

Notice of Determination Cherryland Community Center Project Environmental Impact Report (EIR)

Date: October 27, 2015

To: Responsible Agencies, Agencies with Jurisdiction by Law, Trustee Agencies, Involved Federal Agencies, and Agencies/People Requesting Notice, California Office of Planning and Research, County Clerk-Recorder, Alameda County

From:
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Alameda County General Services Agency, Technical Services Division
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Re: **Filing of Notice of Determination in Compliance for the Cherryland Community Center Project SCH#2015022038**

Project Location: The Project site is located at 278 Hampton Road (APN# 413-35-10), 17482 Boston Road (APN 413-35-14-3), and the Meek Estate Park parking lot (APN# 413-35-19-2) in the community of Cherryland in unincorporated Alameda County.

Project Description: The proposed Project would consist of the construction of an approximately 17,500 square foot Community Center, and reconfiguration of an existing parking lot.

NOTICE IS HEREBY GIVEN that Alameda County is filing a Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code. Alameda County has made the following determinations regarding the above described project:

1. The project will have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures were made a condition of approval.
4. A Statement of Overriding Considerations was adopted for this project.
5. Findings were made pursuant to the provisions of CEQA.

This is to certify that the EIR is available to the general public at:

San Lorenzo Library
16032 Hesperian Boulevard
San Lorenzo, CA 94580

OR at:

Alameda County Planning Department
224 West Winton Avenue, Rm. 111
Hayward, CA 94544

X _____ Date: _____

Brian Laczko, Senior Project Manager
Alameda County General Services Agency, Technical Services Division

**CHERRYLAND COMMUNITY CENTER
FINAL ENVIRONMENTAL IMPACT REPORT**

State Clearinghouse #2015022038

PREPARED FOR:

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PREPARED BY:

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October 2015

FINAL ENVIRONMENTAL IMPACT REPORT CHERRYLAND COMMUNITY CENTER



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County of Alameda
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Oakland, CA 94512

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I. INTRODUCTION

In accordance with Section 15088 of the State of California Environmental Quality act (CEQA) Guidelines, Alameda County (the County), as the lead agency, has evaluated the comments received on the Draft Environmental Impact Report (DEIR) (State Clearinghouse No. #2015022038) for the Cherryland Community Center.

The Draft EIR was published for public review and comment on May 4th, 2015 and was filed with the State Office of Planning & Research. The Draft EIR was made available for review and comment by interested persons and public agencies through June 18th, 2015.

The only comment received was from the State Clearinghouse, which acknowledging the close of the comment period and that they received no comments on the DEIR. This volume, together with the DEIR, comprise the Final EIR for use by the County in their review of the Cherryland Community Center.

This Response to Comments document is organized into three sections:

- **Section I – Introduction**
- **Section II – List of Commentors:** Provides a list of the agencies, organizations, and individuals that commented on the Draft EIR.
- **Section III – Mitigation Monitoring Program (MMP):** Outlines the program for monitoring and implementing the measure adopted in order to mitigate or avoid significant effects on the environment.

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II. LIST OF COMMENTERS

WRITTEN COMMENTS

The Draft EIR comment period extended from May 4th, 2015 to June 18th, 2015.

One written comment was received from the State Clearinghouse on June 22, 2015, acknowledging receipt of the DEIR, closure of the comment period, and that they received no comments on the DEIR.

This letter is included following.

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Insert SCH Letter

Insert SCH Letter

V. MITIGATION MONITORING PROGRAM

Section 21081.6 of the Public Resources Code requires a Lead Agency to adopt a “reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment” (Mitigation Monitoring Program [MMP], §15097 of the *CEQA Guidelines* provides additional direction on mitigation monitoring or reporting). Alameda County is the Lead Agency and the project sponsor for the Cherryland Community Center project and is therefore responsible for enforcing and monitoring most of the mitigation measures in this mitigation monitoring program.

The Draft EIR was prepared to address the potential environmental impacts of the proposed project. Where appropriate, this document identified project design features or recommended mitigation measures to avoid or to mitigate identified potential impacts to a level where no significant impact on the environment would occur. This MMP is designed to monitor implementation of the mitigation measures identified for the project in the DEIR.

The MMP for the Cherryland Community Center project will be in place throughout all phases of the project. The project sponsor (Alameda County) shall be responsible for implementing all mitigation measures unless otherwise noted. The County’s existing planning, engineering, review and inspection processes will be used as the basic foundation for the MMP procedures and will also serve to provide the documentation for the reporting program.

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Environmental Impacts	Mitigation Measures	Time Frame/Monitoring Milestone	Responsible Monitoring Party
AIR QUALITY			
<p>Impact AQ-5: Short-Term Construction Impacts. Project construction activities could generate emissions of ozone precursors and particulate matter that could exceed (BAAQMD thresholds of significance, which would represent a potentially significant impact.</p>	<p>MM AQ-5: The following BAAQMD Basic Construction Mitigation Measures shall be implemented during construction:</p> <ol style="list-style-type: none"> 1. All exposed surfaces (e.g., staging areas, soil piles, and graded areas) shall be watered at least two times per day. 2. All haul trucks transporting soil, sand, or other loose material off-site shall be covered. 3. All visible mud or dirt track-out onto adjacent public roads shall be removed by wet sweeping (e.g., using wet power vacuum street sweepers) at least once per day. The use of dry power sweeping is prohibited. 4. All vehicle speeds on unpaved road surfaces shall be limited to 15 mph. 5. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. 6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage to this effect shall be provided for construction workers at key Project access points. 7. All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. 8. Prior to beginning of construction, Alameda County shall notify in writing residents on Boston Road and Hampton Road who may be affected by the Project. The notice shall include the Project schedule as well as the 	<p>Through all phases of project demolition or construction activities.</p>	<p>Construction Contractor/Alameda County</p>

Environmental Impacts	Mitigation Measures	Time Frame/Monitoring Milestone	Responsible Monitoring Party
	<p>telephone number and staff person to contact at the County regarding dust complaints. This County staff person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be included in the notice to ensure compliance with applicable regulations. The notice shall also be conspicuously posted adjacent to construction sites.</p>		
<p>Impact AQ/GHG-6: Construction and operation of the Project would result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal, state, or regional ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).</p>	<p>The Project would result in less than 100 additional peak hour vehicle trips and would not result in a substantial change in traffic patterns. As a result, no substantial increase in operational criteria air pollutant emissions would occur. With implementation of Mitigation AQ-5 described above, emissions of criteria air pollutant and ozone precursors during Project construction would be less than significant.</p>	<p>Through all phases of project demolition or construction activities.</p>	<p>Construction Contractor/Alameda County</p>
<p>Impact AQ/GHG-7: Construction and operation of the Project would expose sensitive receptors to substantial pollutant concentrations resulting in cancer and noncancer risks.</p>	<p>The Project would generate less than 100 peak hour vehicle trips and would not substantially change existing traffic patterns. As a result, no substantial adverse change in air pollutant emissions would occur from operations of the Community Center. Impacts would be less than significant.</p> <p>If not controlled, Project construction-period dust, exhaust, and other temporary emissions may cause localized health and nuisance impacts on adjacent sensitive receptors. Implementation of Mitigation AQ-5 above (implementation of BAAQMD Basic Construction Mitigation Measures), would reduce potential impacts related to exposure of sensitive receptors to substantial pollutant concentrations to less than significant.</p>	<p>Through all phases of project demolition or construction activities.</p>	<p>Construction Contractor/Alameda County</p>

