is attributable to the project itself. Within the oject site itself however, the higher speeds (somewhat accommodated by the required 50-foot wide right-of-way) ill somewhat separate the two sides of the street, and may result in avoidable safety hazards for pedestrians, pecially children. The safety impact would be ***potentially significant***.

MITIGATION MEASURE 15: Judy Street Traffic Calming. To assist in reducing speeds on Judy Street within the project site if Alternative 3 is selected, and reduce unnecessary use of Judy Street as a collector street, traffic calming measures should be placed between Malabar Avenue and Seven Hills Road, including but not limited to one or two speed humps, a traffic island near the short cul-de-sac, a traffic island or mini-roundabout in the intersection of Judy Street and Malabar Avenue, or other measures recommended by the Alameda County Traffic Engineer. Such traffic calming measures, as well as an all-way STOP sign control at Judy Street and Malabar Avenue, may be adopted for future implementation subject to observation and monitoring of conditions on Judy Street near Malabar Avenue.

plementation of Mitigation Measure 15 would reduce the safety impact on the Judy Street extension, under lternative 3, to a ***less than significant*** level.

irect/Cumulative Increase in Traffic, Congestion Management Agency Standards. The Alameda County ongestion Management Agency (ACCMA) designates I-580 as a "regional route of significance" for which specific vel of service standards have been adopted. For I-580, the adopted standard is LOS E during the p.m. peak hour, d it is currently met on the segment within Castro Valley. The CMA standard for Castro Valley Boulevard is also OS E, which is currently being met. The CMA requires the traffic impacts of major development projects, defined those generating more than 100 trips during the p.m. peak hour, to be evaluated under the CMA's traffic model.

As indicated above in the discussion of the trip generation characteristics of the project, the project would generate a maximum of 19 trips during the p.m. peak hour, and therefore, is not considered a major project which would directly cause any deterioration in the LOS of these regional routes of significance. The project would have ***no impact*** on or conflict with the CMA standards.

Weekend Parking and Traffic. A parking occupancy survey was conducted on Sunday, July 15, 2001 between 9:00 a.m. and 11:00 a.m. to correspond with the morning services at First Baptist Church located at the northeast corner of Redwood Road/Seven Hills Road. The Church parking lot has a total of 102 parking spaces (95 regular and 7 handicapped). **Table 14** summarizes the number of vehicles that were counted in the parking lot and on surrounding streets (Redwood Road, Seven Hills Road, Malabar Avenue and Pepper Street).

Table 14: Summary of Parking Occupancy Survey

Time	Vehicles in Church Lot	Total Parked On-Street	Total Parked
9:00 a.m.	75	46	121
9:30 a.m.	73	60	133
10:00 a.m.	93	68	161
10:30 a.m.	97	61	158
11:00 a.m.	102	59	161

The data in **Table 14** indicates the Church lot was almost full at 10:00 a.m. and 10:30 a.m., and completely full at 11:00 a.m. With the lot being full on Sunday mornings, it is anticipated that some attendees of First Baptist Church may want to park on the Judy Street extension or either cul-de-sac option connected to Seven Hills Road or Malabar Avenue. Parking by church attendees would be within the public right-of-way on any of the streets, and cannot be unreasonably restricted. This is a characteristic typical of neighborhoods with large or high-attendance churches, and is not an impact of the project.

Under some of the alternatives, the project may have beneficial effects of providing additional on-street parking which would reduce the burden on other streets. It is estimated that along the existing 295 feet of vacant lot frontage, and excluding at least 20 feet for the existing driveway to the on-site ranch house and cabin, there are at least 12 parallel parking spaces. Alternative 1 would result in the most new driveways along Malabar Avenue, but if the driveways are spaced effectively to provide two parallel parking spaces between each, only two parking spaces would be eliminated. If Mitigation Measure 11 to reduce the number of new home sites along Malabar Avenue is implemented with Alternative 1, perhaps only one space would be eliminated. Alternative 2 (and 2A) would eliminate an estimated six on-street spaces along Malabar Avenue due to a combination of driveways facing Malabar Avenue and a cul-de-sac extension of Judy Street, but would add new on-street parking spaces along one side of the cul-de-sac. Alternative 3 and 3A, however, would retain at least eight on-street parking spaces on Malabar Avenue, and would add new spaces along both sides of the Judy Street extension, resulting in a general increase in the total number of on-street spaces. However, all of the on-street parking spaces are intended to provide visitor parking for the future project residents, and it is not the responsibility of the applicant to provide parking for an existing use which has insufficient on-site parking. Under all of the alternatives, the project would provide a minimum of one visitor parking space per single family residence, as required by the Zoning Ordinance. The impact on parking would be ***less than significant.***

ı addition to concerns about parking, neighborhood residents expressed concern that because of parking along lalabar Avenue on weekends by patrons of the Redwood Baptist Church and the Shir Ami Synagogue, combined ith the absence of sidewalks on either side of Malabar Avenue, that many of these patrons and their families are equired to use the street when walking between their cars and these destinations. This is a condition of an older eighborhood which developed without requirements for installation of standard curb, gutter and sidewalk nprovements. Typically, in the absence of such improvements, cars park further from the centerline of the street, ı the area in which a sidewalk would normally be located. Although this provides added space towards the center f the street to accommodate pedestrians and bicyclists, it is also likely to engender higher traffic speeds as it creates ıe appearance of greater safety margins. The neighbors were concerned that the increase in traffic generated by ıe project on Malabar Avenue would contribute to the potential conflict between vehicles and pedestrians.