Environmental Impacts	Mitigation Measures	Time Frame/Monitoring Milestone	Responsible Monitoring Party
BIOLOGICAL RESOURCES			
<p>Impact BIO-7: Biological Communities. The Project would result in the removal of approximately 26 trees located on the two parcels. While most of the trees are fruit and ornamental in type, there is a potential for nesting birds to occur, especially in the more mature trees.</p>	<p>MM BIO-7: Pre-Construction Bird Surveys. Tree removal, per requirements of the Migratory Bird Treaty Act and CDFG code, require pre-construction nesting surveys. Surveys shall be performed not more than two weeks prior to construction in an affected area. If special-status bird or migratory bird species are not found, work may proceed and no further mitigation action is required.</p> <p>However, if special-status bird OR migratory bird species are found to be nesting in or near (distance to be determined by qualified biologist) any work area, an appropriate no-work buffer zone (e.g., 100 feet for songbirds, 250 feet for raptors) shall be designated by the biologist. This no-work buffer zone is required to comply with federal and state laws concerning migratory or protected bird species under the federal Migratory Bird Treaty Act or the California Fish and Game Code. Depending on the species involved, the qualified biologist may require input from the CDFW and/or the USFWS Division of Migratory Bird Management as to the most appropriate ways to avoid disturbance to nesting birds. As recommended by the biologist, no activities shall be conducted within the no-work buffer zone that could harass birds or disrupt bird breeding.</p> <p>Work activities may proceed outside of the breeding season (August 16 - January 31), or after young birds have fledged, as determined by the biologist. Birds that establish nests during the construction period are considered habituated to such activity and no buffer shall be required, except as needed to avoid direct destruction of the nest, which would still be prohibited.</p>	<p>Tree removal, site clearing activities.</p>	<p>Construction Contractor/Alameda County</p>

Environmental Impacts	Mitigation Measures	Time Frame/Monitoring Milestone	Responsible Monitoring Party
CULTURAL RESOURCES			
<p>Impact CULT-2: Disturbance of Archaeological Resources. Alameda County’s General Plan identifies the Project area as being within an area of potentially high archaeological sensitivity. However, ground-disturbing activities during previous urban development of the area would likely have disturbed, altered, or eliminated archaeological resources that may have existed in the Project area. Despite this history of local disturbance, the Project could potentially disrupt, alter, or eliminate as-yet undiscovered archaeological resources (e.g., refuse from prehistoric or historic habitation; basalt or obsidian flaked stone scatters, fire-altered rock; signs of a Native American burial, potentially including Native American remains; or a discrete cultural feature).</p>	<p>MM CULT-2: If prehistoric or historic-period archaeological resources are encountered during grading or excavation, work shall avoid altering the materials and their context until a state-qualified professional has evaluated, recorded, and determined appropriate treatment of the resource, in consultation with the County. Project personnel shall not collect cultural resources. Cultural resources shall be recorded on DPR 523 historic resource recordation forms. If it is determined that the proposed development could damage a unique archaeological resource, mitigation shall be implemented in accordance with Public Resources Code section 21083.2 and CEQA Guidelines section 15126.4, with a preference for preservation in place.</p>	<p>Through all phases of ground-disturbing or construction activities.</p>	<p>Construction Contractor/Alameda County</p>
<p>Impact CULT-3: Disturbance of Paleontological Resources. Paleontological resources are classified as non-renewable scientific resources and are protected by federal and state statutes, most notably the 1906 Federal Antiquities Act.</p> <p>Ground-disturbing activities during previous development of the area from rural farmland to present day residential setting would likely have disturbed, altered, or eliminated paleontological resources that may have existed in the area (e.g., fossilized remains of plants and animals, and</p>	<p>MM CULT-3: If paleontological resources are encountered, work shall avoid altering the resource and its stratigraphic context until a qualified paleontologist has evaluated, recorded, and determined appropriate treatment of the resource consistent with protocols of the Society for Vertebrate Paleontology and in consultation with the County. Project personnel shall not collect paleontological resources. Appropriate treatment may include collection and processing of “standard” samples by a qualified paleontologist to recover microvertebrate fossils; preparation of significant fossils to a reasonable point of identification; and depositing significant fossils in a museum repository for permanent curation and</p>	<p>Through all phases of ground-disturbing or construction activities.</p>	<p>Construction Contractor/Alameda County</p>

Environmental Impacts	Mitigation Measures	Time Frame/Monitoring Milestone	Responsible Monitoring Party
associated deposits). Despite the history of disturbance within the Project vicinity, the Project could potentially disrupt, alter, or eliminate as-yet undiscovered paleontological resources.	storage, together with an itemized inventory of the specimens.		
Impact CULT-4: Disturbance of Human Remains. The Project could potentially disrupt, alter, or eliminate as-yet undiscovered archaeological resources, potentially including Native American remains.	MM CULT-3: With Mitigation CULT-2, which specifies measures that shall be implemented if archaeological resources, including Native American remains, are encountered during Project construction	Through all phases of ground-disturbing or construction activities.	Construction Contractor/Alameda County
HAZARDS/HAZARDOUS MATERIALS			
Impact HAZ-7: Release of Hazardous Materials. Project construction activities could result in the release of asbestos-containing materials, lead, metals, and pesticides to the environment, which would represent a potentially significant impact.	<p>MM HAZ-1: The County shall retain a hazardous materials specialist to determine the depth of soil removal needed to eliminate hazardous soils on the site.</p> <p>MM HAZ-2: Contaminated soils on the Project site shall be removed from the site by a properly licensed contractor and disposed of at an appropriate landfill in accordance with applicable regulations.</p> <p>MM HAZ-3: Contractors disturbing lead-based and lead-containing paint shall implement appropriate lead related work practices in accordance with applicable Cal-OSHA worker exposure regulations to include, at a minimum of lead awareness training for all site workers and provision of hand-washing stations at the work site.</p>	Through all phases of ground-disturbing activities and prior to building construction activities.	Construction Contractor/Alameda County
PUBLIC SERVICES AND RECREATION			
Impact PUB/REC-3: Project Construction Impacts. Construction of the	MM PUB/REC-3: All mitigation measures related to Air Quality, Biological Resources, Cultural Resources,	Through all phases of project demolition or	Construction Contractor/Alameda

Environmental Impacts	Mitigation Measures	Time Frame/Monitoring Milestone	Responsible Monitoring Party
Project would potentially result in environmental impacts.	Hazards and Hazards Materials shall be implemented.	construction activities.	County
<i>Source: Cherrryland Community Center DEIR, 2015.</i>			

EXHIBIT “C”

THE COUNTY OF ALAMEDA’S FINDINGS FOR THE CHERRYLAND COMMUNITY CENTER PROJECT ENVIRONMENTAL IMPACT REPORT REQUIRED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

(Public Resources Code, Section 21000, et seq.)