nder Alternatives 1 and 3, the project would generate very few new trips on Malabar Avenue, below the level that ould be discerned as contributing noticeably to any traffic safety concern. Under all of the alternatives, new dewalks, curb and gutter would be installed along the portion of the project site that borders Malabar Avenue. The maining portions of Malabar Avenue without sidewalks would be kept under existing conditions. Alternatives , 2A and 3A would generate most of the project trips on Malabar Avenue, and with implementation of Mitigation leasure 13 (traffic calming measures to discourage cut-through traffic on Pepper Street), most vehicles would use lalabar Avenue between the site and Redwood Road. Traffic from the development under these alternatives on aturday and Sunday would likely be between one-quarter and one-half of the weekday peak hour trips, or about to 10 trips from the project site during the busiest one-hour period. Based on **Figure 18**, weekday peak hour olumes on Malabar Avenue (east of Redwood Road) reach about 70 trips in both directions (PM peak period), hich would translate to a maximum of about 35 Saturday or Sunday trips during the busiest hour. Even with the ldition of up to 10 new trips on Saturday or Sunday, the number of trips would average less than one per minute, hich would be a ***less than significant*** impact on pedestrian safety along Malabar Avenue. The principal sponsibility for providing for pedestrian safety lies with the property owners who have not installed standard dewalk, curb and gutter improvements, and with the two institutions that generate pedestrian traffic in a eighborhood lacking these features.

ublic Comments on Traffic and Circulation. An extensive number of public comments were received on the ıticipated traffic effects of the proposed subdivision. The foregoing analysis is intended to address many of these mments. However, the individual comments (as paraphrased) and responses to each comment are provided in **able 15**.

Table 15
Comments and Responses Regarding Traffic and Circulation

Public Comment	Response to Comment
General Comments	
The increased traffic from the project on existing streets would present significant noise, health and safety hazards to the community. (Petition, Davis/Irving, Reinheimer)	Comment noted. The project represents infill development of a similar nature to the surroundings, and therefore no substantial or unusual increase in noise levels are expected. See the discussion under the heading of Noise. The traffic volumes generated by the project would not result in any notable increases in air contaminants. As indicated under the heading of Air Quality, the project is not expected to generate levels of pollutants that would be a concern to public health. See the general text with regard to the traffic safety issues of the project.
The Planning, Traffic and Fire Departments' recommendation to extend Judy Street through to Seven Hills Road would be very effective in reducing traffic on Malabar Avenue and Pepper Street. Failure to extend Judy Street would have adverse affects on Malabar Avenue and Pepper Street. (Sadoff)	Comment noted. Alternative 3 is intended to extend Judy Street through to Seven Hills Road and reduce cut-through traffic on Pepper Street.
There is no stop sign at the intersection of Judy Street and Malabar Avenue. (Bateman)	Comment noted. The project would require installation of a STOP sign control on Judy Street, regardless of the alternative selected.
The County Traffic Engineer's stated preference for a straight street along which residents can see their children did not consider that the project will increase traffic and result in safety problems. (O'Keith)	The project is not expected to generate the volume of traffic which would generally cause safety problems by itself. However, Mitigation Measure 15 is intended to reduce traffic speeds on Judy Street if Alternative 3 is selected.
The internal street should connect to Malabar Avenue, not Seven Hills Road, because the latter already carries too much traffic from the Adult School and the Castro Valley Unified School District offices. If Judy Street extends to Seven Hills Road, motorists will use it instead of Pepper Street, and the increase in traffic on Seven Hills Road will make it more difficult for residents to use their driveways. (Dexheimer)	Comment noted. Alternative 2 and 2A provide for internal circulation from Malabar Avenue, and would generate fewer trips on Seven Hills Road. However, Seven Hills Road is considered a minor collector road which provides an important degree of access within Castro Valley. It is expected that if Alternative 3 is selected, implementation of Mitigation Measure 14 (a three-way STOP sign or other controls at the Judy Street intersection of Seven Hills Road) that maneuvering in and out of driveways along Seven Hills Road near the intersection will be easier due to stopping and generally slower traffic.
The potential connection of Judy Street at Seven Hills Road would result in limited visibility between the intersection and cars traveling eastbound on Seven Hills Road. By comparison, the visibility of traffic on Malabar Avenue to the east and west of Judy Street is better. (Dexheimer)	Comment noted. See the general text and Mitigation Measure 14 for a detailed discussion of the safe stopping sight distance issue.

Table 15, continued
Comments and Responses Regarding Traffic and Circulation

ublic Comment	Response to Comment
t a neighborhood meeting with County planners the ounty Traffic Engineer indicated that the neighbor-ood could absorb project traffic, while also indicating hat in spite of new stop signs that should be placed on udy Street at Malabar Avenue, a certain number of lrivers would not heed the signs. (O'Keith)	Comment noted. The recognition that some drivers will not heed STOP control signs is necessary for the purpose of designing streets and selecting traffic controls that will be effective in controlling speed and avoiding traffic hazards when such signs are ignored. The County Traffic Engineer was not referring just to drivers generated by the project, but to drivers in general.
he prior staff report does not address the cumulative mpacts of this project and other development in Castro alley on traffic, such as Tract Map TR-7322 on roctor Road, another potential project on Proctor oad, and a development on Foxboro Drive. (Barclay)	Comment noted. The traffic generated by the projects listed in the comment are sufficiently distant from the current project site that there would be no discernable trips on any street other than Redwood Road. Redwood Road has sufficient capacity to accommodate infill development that is consistent with the Castro Valley Plan. Tract Map TR-7322 is located approximately one mile northwest of the site, on the opposite side of Redwood Road, and the proposed subdivision on Foxboro Drive (assumed to be TR-7267, Hayman Homes) is also about one mile north of the project site.
he County Traffic Engineer's advice to the neighbors o monitor traffic with speed guns after the project was ompleted was not helpful in avoiding or reducing the ncrease in traffic that the project would generate or the afety concerns of area residents. (O'Keith)	Comment noted. As noted in the general text and above in this table, the increase in traffic generated by the project is not significant by itself. However, Mitigation Measures 13, 15 and other recommendations for traffic monitoring that could be done by the County at the applicant's expense would address the major concerns regarding safety along Judy Street and Malabar Avenue.
he County staff appeared to be more concerned with naintaining the maximum number of units than rotecting the neighborhood from the adverse effects of affic. (O'Keith)	Comment noted. Mitigation measures incorporated into the Initial Study address both the number of dwelling units on the site and traffic safety. See the general text.
lalabar Avenue Traffic Concerns	
lalabar Avenue is highly congested on weekends due o the adjacent church and synagogue, and if the najority of new parcels are connected to Malabar venue, the increased traffic will be a major concern. Blake)	Comment noted. As discussed in the general text with regard to weekend traffic and parking, the increased traffic from any of the alternatives on weekends would not result in detectable levels of congestion.
he proposal would have only one roadway outlet on lalabar Avenue, and turning to or from Redwood oad is already difficult without additional traffic, and nerefore the access should be from Seven Hills Road. Hollingsworth)	The traffic analysis indicated that if Alternative 2 is selected, the intersection of Malabar Avenue at Redwood Road would operate at a level of service (LOS) of A, which exceeds County standards. See the general text.

Table 15, continued
Comments and Responses Regarding Traffic and Circulation

Public Comment	Response to Comment
Pedestrians on Malabar Avenue, on Sundays and in General	
Existing motorists travel at excessive speeds on Judy Street and Malabar Avenue, which is a problem due to the lack of sidewalks and use of the Malabar Avenue roadway by both adults and children walking to the church on Sundays. Future project residents would aggravate the problem by increasing traffic. (Athan)	Comment noted. See the general text regarding weekend parking and traffic.
The project would generate additional vehicular and pedestrian traffic on Malabar Avenue, which lacks sidewalks [which requires pedestrians to risk walking in the street], resulting in risks for both pedestrians and motorists. (Bateman, Blake, Hardiman, Reinheimer)	See the general text regarding weekend parking and traffic.
The proposed development would present serious traffic, parking and pedestrian safety problems, because the lack of sidewalks on Malabar Avenue and Seven Hills Road would be inconsistent with the proposed development [which would be required to provide sidewalks where the site borders these roadways]. (Petition)	Comment noted. See the general text regarding weekend parking and traffic.
Parking Demand on Sundays and in General	
The neighborhood suffers from excessive traffic and parking demand on Sunday mornings due to the church on Redwood Road, which the project will exacerbate by allowing visitor parking on Malabar Avenue. (Bateman, Blake)	Comment noted. See the general text regarding weekend parking.
Parking demand generated by the project will require use of neighborhood streets. (Athan, Billa)	As indicated in the general text, the project and its alternatives would include sufficient on-site parking.
Recreational vehicle parking areas [permitted in this District by the Zoning Ordinance] will not provide the needed parking capacity for the project residents. (Billa)	Recreational vehicles are permitted to be parked within the yard areas of single family parcels, but no space set aside for that purpose is required. See the above response and the general text.
Anticipated new home-owners will have high incomes and higher car ownership, which will result in cars parked on streets in the area. (Davis/Kapoor-Davis)	Comment noted. The project and all of the its alternatives would meet zoning requirements for on-site parking, and no additional parking is required.
Pepper Street Traffic	
The project would generate traffic on the segment of Pepper Street (a private street) between Malabar Avenue and Seven Hills Road, which is already used as a short-cut by motorists who do not reside on Pepper Street for travel from points north of Malabar Avenue to Seven Hills Road, especially east of Pepper Street. (Davis/Irving, Krantz)	Comment noted. Alternative 1 would reduce the number of project trips using Pepper Street as a cut-through route, and Alternative 3 would reduce both project and existing trips using Pepper Street. See the general text.