I Introduction

The County of Alameda (the “County”) prepared a Draft and a Final Environmental Impact Report for the Cherryland Community Center Project (collectively, the “EIR”). The project analyzed in the EIR involves the construction of an approximately 17,500 square-foot Community Center, and reconfiguration of an existing parking lot (the “Project”). The Project site is located at 278 Hampton Road (APN# 413-35-10), 17482 Boston Road (APN 413-35-14-3), and the Meek Estate Park parking lot (APN# 413-35-19-2) in the community of Cherryland in unincorporated Alameda County.

The EIR addresses the potential environmental effects associated with the Project. The Findings and recommendations set forth below (the “Findings”) are adopted by this County of Alameda Board of Supervisors (“Board of Supervisors”) as the County’s findings under the California Environmental Quality Act (“CEQA”) (Public Resources Code, § 21000 et seq.), and the CEQA Guidelines (Cal. Code Regs., Title 14, § 15000 et seq.) relating to the Project. The Findings provide the written analysis and conclusions of this Board of Supervisors regarding the Project’s environmental impacts, mitigation measures, and alternatives to the Project, which, in the Board of Supervisors’ view, support approval of the Project.

II General Findings

A. Procedural Background

Pursuant to CEQA and the CEQA Guidelines, the County determined that an EIR would be required for the Project. On February 6, 2015, the County issued a Notice of Preparation (NOP) for the EIR, which was circulated to responsible agencies, interested groups and individuals and to the State Clearinghouse for review and comment. A copy of the NOP is included in Appendix A of the *Cherryland Community Center Project Draft Environmental Impact Report* (“Draft EIR”). A public scoping session was held in the Cherryland Community at the Eden United Church of Christ on February 24, 2015. One comment was received by the County at the NOP scoping session, which was taken into account during the preparation of the Draft EIR.

The Draft EIR was published for public review and comment on May 4th, 2015 and was filed with the State Office of Planning & Research under State Clearinghouse No. 2015022038. The Draft EIR was made available for review and comment by interested persons and public agencies through June 17th, 2015.

No comments were received on the DEIR. The County prepared the *Cherryland Community Center Project, Final Environmental Impact Report / Responses to Comments* (“Final EIR”). The Final EIR was made available for public review on July 15, 2015.

B. Record of Proceedings and Custodian of Record

The record upon which all findings and determinations related to the approval of the Project are based includes the following:

1. The EIR and all documents referenced in or relied upon by the EIR

C. All information (including written evidence and testimony) provided by County staff to the Board of Supervisors relating to the EIR, the approvals, and the Project

1. All information (including written evidence and testimony) presented to the Board of Supervisors by the environmental consultant and subconsultants who prepared the EIR or incorporated into reports presented to the Board of Supervisors
2. All information (including written evidence and testimony) presented to the County from other public agencies related to the Project or the EIR
3. All applications, letters, testimony and presentations relating to the Project
4. All information (including written evidence and testimony) presented at any County hearing or County workshop related to the Project and the EIR
5. All County-adopted or County-prepared land use plans, ordinances, including without limitation general plans, specific plans, and ordinances, together with environmental review documents, findings, mitigation monitoring programs, and other documents relevant to land use within the area
6. The Mitigation Monitoring and Reporting Program for the Project
7. All other documents composing the record pursuant to Public Resources Code section 21167.6(e)

The custodian of the documents and other materials that constitute the record of the proceedings upon which the County's decisions are based is Brian Laczko, Project Manager, or his designee. Such documents and other material are located at the General Services Agency, Technical Services Division, 1401 Lakeshore Drive, 8th Floor, Oakland, California, 94612.

D. Consideration and Certification of the EIR

In accordance with CEQA, the Board of Supervisors certifies that the EIR has been completed in compliance with CEQA. The Board of Supervisors has independently reviewed the record and the EIR prior to certifying the EIR and approving the Project. By these findings, the Board of Supervisors confirms, ratifies and adopts the findings and conclusions of the EIR as supplemented and modified by these findings. The EIR and these findings represent the independent judgment and analysis of the County and the Board of Supervisors. The Board of Supervisors recognizes the EIR may contain clerical errors. The Board of Supervisors reviewed the entirety of the EIR and bases its determination on the substance of the information it contains. The Board of Supervisors certifies that the EIR is adequate to support the approval of the action that is the subject of the staff report to which these CEQA findings are attached.

The Board of Supervisors certifies that the EIR is adequate to support approval of the Project described in the EIR, each component and phase of the Project described in the EIR, any variant of the Project described in the EIR, any minor modifications to the Project or variants of the Project described in the EIR, and the components of the Project.

E. No Significant New Information

The Final EIR does not include any changes or add any new significant information to the Draft EIR that would require recirculation of the EIR under CEQA.

F. Severability

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining

provisions of these Findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the County.

III Findings and Recommendations Regarding Significant and Unavoidable Impacts

As indicated in the EIR, the Project would result in significant and unavoidable impacts that cannot be avoided or reduced to a less than significant level through implementation of mitigation measures recommended in the EIR.