Table 15, continued
Comments and Responses Regarding Traffic and Circulation

?ublic Comment	Response to Comment
f project traffic uses Pepper Street, property values on Pepper Street vould suffer due to the increased risk of accidents and local liability. ?roject mitigation could include, in addition to a barricade at the ntersection of Malabar Avenue and Pepper Street, speed bumps or gated :ntrance, but need staff input. (Davis/Kapoor-Davis)	Comment noted. See the above response, as well as the general text regarding Pepper Street cut-through traffic and recommended Mitigation Measure 13.
The existing volume of traffic on Pepper Street is incompatible with the ieed to maneuver in and out of driveways. (Davis/Irving)	Comment noted. Selection of Alternative 3 would reduce existing cut-through traffic on Pepper Street and reduce conflicts between driveway use and traffic. See the discussion in the general text regarding the other alternatives and Mitigation Measure 13.
Traffic use of Pepper Street is incompatible with the absence of :idewalks and resulting use of Pepper Street by children. (Davis/Irving)	Selection of Alternative 3 would reduce existing cut-through traffic on Pepper Street and reduce hazards due to the lack of sidewalks. Mitigation Measure 13 would minimize traffic increases on Pepper Street attributable to the project.
The traffic speeds are too high on Pepper St. (Davis/ Irving, Krantz)	Comment noted. See the above responses and the general text regarding cut-through traffic on Pepper Street.
The additional traffic causes accelerated deterioration of Pepper Street, vhich is required to be maintained by the adjacent property owners. Davis/Irving)	Comment noted. See above responses and the general text regarding cut-through traffic on Pepper Street.
'roject mitigation could require blocking access to Pepper Street from Malabar Avenue and placing traffic signals at Malabar Avenue and :edwood Road, or requiring the project to proportionally compensate 'epper Street residents for maintenance costs. (Davis/ Irving, Krantz)	Comment noted. See Mitigation Measure 13. Pepper Street residents are principally responsible for the use and maintenance of Pepper Street.
Vith recommended traffic mitigation to extend Judy Street from Malabar Avenue to Seven Hills Road, the project may still generate 'affic on Pepper Street unless a three-way stop or traffic signal is istalled at the intersection of Judy Street and Seven Hills Road, because o left turn would be permitted from Judy Street to eastbound Seven Hills Road. (Davis/Kapoor-Davis)	Comment noted. See the general text and the specific discussion of Mitigation Measure 14.

Environmental Factors and Focused Questions for Determination of Environmental Impact	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☑
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?	☐	☐	☑	☐
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?	☐	☐	☐	☑
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☑
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☑
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☑
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☑

Regional Water Quality Control Board Requirements. The San Francisco Regional Water Quality Control Board establishes standards for the generation of wastewater to and from wastewater treatment facilities, and regulates the discharge of industrial pollutants into treatment facilities, and requires such facilities to meet specific standards for water discharged into San Francisco Bay and the Pacific Ocean. The project would not generate any industrial-type wastewater, but would instead have wastewater characteristics typical of general residential land uses. There would be ***no impact***.

New/Expanded Water or Wastewater Treatment Facilities. Domestic water treatment service in Castro Valley is provided by the East Bay Municipal Utilities District (EBMUD). The water requirements of the project would be typical of other residential development, and would not require any unusually large amount of water. When development plans are finalized, the applicant must contact EBMUD's Water Service Division to determine specific water supply and delivery system requirements. The effect on regional water treatment facilities would be ***less than significant***.

The Castro Valley Sanitation District (CVSD) provides wastewater treatment service and maintains sewer mains in Castro Valley, including the project vicinity. The District has indicated that the sanitary sewer system has sufficient capacity to accommodate additional development. As a result, there would be ***no impact*** of the project

ı regional wastewater treatment or transmission facilities. The project will increase demand for sewer service, hich is provided in the project area by the Castro Valley Sanitary District. The Project will be responsible for the acement of all new sewage lines from the site to the main line, located in the Seven Hills Road right-of-way. The lditional service required for the facility is a ***less than significant*** level of new demand.

s indicated above, the existing treatment facility has been developed with adequate capacity to meet new demand hich is consistent with the Alameda County General Plan. The impact of the project on regional wastewater eatment facilities would be ***less than significant***.

ew/Expanded Storm Water Drainage Facilities. The EBMUD storm drain system was developed to accommodate .ll development of the area, including the project site, and has sufficient capacity to accommodate the increase in .noff. There would be ***no*** impact on the capacity of stormwater drainage systems. The site is currently covered ith open ground, and therefore, as discussed under the heading of Hydrology and Water Quality, there will be a)table increase in runoff. However, the vicinity is already served by storm drainage mains which are sized to :commodate the increased development. The additional service required is an ***less than significant*** level of new :mand.

'ater Supplies. Water in the project vicinity is provided by EBMUD, which is regularly concerned with water .pply and water conservation. Water conservation measures, related to bathroom fixtures, landscaping materials ıd other characteristics of water consumption are incorporated into the *Uniform Building Code*, as required by Title ł of the California Code of Regulations. New development, including the project, is required to meet these andards, and thereby avoid excessive, uncontrolled water consumption. The project will be required by EBMUD incorporate water-conserving fixtures and landscaping, and the project applicant will also be responsible for stalling any local infrastructure improvements needed to accommodate the project's water needs. All landscaped eas will be required to meet the Alameda County Landscape Water Conservation Guidelines. The landscaped eas can be supplied adequately with present local resources. Demand for domestic water use is considered to nstitute an ***less than significant*** level of new demand.