A. Noise and Vibration

1. *Operational Noise (Special Events)*

- a) Potential Impact: The potential impacts related to operational noise during special events are discussed beginning at page 4.10-16 of the Draft EIR. Noise from a special event, such as a wedding or party, was modeled and noise contours were generated based on the results of the monitoring. The noise source assumed 250 people would attend the event, which would be located inside the Community Center and in the outdoor community courtyard. Noise from other Project components includes persons walking/conversing outdoors, weekend lunches, and general socializing. These Project components, although well below ambient noise levels, would be audible at times. Even with the incorporation of courtyard walls and of an 8-foot perimeter wall around the Project area, noise levels at the nearest residential property line to the east would be up to 60 dBA L50, exceeding the adjusted General Ordinance Code's non-commercial noise ordinance limit of 50 to 59 dBA L50 by up to 10 dB as a result of special event activities. The nearest residence to the east would be exposed to a day-night average noise level of 51 dBA DNL as a result of a special event occurring over three daytime hours.
- b) Mitigation Measures: The Project includes an 8-foot high property line wall separating these outdoor use areas from the adjacent residences. The height of the property line wall was determined in consultation with the residential neighbors. The courtyard would be enclosed by Community Center façades to the west and north and a 7-foot wall on the east and south. No amplified music would be allowed outside and all doors and windows would be closed at 8:00 p.m. if any music is being played inside the proposed Project at that time. Therefore, even with incorporation of an 8-foot tall perimeter wall and 7-foot courtyard wall, this noise would at times exceed the General Ordinance Code and there are no other acceptable mitigation measures available to reduce this impact. Therefore, this impact would be significant and unavoidable.
- c) Findings: Based on the EIR and the entire record before the County, the County finds the following.
 - i. Effects of Mitigation: Construction of 8-foot high perimeter wall and the 7-foot high courtyard wall, as described on Page 4.10-18 of the DEIR, will reduce the operational noise impact associated with special events, but will not mitigate this impact to a less-than-significant level, and there are no other feasible ways to avoid the significant impact.
 - ii. Remaining Impacts: Remaining impacts related to the operational noise related to special events will be significant and unavoidable.
 - iii. Overriding Considerations: As more fully explained in the Statement of Overriding Considerations below the County finds that there are economic, community, public safety, and technological benefits of the approved project that override the remaining significant and unavoidable impact for operational noise associated with special events.

2. *Operational Noise (Rooftop Mechanical Equipment)*

- a) Potential Impact: The potential impacts related to operational noise from rooftop

mechanical equipment are discussed beginning at page 4.10-16 of the Draft EIR. Noise from heating, ventilating, and air conditioning equipment for the building may exceed the daytime and nighttime noise standards established in the Alameda County General Ordinance Code at adjacent residential properties. Existing single-family residential uses are located immediately north, east, and west of the proposed Project. Although the rooftop mechanical equipment would only operate when the building is occupied and would be controlled by a building maintenance system, assuming a worst case scenario with rooftop mechanical equipment operating intermittently from 7 a.m. to 10 p.m., the day-night average noise level would be 58 dBA DNL at the adjacent residence.

- b) **Mitigation Measures:** The Project would include mechanical equipment screens for rooftop equipment. The mechanical equipment screens would be 16 feet-6 inches from the ground, approximately 3 feet from the roof surface, and varying with slope. Three-foot screens were chosen based on neighborhood input on aesthetic considerations as higher screening would create a significant visual impact for adjacent neighbors at the north end of the property. Under this worst case scenario the noise from this equipment would reach 60 dBA L50 at adjacent residential property to the north, exceeding the adjusted applicable standard of 50 to 59 dBA L50 for daytime hours and 36 to 48 dBA L50 for nighttime hours, as per the Alameda County General Ordinance Code noise limits. Therefore, even with incorporation of a 3-foot tall mechanical rooftop screening, this noise would at times exceed the General Ordinance Code. Therefore, there are no other acceptable mitigation measures available and this impact would be significant and unavoidable.
- c) **Findings:** Based on the EIR and the entire record before the County, the County finds the following.
 - i. **Effects of Mitigation:** Construction of rooftop mechanical equipment screening as described on Page 4.10-18 and 4.10-19 of the DEIR will reduce the operational noise impact associated with rooftop equipment noise, but not mitigate this impact to a less-than-significant level, and there are no other feasible ways to avoid the significant impact.
 - ii. **Remaining Impacts:** Remaining impacts related to the operational noise related to rooftop mechanical equipment will be significant and unavoidable.
- d) **Overriding Considerations:** As more fully explained in the Statement of Overriding Considerations below, the County finds that there are economic, community, public safety, and technological benefits of the approve project that override the remaining significant and unavoidable impact for operational noise associated with rooftop mechanical equipment.

B. Pubic Services and Recreation

1. Operational Noise and Rooftop Mechanical Equipment

- a) **Potential Impact:** The potential impacts related to operational noise during special events and from rooftop mechanical equipment are discussed beginning at page 4.11-4 of the Draft EIR. Operation of the Cherryland the Project generate noise from special events and rooftop mechanical equipment (see 1.a, 2.a, above).
- b) **Mitigation Measures:** No acceptable mitigation measures are available to reduce this impact to less than significant (see 1.b, 2.b, above).
- c) **Findings:** Based on the EIR and the entire record before the County, the County finds the following.
 - i. **Effects of Mitigation:** Construction of rooftop mechanical equipment screening as described on Page 4.10-18 and 4.10-19 of the DEIR will reduce the operational noise impact associated with rooftop mechanical equipment noise, but not mitigate this impact to a less-than-significant level, and there are no other feasible ways to

avoid the significant impact. Construction of 8-foot high perimeter wall and the 7-foot high courtyard wall, as described on Page 4.10-18 of the DEIR, will reduce the operational noise impact associated with special events, but will not mitigate this impact to a less-than-significant level, and there are no other feasible ways to avoid the significant impact.

- ii. **Remaining Impacts:** Remaining impacts related to the operational noise related to special events and mechanical rooftop equipment will be significant and unavoidable.
- iii. **Overriding Considerations:** As more fully explained in the Statement of Overriding Considerations below, the County finds that there are economic, community, public safety, and technological benefits of the approved project that override the remaining significant and unavoidable impact for operational noise associated with special events and rooftop mechanical equipment.

IV Findings and Recommendations Regarding Significant Impacts Which are Mitigated to a Less Than Significant Level

A. Air Quality

1. Short-Term Construction Impact: Criteria Pollutants (Impact AQ/GHG-5)

- a) **Potential Impact:** The potential impacts related to cumulative emissions of criteria pollutants are discussed beginning at page 4.3-7 of the Draft EIR. According to the BAAQMD CEQA Air Quality Guidelines, if all of the following screening criteria are met, the construction of the proposed Project would result in emissions below the thresholds of significance and a less than significant construction-related impact from criteria air pollutant and ozone precursor emissions. With respect to screening criterion 1 for Project operation (different from construction), the Project is not a land use type included in Table 3-1 of the June 2010 BAAQMD CEQA Guidelines. With respect to construction-related screening criterion 2, Mitigation AQ-5 below would require implementing all applicable standard BAAQMD Basic Construction Mitigation Measures, which are cited under criterion 2. With respect to construction-related screening criterion 3, the Project would not involve any of the listed activities and therefore no impacts would occur.
- b) **Mitigation Measures:** The following mitigation measure as discussed in the Draft EIR at pages 4.3-8 is hereby adopted and shall be implemented as provided in the Mitigation and Monitoring Reporting Program:

Mitigation Measure AQ-5: BAAQMD Basic Construction Mitigation Measures

- c) **Findings:** Based on the EIR and the entire record before the County, the County finds that:
 - i. **Effects of Mitigation:** With implementation of BAAQMD Basic Construction Mitigation Measures, the Project would meet all BAAQMD screening criteria.
 - ii. **Remaining Impacts:** Any remaining impacts related to criteria pollutant emissions during operations would be less than significant.