ıe Alameda County Fire Department requires that new development meet the requirements of the *Uniform Fire)de*, such as for fire hydrants which provide 1500 gallons per minute (gpm) of water pressure. EBMUD also quires new development to meet the County's *Uniform Fire Code* standards. Applications for water service from 3MUD include a fire flow form which must be approved by the County Fire Department. Interior fire sprinklers ıst meet the requirements of NFPA 13 (National Fire Protection Association code) for spacing, flows, pressure, d other factors. The water lines adjacent to the project site, alongside Malabar Avenue are considered to be equate to meet the fire flow requirements of development in the project vicinity, although the fire protection gineer working with the civil engineers for the project is responsible for calculating the engineering requirements obtain the needed fire flow. The project would have ***no impact*** on water supply.

lid Waste Disposal Capacity. Solid waste generated in Castro Valley is collected by a private waste hauling and sposal company, Waste Management of Alameda County. Currently, three active permitted landfills serve ameda County's solid waste disposal needs–Altamont Sanitary Landfill and Vasco Road Sanitary Landfill in vermore, and Tri-Cities Recycling and Disposal Facility in Fremont. The California Integrated Waste Manage- :nt Board (CIWMB) states that the total combined permitted remaining capacity of these landfills is 110,113,205 bic yards. According to the CIWMB, each County resident generates an estimated 0.42 tons of solid waste sposal demand per year. Based on a typical waste density of 80 pounds per cubic yard, the per capita disposal e is 12.75 cubic yards of solid waste per year. The project proposes the construction of up to 19 net new :idential housing units. Based on an average of 2.78 persons per household in Alameda County (Alameda County,

2000), it is estimated that the project would result in 52.82 additional residents or 673.46 cubic yards of solid waste per year. Based on the capacity of the landfills and the anticipated disposal rates associated with the project, the impact of the project on landfill capacity is considered ***less than significant.*** Furthermore, the project would comply with all federal, state, and local statutes and regulations related to solid waste, resulting in ***no impact*** due to waste disposal law violations.

Construction Impacts. Prior to construction, the existing structures, including concrete foundation pads and a minor number of underground structures, will have to be removed, and disposed of, possibly in a landfill. Such waste material would not significantly impact landfill capacity or burden waste management services, and would have a ***less than significant cumulative*** effect associated with solid waste transport and disposal.

Compliance with Solid Waste Regulations. The California Integrated Waste Management Board is responsible for ensuring that solid waste facilities in the state are operated correctly (and that closures do not result in long-term environmental hazards). The Board also has responsibilities for guaranteeing the proper storage and transportation of solid wastes, by providing standards for toxic materials contained in solid waste generated by urban and industrial development. The characteristics of solid waste generated by the project would consist primarily of typical household wastes, and would be very unlikely to contain any hazardous materials. The impact would be ***less-than-significant.***

The project will increase demand for sewer service, which is provided within Castro Valley by the Castro Valley Sanitation District (CVSD). The applicant will be responsible for the placement of all new sewage lines from the site to the main line located on Seven Hills Road. The proposed project is expected to generate just under 4,800 gallons per day of sewage flow, based on a typical single family rate of 240 gallons per day per unit. The additional service required for the proposed maximum of 19 dwelling units is an ***insignificant*** level of new demand.

Water service is provided to Castro Valley by the East Bay Municipal Utilities District (EBMUD). The District's main water treatment plant is in Orinda, with an output capacity of 175 million gallons per day. Based on annual consumption rates for single family residential EBMUD customers for the years 1981 to 1993 (Source: East Bay Municipal Utilities District, *Urban Water Management Program*, February 1996), each proposed unit would be expected to result in an average water demand of 350 gallons per day. The total 19-unit (maximum) project would therefore have an average new demand of about 6,650 gallons per day. EBMUD has planned expansion of water supply for its service area on the basis of the adopted General Plans for the cities it serves, including Castro Valley. As indicated previously in this Initial Study (**Population and Housing**), the project represents growth that is within the parameters of growth assumed by EBMUD. Therefore no water treatment facility expansion or other improvements would be required to serve the proposed 18 to 19 new residences. Water lines along Buena Vista Avenue are adequate to serve this project, and thus the project would have an ***insignificant*** effect on regional water treatment and distribution facilities. When development plans are finalized, the applicant must contact EBMUD's Water Service Division to determine specific water supply and delivery system requirements.

EBMUD typically requests the incorporation of water-conserving fixtures and landscaping within a residential project, and requires that the project applicant be responsible for any local infrastructure improvements needed to accommodate the project's water needs. The Alameda County Uniform Plumbing Code requirement for water-conserving fixtures will apply to this project, and other County requirements promote the use of water-conserving planting and irrigation methods.

As part of the development of the site, new electrical and gas lines will be installed. The additional service required by the proposed residential use constitute an ***insignificant*** level of new demand.

Environmental Factors and Focused Questions for Determination of Environmental Impact	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
VII. MANDATORY FINDINGS OF SIGNIFICANCE				
) 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?	☐	☑	☐	☐
) 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)?	☐	☑	☐	☐
) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☑	☐	☐

uality of the Environment. With implementation of the identified mitigation measures related to biological and cheological resources on the site, the project would not have the potential to degrade the quality of the ıvironment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop elow self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the nge of a rare or endangered plant or animal or eliminate important examples of the major Periods of California story or prehistory. Implementation of Mitigation Measures 3, 4 and 5 would reduce the potential impacts of the oject on the natural environment and cultural resources to a ***less than significant*** level.

umulative Impacts. The project (depending on which alternative is selected) would have potentially cumulative ifety impacts on Pepper Street due to its contributions to cut-through traffic on a narrow, sub-standard private reet, that are individually limited, but cumulatively considerable when viewed in connection with the effects of ast projects, the effects of other current projects, and the effects of probable future projects. Mitigation Measures 1 and 12 would reduce these cumulative impacts in the context of continued growth and development in Castro alley. The project's cumulative traffic contribution to anticipated traffic congestion in the vicinity is considered be ***less than significant.***

dverse Environmental Effects on Human Beings. The project would have potential environmental effects which ıuld cause substantial adverse effects on human beings, either directly or indirectly, although because the project ould not adversely affect existing residential settlement, and the proposed land use is consistent with and ımpatible with the surroundings, traffic safety hazards could cause injuries or fatalities. Mitigation Measures 11, 2 and 13 would reduce these potential effects to a level that is ***less than significant.***

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7. MITIGATION MEASURES INCLUDED IN THE PROJECT & AGREED TO BY PROJECT SPONSOR

The following are potential significant impacts of the project and mitigation measures recommended to reduce those impacts to a "Less Than Significant" level. These mitigation measures should be made conditions of approval for the project. For every mitigation measure, the permittee should be responsible for implementation as to actions, schedule, funding and performance standards, unless stated in the measure.

. **Height Limitations.** If Alternatives 1 or 2 (or 2A) are selected, the developer should be required to limit the number of two story residences, including the loft-style design, on the lots located along Malabar Avenue and Seven Hills Road to a maximum of two, two-story residences along these streets.

. **Lighting Plan.** The subdivision shall provide for a Lighting Plan with proper lighting fixtures and installation, including the use of full cut-off light fixtures (i.e., fixtures that do not radiate any light above the horizontal), motion sensitive exterior lighting circuits to provide light only when needed, recessed lighting where small areas require lighting. In addition, correct installation of all lighting shall ensure that light does not radiate beyond site boundaries either horizontally or upward, and ensure that light trespass on adjacent properties is minimized.

. **Dust Control Measures.** The project applicant shall prepare and implement a construction dust mitigation plan. An appropriate dust mitigation plan shall, at a minimum, include the following:

- Provision of equipment and staff for watering of all exposed or disturbed soil surfaces, as well as parking and staging areas, at least twice daily, with an appropriate non-toxic dust palliative or suppressant added to the water before application;
- Covering of all soil, sand, debris or other loose material being transported in trucks;
- Watering or covering of stockpiles of debris, soil, sand or other materials that can be blown by the wind;
- Suspension of dust-generating activities during periods of high wind (over 15 mph);
- Completion of landscaping at the earliest possible date; and
- Regular sweeping of paved construction area of all mud and debris, and on adjacent streets if visible.
- County ordinances and policies require the Applicant or successor to control dust and keep adjoining public streets and private drives clean of project dirt, mud, materials and debris, to the satisfaction of the Director of Public Works. All construction Best Management Practices (BMP) shall be used.

. **Pre-Construction Bird Species Survey.** A survey shall be conducted by a qualified biologist prior to any tree removal or initiation of grading, to ensure compliance with the Migratory Bird Treaty Act, the federal Endangered Species Act, the California Endangered Species Act, and the California Fish and Game Code.

. **Tree Preservation Guidelines.** The developer should incorporate the recommendations of the *Tree Report* prepared by HortScience, Inc., in February of 2001, including measures to preserve the eleven off-site trees, and if feasible based on final improvement plans, the three on-site European white birch trees and three on-site oak trees in good condition. Because the approved plan will be different from the January 2001 plan used by the consulting arborist, the arborist should review the Alternative plan selected for implementation, and should also review final plans, including utility and drainage plans, landscape and irrigation plans, retaining wall plans, and demolition plans. Tree preservation measures identified in the *Tree Report* include establishment of tree protection zones with appropriate fencing, exclusion of all grading or material storage of any kind within the protection zones, limits on herbicide use, branch and root pruning of trees to be preserved where adjacent to construction activity, use of mulch,

supplemental irrigation as directed by the arborist, and appropriate engineering of pavements and foundations to account for expansive soils near tree root structures.

6. Cultural Resource Protection Procedures. The applicant or the contractor shall provide for grading and trenching crews to implement the following procedures:

- Immediately halt or relocate excavations and contact a qualified archaeologist to inspect the site. If the archaeologist determines that potentially significant archaeological materials or human remains are encountered, the archaeologist must record, recover, retrieve, and/or remove any archaeological materials;
- The archaeologist must study any archaeological resources found onsite and publish data concerning these resources;
- If human remains are found onsite, Applicant must notify the Ohlone Most Likely Descendants, as designated by the California Native American Heritage Commission; the coroner shall be called and the archaeologist shall provide safe and secure storage of these remains while on-site, in the laboratory and otherwise, and shall consult with the Native American representatives regarding either onsite reburial of the remains or other arrangements for their disposition;
- The archaeologist shall provide a copy of documentation of all recovered data and materials found on-site to the regional information center of the California Archaeological Inventory (CAI) for inclusion in the permanent archives, and another copy shall accompany any recorded archaeological materials and data.
- If any historic artifacts are exposed, the archaeologist shall record the data and prepare a report to be submitted to the local historical society.
- Monitoring for these measures must be performed by Applicant on a continual basis during construction. At the completion of work, Applicant will submit a summary of findings to the Planning Director for review and for the final record.