2. Cumulative Criteria Air Pollutants (Impact AQ/GHG-6)

- a) **Potential Impact:** The potential impacts related to cumulative emissions of criteria pollutants are discussed beginning at page 4.3-9 of the Draft EIR. The Project would result in less than 100 additional peak hour vehicle trips. As a result, no substantial increase in operational criteria air pollutant emissions would occur. With implementation of Mitigation AQ-5 described above, emissions of criteria air pollutant

and ozone precursors during Project construction would be less than significant.

- b) Mitigation Measures: The following mitigation measure as discussed in the Draft EIR at pages 4.3-8 is hereby adopted and shall be implemented as provided in the Mitigation and Monitoring Reporting Program:

Mitigation Measure AQ-5: BAAQMD Basic Construction Mitigation Measures

- a) Findings: Based on the EIR and the entire record before the County, the County finds that:
- i. *Effects of Mitigation*: With the implementation of Mitigation Measure AQ-5, Project construction emissions of criteria air pollutant and ozone precursors would be reduced below screening criteria and the Project's contribution to cumulative criteria pollutant impacts would be reduced to a level of less than significant.
 - ii. *Remaining Impacts*: There would be no impacts from Project operations. Any remaining impacts related to criteria pollutant emissions during construction would be less than significant.

3. *Operational Impacts: Toxic Air Contaminants (Impact AQ/GHG-7)*

- a) Potential Impact: The potential impacts related to operational emissions of toxic air contaminants are discussed beginning at page 4.3-9 of the Draft EIR. Air quality problems arise when sources of air pollutants and sensitive receptors are located near one another. Sensitive receptors in the Project vicinity include residents of surrounding homes. As explained above, the Project would generate less than 100 peak hour vehicle trips. As a result, no substantial adverse change in air pollutant emissions would occur from operations of the Community Center. Impacts would be less than significant.

- b) Mitigation Measures: The following mitigation measure as discussed in the Draft EIR at pages 4.3-8 is hereby adopted and shall be implemented as provided in the Mitigation and Monitoring Reporting Program:

iii. Mitigation Measure AQ-5: BAAQMD Basic Construction Mitigation Measures

- c) Findings: Based on the EIR and the entire record before the County, the County finds that:
- i. *Effects of Mitigation*: With implementation of Mitigation Measure AQ-5, Project construction emissions potential impacts related to exposure of sensitive receptors to substantial pollutant concentrations would be reduced to less than significant.
 - ii. *Remaining Impacts*: Any remaining impacts related to emissions of toxic air contaminants during Project operations would be less than significant.

B. Biological Resources

1. *Interfere with 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 (Impact BIO-7)*

- a) Potential Impact: The Project's potential impacts related to nesting birds are discussed beginning on page 4.4-6 of the Draft EIR. The Project would result in the removal of approximately 26 trees located on the Community Center parcel

and 12 trees located on the Meek Estate Park parking lot. While most of the trees are fruit and ornamental in type, there is a potential for nesting birds to occur, especially in the more mature trees. Removal of trees on the Project site would result in impacts to nesting birds, which would impact biological communities.

- b) Mitigation Measures: Implementation of Mitigation Measure BIO-7 prior to construction would reduce potentially significant nesting bird-related impact to a less than significant level.

MM BIO-7: Biological Communities

- c) Findings: Based on the EIR and the entire record before the County, the County finds that:
- i. *Effects of Mitigation*: With implementation of all measures included as part of the proposed Project, impacts to nesting birds would be substantially avoided.
 - ii. *Remaining Impacts*: Any remaining impacts related to nesting birds would be less than significant.

C. Cultural Resources

1. *Disturbance of Archaeological Resources (Impact CULT-2)*

- a) Potential Impact: The Project's potential impacts related to cultural resources are discussed beginning on page 4.5-4 of the Draft EIR. Alameda County's General Plan identifies the Project area as being within an area of potentially high archaeological sensitivity. However, ground-disturbing activities during previous urban development of the area would likely have disturbed, altered, or eliminated archaeological resources that may have existed in the Project area. Despite this history of local disturbance, the Project could potentially disrupt, alter, or eliminate as-yet undiscovered archaeological resources (e.g., refuse from prehistoric or historic habitation; basalt or obsidian flaked stone scatters, fire-altered rock; signs of a Native American burial, potentially including Native American remains; or a discrete cultural feature).
- b) Mitigation Measures: The following mitigation measures, discussed in the Draft EIR beginning at page 4.5-5 are hereby adopted and shall be implemented as provided in the Mitigation and Monitoring Reporting Program:

MM CULT-2: Archaeological Resources

- c) Findings: Based on the EIR and the entire record before the County, the County finds that:
- i. *Effects of Mitigation*: With implementation of all measures included as part of the proposed Project, impacts to archaeological resources would be substantially avoided.
 - ii. *Remaining Impacts*: Any remaining impacts related to archaeological resources would be less than significant.

2. *Paleontological Resources (Impact CULT-3)*

- a) Potential Impact: The Project's potential impacts related to paleontological resources are discussed beginning on page 4.5-5 of the Draft EIR. Paleontological resources are classified as non-renewable scientific resources and are protected by federal and state statutes, most notably the 1906 Federal Antiquities Act. Ground-disturbing activities during previous development of the area from rural farmland to present day residential

setting would likely have disturbed, altered, or eliminated paleontological resources that may have existed in the area (e.g., fossilized remains of plants and animals, and associated deposits). Despite the history of disturbance within the Project vicinity, the Project could potentially disrupt, alter, or eliminate as-yet undiscovered paleontological resources.

- b) Mitigation Measures: The following mitigation measures, discussed in the Draft EIR beginning at page 4.5-6 are hereby adopted and shall be implemented as provided in the Mitigation and Monitoring Reporting Program:

MM CULT-3: Disturbance of Paleontological Resources

- c) Findings: Based on the EIR and the entire record before the County, the County finds that:
- i. *Effects of Mitigation*: With implementation of all measures included as part of the proposed Project, impacts to paleontological resources would be substantially avoided.
 - ii. *Remaining Impacts*: Any remaining impacts related to paleontological resources would be less than significant.

3. *Human Remains (Impact CULT-4)*

- a) Potential Impact: The Project could potentially disrupt, alter, or eliminate as-yet undiscovered archaeological resources, potentially including Native American remains.
- b) Mitigation Measures: The following mitigation measures, discussed in the Draft EIR beginning at page 4.5-6 are hereby adopted and shall be implemented as provided in the Mitigation and Monitoring Reporting Program:

MM CULT-2: Archaeological Resources

- c) Findings: Based on the EIR and the entire record before the County, the County finds that:
- i. *Effects of Mitigation*: With implementation of all measures included as part of the proposed Project, impacts to human remains would be substantially avoided.
 - ii. *Remaining Impacts*: Any remaining impacts related to human remains would be less than significant.

D. Hazards and Hazardous Materials

4. *Release of Hazardous Materials. (Impact HAZ-7)*

- a) Potential Impact: The Project's potential impacts related to the potential release of hazardous materials are discussed beginning on page 4.7-7 of the Draft EIR. Project construction activities could result in the release of asbestos-containing materials, lead, metals, and pesticides to the environment, which would represent a potentially significant impact.
- b) Mitigation Measures: The following mitigation measures, discussed in the Draft EIR beginning at page 4.5-7 shall be implemented as provided in the Mitigation and Monitoring Reporting Program:

MM HAZ-7-1: Soil Removal

MM HAZ 7-2: Contaminated Soil Disposal

MM Haz 7-3: Lead-Based Paint Removal

- c) Findings: Based on the EIR and the entire record before the County, the County finds that:
 - i. *Effects of Mitigation*: With implementation of all measures included as part of the proposed Project, impacts from hazardous materials would be substantially avoided.
 - ii. *Remaining Impacts*: Any remaining impacts related to the potential release of hazardous materials would be less than significant.

E. Public Services and Recreation

5. Project Impacts (Impact PUB/REC-3)

- a) Potential Impact: The Project's potential impacts related to public services and recreation are discussed beginning on page 4.11-4 of the Draft EIR. Construction and of the Project would potentially result in environmental impacts.
- b) Mitigation Measures: All mitigation measures related to Air Quality, Biological Resources, Cultural Resources, and Hazards and Hazardous Materials shall be implemented.

Mitigation Measure AQ-5: BAAQMD Basic Construction Mitigation Measures

MM BIO-7: Biological Communities

MM CULT-2: Archaeological Resources

MM CULT-3: Disturbance of Paleontological Resources

MM HAZ-7-1: Soil Removal

MM HAZ 7-2: Contaminated Soil Disposal

MM Haz 7-3: Lead-Based Paint Removal

- c) Findings: Based on the EIR and the entire record before the County, the County finds that:
 - i. *Effects of Mitigation*: Implementation of all measures included as part of the proposed Project, impacts from the Cherryland Community Center would be substantially avoided.
 - ii. *Remaining Impacts*: Any remaining impacts related to public services and recreation from construction would be less than significant.

V Findings and Recommendations Regarding Impacts which are Less Than Significant

Specific impacts within the following categories of environmental effects were found to be less than significant as set forth in more detail in the Draft EIR.

A. Aesthetics

- 3. *Scenic Vistas (Impact AES-1 and -2)*: The Project's potential impacts related to scenic vistas are discussed beginning on pages 4.2-2 of the Draft EIR. The Project site would not be visible from the scenic-designated portion of I-580. The proposed building would not be visible from scenic vistas in the East Bay Hills due to the distance from the viewers to the Project site and the built-out urban nature of the surrounding area. The Project would not block views of scenic vistas nor damage scenic resources within a state scenic highway. This potential impact is determined to be less than significant.
- 4. *Visual Character and Quality of the Site (Impact AES-3)*: The Project's potential impacts

related to the visual character and quality of the site is discussed beginning on pages 4.2-2 of the Draft EIR. The Community Center Project site consists of previously developed land surrounded by a chain link fence and includes vacant land and trees. The Meek Estate Park parking lot is developed as an asphalt parking lot. Surrounding land uses include residential and park uses. The Community Center Project site has been previously developed and the Project would result in a change to the Project site from a previously developed site to a community facility. The Meek Estate Park parking lot would be reconfigured, with new landscaping installed. The Project would create an improvement to the visual character of the Project area—replacing a chain-link fenced, undeveloped lot along Hampton Road with a multiple gable roof building with integrated open space areas. The building is designed in a similar scale as to the adjoining residential surroundings and has been designed to balance built space with open space and landscaped areas. This potential impact is determined to be less than significant.

5. *Light and Glare (Impact AES-4)*: The Project's potential impacts related to the light and glare are discussed beginning on pages 4.2-3 of the Draft EIR. In order to reduce the potential light and glare impacts, the Project includes a lighting plan that specifies measures such as downward cast exterior lighting and cut-off shields on outdoor or driveway lighting to direct lighting from the site away from the night sky and adjacent property, etc. The current lighting plan locates lights 42 inches in height along ADA pathways. These lights would be directional lights with minimal spillover. Lights would also be located in the Hampton Road parking lot and Meek Estate Park parking lot; these would be 12 feet in height and would project light directionally into the parking lot. The Project would not result in substantial new sources of lighting or glare, adversely affecting day or nighttime views; therefore, impacts would be less than significant.
6. *Cumulative Aesthetics Impacts*: The Project's potential impacts related to cumulative aesthetics impacts are discussed beginning on pages 6-3 of the Draft EIR. The area of cumulative impacts for the Project would be the area of I-580, Foothill Boulevard, and SR-238 designated scenic highways in the Alameda County General Plan and I-580, from the San Leandro city limit to SR 24, which is designated as a state scenic highway by Caltrans. This area is an urbanized area that is developed with structures, roadways, and infrastructure. Similar to other cumulative projects in the area, the Project would not be visible from any designated scenic areas. Additionally, the Project would be located on a vacant, chain-link fenced site and would have no significant impacts to visual character on the site. Therefore, the Project would not have any significant cumulative impacts to aesthetics.