7. UBC Earthquake Design Criteria. The applicant and/or contractor shall use the procedures and design criteria appropriate for a Type A active fault, the nearby Hayward Fault, consistent with the requirements of the 1997 Uniform Building Code, and subject to approval by the Building Inspection and Grading Departments of the Alameda County Public Works Agency. The UBC provides specific design criteria for sites that match certain criteria, such as seismic zone, soil profile, and proximity to active faults. In addition, re-grading of the site as recommended in the *Geotechnical Investigation* would reduce the adverse risks of a seismic event on the project development.

8. Subsurface Structure Removal and Grading. As recommended by the Geotechnical Investigation for the site, all underground structures not specified for retention (i.e., drainage facilities, root structures, etc.) should be removed with periodic observation and inspection by the designated Soil Engineer for the project, to ensure that no subsurface structures are covered over and that root systems in specified areas are completely removed. The grading permit will require complete documentation of any such fill or excavation debris on the site. Cavities from excavation of subsurface structures such as drains and piping should be backfilled as engineered fill under the supervision of the Geotechnial Engineer for the project. The geotechnical analysis should be subject to peer review as required by the Public Works Agency, Grading Department.

9. Pre-Demolition LBP/ACM Inspection and/or Removal. Prior to the demolition or other major alteration of the existing house and outbuildings on the site, the applicant shall contract with a state-licensed LBP and ACM contractor to test the structures for the presence of LBP and ACM, and provide for the safe removal of such materials.

0. Soil and Surface Water Management Plan. Specific procedures for managing and handling exposed soil uring construction are required. The site-specific Soil and Surface Water Management Plan shall include the llowing elements:

- *Dust control.* Measures could include water spraying or application of dust suppressants, and gravel covering of high-traffic areas;
- *Temporary storage of excavated soil material.* Fill and other materials excavated during utility trenching, pre-drilling for pile-driving, surface clearing and preparation should be stockpiled and covered with 10-millimeter plastic sheeting to prevent runoff or discharge of affected soil, water or dust. Depending on weather conditions, containment structures or devices may be required.
- *Dewatering.* Groundwater generated from dewatering activities should be handled in the same manner as other site runoff.

1. Modification of Tract Map. Under each alternative at least one parcel should be eliminated and combined ith the area of other proposed parcels, in order to provide for lot size consistency. To address Impact 11.1 (under lternative 1) one lot of the five along Malabar Avenue should be combined with the remaining four. To avoid npact 11.2.a (Alternatives 2 and 2A), either one lot could be eliminated, or the four lots facing Malabar Avenue ould be rotated approximately 90 degrees to face the new cul-de-sac. In order to avoid Impact 11.2.b (also lternatives 2 and 2A), one of the four lots along Seven Hills Road should be eliminated, unless their size can be ljusted upward to an average of at least 6,360 square feet (90 percent of the average for the three consecutive lots the east) through the elimination of a lot adjacent to Malabar Avenue. Lastly, if Alternative 3 is selected, the nine ts along the west side of the Judy Street extension should be reduced to no more than eight lots to address npact 11.3.

2. Construction Noise Management. The applicant shall ensure that all equipment powered by internal mbustion engines are fitted effectively with mufflers in good operating condition. Where feasible, noise-nerating equipment should be staged as far as possible from existing residences, and mobile equipment should t be allowed to idle unnecessarily near residences.

3. Alternative 3/Malabar Avenue Traffic Calming. Alternative 3 would avoid any increase in traffic on Pepper reet as a result of the project. If another alternative is selected, including Alternative 3A, traffic calming measures ould be placed on Malabar Avenue between Judy and Pepper Streets, including but not limited to one or two speed mps, traffic diverters (e.g, bollards removable only by emergency personnel), or other measures to be commended by the Alameda County Traffic Engineer.

4. Alternative 3/Three-Way STOP Control Sign. The authors of the *Traffic Study* identified two possible proaches to accommodate safe travel through this intersection, and the County has suggested two other options:

- If Alternative 3 is selected, an all-way STOP control should be installed at the intersection of Judy Street and Seven Hills Road, with a pedestrian crossing and "STOP Ahead/Pedestrian Crossing" warning signs on the hill approach to the intersection. This mitigation would eliminate any potential sight distance restrictions, and would permit all traffic movements to be allowed at the intersection. Alternative 3 is strongly favored by the County Traffic Engineer, because it would reduce cut-through traffic on Pepper Street by vehicles traveling both to and from the project site and existing traffic generated along Malabar Avenue and Judy Street north of Malabar Avenue. Although the traffic volumes on Judy Street would not normally meet the standards (referred to as "warrants") for placement of an all-way STOP control at this location, if subsequent required analysis of the hill

contour confirms that the sight distance is inadequate for safe stopping, together with the benefit of reducing existing and potential project use of a private, sub-standard street (Pepper Street), the County Traffic Engineer has indicated that the warrants could be met. A new all-way STOP control in this location would also be consistent with the 500- to 800-foot intervals between STOP sign controls on Seven Hills Road west of Redwood Road, in comparison to the existing 1800-foot long interval adjacent to the site between Redwood Road and Alma Road. However, if any other alternatives are selected, including Alternative 1 with a cul-de-sac extending north from this intersection, or Alternative 3A with closure of the Judy Street extension at Seven Hills Road, the warrants for the STOP sign control would presumably not be met.