B. Air Quality and GHG

7. *Construction and Operation: Conflict with the Bay Area Clean Air Plan (Impact AQ/GHG-1)*: The Project's potential impacts related to fugitive dust during construction are discussed beginning on page 4.3-4 of the Draft EIR. The Project would not generate a substantial number of new vehicle trips or result in any substantial changes to local traffic patterns. A Traffic Impact Analysis prepared by Hexagon Transportation Consultants determined that the Project would generate less than 100 peak hour vehicle trips¹. Such an increase would not conflict or obstruct with the implementation of the current regional air quality plan for criteria pollutants and ozone precursors (the Bay Area Air Quality Management District 2010 Clean Air Plan) and would be consistent with the plan's transportation control measures. Impacts would be less than significant.
8. *Odors (Impact AQ/GHG-2)*: The Project's potential impacts related to emissions of toxic air

¹ Hexagon Transportation Consultants, Inc. 2014. Cherryland Community Center: Draft Traffic Impact Analysis. San Jose, CA. Institute of Transportation. 2012.

contaminants during construction are discussed beginning on page 4.3-5 of the Draft EIR. Project construction activities could cause short-term, temporary, localized objectionable odors common to construction activities (e.g., site preparation, concrete pouring). However, no uses are proposed for the Community Center that would result in the creation of long-term objectionable odors. Due to the short-term, temporary, and localized nature of construction-period and the lack of operational-related odor impacts, the potential for the Project to create objectionable odors would be a less than significant impact.

9. *Construction and Operation: GHG Impacts (Impact AQ/GHG-3)*: The Project's potential impacts related to GHG emissions during construction are discussed beginning on page 4.3-5 of the Draft EIR. The Project would not generate a substantial number of new vehicle trips (estimated at less than 100 peak-hour trips) or any substantial change in traffic patterns. Therefore, operation of the Project would not measurably increase annual GHG emissions in the Cherryland area over existing conditions and would have a less than significant contribution to global climate change. Short-term construction activities associated with the Project would generate temporary GHG emissions from combustion of fossil fuels for construction vehicles, equipment and tools, construction vehicle trips, and worker commute trips. These construction-period GHG emissions would be temporary and would not represent a cumulatively considerable contribution to annual emissions per service area population in the community. Therefore, impacts related to the generation of greenhouse gas emissions would represent a less than significant impact.
10. *Construction and Operation: Conflict with GHG Plan (Impact AQ/GHG-4)*: The Project's potential impacts related to compliance with a qualified GHG reduction strategy are discussed beginning on page 4.3-6 of the Draft EIR. The proposed Project would be in compliance with the goals and policies of the CCAP and state-wide GHG reduction regulations and plans, and any potential impacts would be less than significant.
11. *Cumulative Air Quality and GHG Impacts*: The Project's potential impacts related to cumulative air quality and GHG impacts are discussed beginning on pages 6-3 of the Draft EIR. The area of cumulative impacts for the Project would be the nine county San Francisco Bay Area Air Basin. This area is an urbanized area that is developed with structures, roadways, and infrastructure with construction and operation of buildings occurring within the area. The Project would not generate a substantial increase in vehicle trips, any substantial change in traffic operations, or substantial operational air pollutant emissions, and thus is considered below applicable operational screening level size for air quality emissions and GHG. Therefore, the Project would not have any significant cumulative impacts to air quality and GHG.

C. Biological Resources

12. *Sensitive Natural Communities (Impact BIO-1)*: The Project's potential impacts related to sensitive natural communities are discussed beginning on page 4.4-3 of the Draft EIR. The Project area lacks vegetation other than landscaped or ruderal flora, and is encircled by built environment, providing limited suitable habitat for species identified by CNDDB. Additionally, there are no Waters of the State or Waters of the U.S. within the Project area, meaning that most coastal birds identified from the nearby shoreline, have little to no potential for occurrence in the Project area. As a result of the limited habitat features and lack of necessary biological requirements, the Project area does not provide suitable habitat for federal or state listed species, and therefore impact would be less than significant.
13. *Riparian Habitat (Impact BIO-2)*: The Project's potential impacts related to riparian habitat are discussed beginning on page 4.4-5 of the Draft EIR. The Project area contains no riparian habitat or other sensitive natural communities. As a result, no adverse impacts would be anticipated. Vegetation in and around the Project area is dominated by non-native species

(grass, flowering plants, deciduous trees, and landscape plantings) and would not be considered riparian vegetation, nor would they be expected to support any sensitive natural community type. Consequently, no impacts on sensitive natural communities would be expected to occur from implementation of the proposed Project.

14. *Wetlands (Impact BIO-3)*: The Project's potential impacts related to wetlands are discussed beginning on page 4.4-5 of the Draft EIR. The Project area and adjacent areas have been intensely developed and are dominated by single-family homes, a developed park, paved roads, and public facilities. Due to the extent of past and present development in the area, there are no wetlands as defined by Section 404 of the Clean Water Act, and no impact would occur.
15. *Conflict with Local Policies or Ordinances (Impact BIO-4)*: The Project's potential impacts related to conflicts with local policies or ordinances are discussed beginning on page 4.4-5 of the Draft EIR. The Alameda County Tree Ordinance (Ordinance No: 0-2004-23) states that all trees located within the County right-of-way are to be protected. Trees on the Project site are not located within County right-of-way and are not subject to any County tree ordinances. As a result, removal of the existing trees would not conflict with any local tree preservation policy or ordinance and this potential impact is determined to be less than significant.
16. *Conflict with an Applicable Habitat Conservation Plan (Impact BIO-5)*: The Project's potential impacts related to conflicts with habitat conservation plans are discussed beginning on page 4.4-5 of the Draft EIR. The proposed Project would not conflict with an applicable habitat conservation plan or natural community conservation plan. There are no adopted habitat conservation plans or natural community conservation plans that currently apply to the Project area. This potential impact is determined to be less than significant.
17. *Oak Woodlands (Impact BIO-6)*: The Project's potential impact related to oak woodlands is discussed beginning on page 4.4-5 of the Draft EIR. There are no Oak Woodlands in the vicinity of the Project area. As a result, no impacts would occur.
18. *Cumulative Biological Resource Impacts*: The Project's potential impacts related to cumulative biological resource impacts are discussed beginning on pages 6-3 of the Draft EIR. The area of cumulative impacts for the Project included the area within five miles of the Project area. This area is an urbanized area that is developed with structures, roadways, and infrastructure with construction and operation of buildings occurring within the area. The Project area and adjacent areas have been intensely developed and are dominated by single-family homes, a developed park, paved roads, and public facilities. Although construction is occurring in this urbanized area, all Projects removing trees would be required to implement the same standard mitigation measures incorporated into the Project. Therefore, the Project would not have any significant cumulative impacts to biological resources.

D. Cultural Resources

19. *Historic Resources (Impact CULT-1)*: The Project's potential impact related to oak woodlands is discussed beginning on page 4.5-4 of the Draft EIR. The Meek Mansion is located approximately 200 feet west of the Boston Road parcel and approximately 310 feet west of the Hampton Road parcel. Due to this distance, construction and operation of the proposed Project would not impact the Meek Mansion. As a result, no impacts to historic resources would occur.
20. *Cumulative Cultural Resource Impacts*: The Project's potential impacts related to cumulative cultural resources impacts are discussed beginning on pages 6-4 of the Draft EIR. The area of cumulative impacts to archaeological resources for the Project includes the Project area. This area is an urbanized area that is developed with structures, roadways, and infrastructure with

construction and operation of buildings occurring within the area. Ground-disturbing activities during previous urban development of the area would likely have disturbed, altered, or eliminated archaeological resources that may have existed in the Project area. Projects proposing ground disturbing activities would be required to implement the same standard mitigation measures incorporated into the Project. Therefore, the Project would not have any significant cumulative impacts to cultural resources.