- A substitute approach for Alternatives 1 and 3 would be to install, together with the STOP control sign for the southbound approach to Seven Hills Road from the Alternative 1 cul-de-sac or from the Judy Street extension under Alternative 3, a traffic island within the Judy Street/Alternative 1 cul-de-sac right-of-way, directing traffic to the right, and a sign indicating that left turns to eastbound Seven Hills Road are prohibited. In addition, pedestrians should be prohibited from crossing Seven Hills Road near Judy Street due to the restricted sight distance. This would require a warning sign, a new sidewalk along the north side of Seven Hills Road, with a barricade to guide pedestrians to a new walkway a safe distance from the crest of the hill, at least 160 feet east of the Judy Street intersection (to Pepper Street, about 70 feet east of the Castro Valley Adult School driveway). The major drawback of this approach is that under Alternative 3 project traffic would be generated on Pepper Street for access to Seven Hills Road, and existing traffic generated by residences along Malabar Avenue and Judy Street north of Malabar Avenue would continue to cut-through Pepper Street for access to eastbound Seven Hills Road. If Alternative 1 is selected, this would likely be the only option to mitigate conditions at this location.

- As another option for conditions without Alternative 3 and a three-way STOP sign, with Alternatives 1, 2 or 3A, and as a substitute for a "no left turn" sign on the southbound Judy Street approach under Alternatives 1 and 3, it would be possible to install warning signs along Seven Hills Road facing eastbound traffic, highlighting the blind hill and indicating that cross-traffic lies ahead near the hilltop. Such warnings could include a flashing light for night time or foggy conditions. A mirror could also be placed on the south side of Seven Hills Road at the hill top, with appropriate illumination for low-light conditions, so that project vehicles, under any of these alternatives, may see vehicles traveling up the hill. Finally, a sidewalk should be constructed along the southern edge of the project site, extending to Pepper Street, with a barricade as suggested above, and a crosswalk located only near Pepper Street. Although no new intersection would be created in this location under Alternative 2 or 3A, these or equivalent measures would improve safety for the five properties with driveways connected to Seven Hills Road. However, the County Traffic Engineer has strong reservations about meeting design standards with warning signs, flashing lights or mirrors.

- The County Traffic Engineer has also suggested that the Judy Street connection to Seven Hills Road may be re-aligned as far to the east as possible, to maximize the safe stopping distance. However, the effectiveness of such re-alignment is subject to a required evaluation of the hill contour. This option would also require preparation of a new, additional alternative lot configuration.

15. Judy Street Traffic Calming. To assist in reducing speeds on Judy Street within the project site if Alternative 3 is selected, and reduce unnecessary use of Judy Street as a collector street, traffic calming measures should be placed between Malabar Avenue and Seven Hills Road, including but not limited to one or two speed humps, a

contour confirms that the sight distance is inadequate for safe stopping, together with the benefit of reducing existing and potential project use of a private, sub-standard street (Pepper Street), the County Traffic Engineer has indicated that the warrants could be met. A new all-way STOP control in this location would also be consistent with the 500- to 800-foot intervals between STOP sign controls on Seven Hills Road west of Redwood Road, in comparison to the existing 1800-foot long interval adjacent to the site between Redwood Road and Alma Road. However, if any other alternatives are selected, including Alternative 1 with a cul-de-sac extending north from this intersection, or Alternative 3A with closure of the Judy Street extension at Seven Hills Road, the warrants for the STOP sign control would presumably not be met.

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15. Judy Street Traffic Calming. To assist in reducing speeds on Judy Street within the project site if Alternative 3 is selected, and reduce unnecessary use of Judy Street as a collector street, traffic calming measures should be placed between Malabar Avenue and Seven Hills Road, including but not limited to one or two speed humps, a

traffic island near the short cul-de-sac, a traffic island or mini-roundabout in the intersection of Judy Street and Malabar Avenue, or other measures recommended by the Alameda County Traffic Engineer. Such traffic calming measures, as well as an all-way STOP sign control at Judy Street and Malabar Avenue, may be adopted for future implementation subject to observation and monitoring of conditions on Judy Street near Malabar Avenue.

Mechanism for Including Measures in the Project/Monitoring Program: All measures should become Conditions of Approval for the project. Monitoring should be accomplished as provided in each measure as described above or as conditioned in the approval.

G. MANDATORY FINDINGS OF SIGNIFICANCE. For the findings required by the California Environmental Quality Act, all of the impacts cited would either be less than significant or would be mitigated to a ***less than significant*** level by the application of mitigation measures specified in each of the sections above.

H. AGREEMENT BY PROJECT SPONSOR

Applicant, whose name is undersigned, understands the mitigation measures set forth above and agrees to be bound by them if they are adopted as a result of project approval.

Phil Rowe — 2-28-03

Applicant's Signature — Date

PHIL ROWE - PROJECT MNGR

Applicant's Printed Name