E. Geology and Soils

21. *Seismically Induced Ground Shaking, Liquefaction, and Landsliding (Impact GEO-1a through 1d)*: The Project's potential impacts related to unknown faults, strong seismic shaking, liquefaction, and landslides are discussed beginning on page 4.6-4, -5, and -6 of the Draft EIR. The proposed Project area is not located within an Earthquake Fault Zone, as defined by the Alquist-Priolo Earthquake Fault Zoning Act, and no known active or potentially active faults exist on the site. The site is approximately 1.2 miles from the Hayward Fault. Therefore, the potential exists for a large earthquake to induce strong to very strong ground shaking at the site during the life of the Project. However, Project structures would be designed using the 2013 California Building Code guidelines and in coordination with local engineers specializing in such design in quake prone areas. The potential risks to people and property from these seismic hazards would be adequately mitigated by required Project engineering design compliance with existing laws, regulations and policies, including the California Building Code and the County's development review procedures. The Project area has been mapped within a zone of liquefaction potential on the map titled State of California, Seismic Hazard Zones, Hayward Quadrangle, and Official Map, prepared by the California Geological Survey (CGS). Design and construction measures recommended in the Geotechnical Report prepared for the Project would be implemented and this impact would be less than significant. The Project area is on relatively flat land and is not subject to landslides, nor is it adjacent to lands subject to landslides.
22. *Soil Erosion (Impact GEO-2)*: The Project's potential impacts related to soil erosion are discussed beginning on page 4.6-6 of the Draft EIR. The Project area and vicinity are relatively flat, and the potential for erosion during construction would be limited by the relatively small area of ground disturbance at any one time. Construction would occur during the predominantly dry months of the year. Additionally, best management practices routinely implemented by the County and required of its contractors for construction projects would be implemented for this Project, thereby reducing the potential for erosion. Therefore, the potential for the Project to cause soil erosion or loss of topsoil would be less than significant.
23. *Unstable Geologic Units (Impact GEO-3)*: The Project's potential impacts related to unstable geologic units are discussed beginning on page 4.6-6 of the Draft EIR. The Project area is on relatively flat land. The Project area is not adjacent to any existing landslides zones but does have a high potential for liquefaction. The potential for lateral spreading at the site would be considered very low; therefore, impacts would be less than significant.
24. *Expansive Soil (Impact GEO-4)*: The Project's potential impacts related to expansive soil are discussed beginning on page 4.6-7 of the Draft EIR. The Project area is underlain by Holocene-age (11,000 years old to recent) natural alluvial fan levee deposits associated with flooding of nearby San Lorenzo Creek. Test borings and CPTs taken at the Project area indicate that the site is blanketed by approximately 10 to 15 feet of slightly moist, medium stiff to stiff, non-plastic sandy silt and loose to medium dense sand and silty sand. The sandy silt/silty sand layer is underlain by stiff to very stiff clay and sandy clay of low to moderate plasticity interbedded with occasional layers of medium dense to dense sand and silty sand. Because soils present at the Project area are considered non-expansive and

have low shrink/swell potential when subjected to changes in moisture conditions, risks from the potential presence of expansive soils would not be substantial and would be less than significant.

25. *Septic Systems (Impact GEO-5)*: The Project's potential impacts related to soils incapable of supporting a septic system are discussed beginning on page 4.6-7 of the Draft EIR. Wastewater service would be provided by the Oro Loma Sanitary District. No septic systems or alternative wastewater disposal systems are proposed for the Project. There would be no impact to septic tanks or alternative waste water disposal.
26. *Cumulative Geology and Soils Impacts*: The Project's potential impacts related to cumulative geology and soils impacts are discussed beginning on pages 6-4 of the Draft EIR. The area of cumulative impacts to geological resources for the Project includes the Project area. This area is an urbanized area that is developed with structures, roadways, and infrastructure with construction and operation of buildings occurring within the area. Projects proposing ground disturbing activities would be required to implement the same standard mitigation measures incorporated into the Project. Therefore, the Project would not have any significant cumulative impacts to geological resources.

F. Hazards and Hazardous Materials

27. *Routine Transport, Use, and Disposal of Hazardous Materials (Impact HAZ-1)*: The Project's potential impacts related to routine transport, use, or disposal of hazardous materials are discussed beginning on page 4.7-5 of the Draft EIR. Construction of the Project, as well as ongoing maintenance of the Project over time, may involve the intermittent transport, use, and disposal of potentially hazardous materials, including fuels and lubricants, paints, solvents, and other materials commonly used in building construction and maintenance. With standard County storage, use, transport and disposal procedures, and federal, State and local regulation and oversight of hazardous materials, the potential threat to public health and safety or the environment from the routine transport, use or disposal of hazardous materials would be less than significant.
28. *Hazardous Materials or Emissions near a School or Project Site Located on a List of Hazardous Material Sites (Impact HAZ-2 and -3)*: The Project's potential impacts related to hazardous materials or emissions near a school or location on a listed hazardous site are discussed beginning on page 4.7-5 of the Draft EIR. Colonial Acres Elementary School is located 17115 Meekland Avenue, west of the Project area. Construction of the Project could involve the transport, storage, and use of hazardous materials within ¼ mile of this school. However, because Project operation would not emit hazardous emissions or handle acutely hazardous materials, and given existing federal, State, and County regulations and oversight of hazardous materials used in construction projects, the Project would have a less than significant impact with respect to hazardous materials use near Colonial Acres Elementary School. According to the a review of the Environmental Protection Agency's (EPA) CERCLIS database, the Project area is not designated as either a brownfield or Superfund site by the Department of Toxic Substances Control (DTSC)². Based on information from DTSC's EnviroStor database and the State Resources Control Board's (SWRCB) Geotracker database³, with the exception of one site which is still under assessment, all listed sites within .5 mile are closed and would not impact the Project area. The one open site is not close enough to impact the Project area and impacts would be less

² California Department of Toxic Substances Control, EnviroStor. Website: www.envirostor.dtsc.ca.gov. Accessed: December 16, 2014.

³ California State Water Resources Control Board, GeoTracker. Website: <http://geotracker.waterboards.ca.gov>. Accessed: December 16, 2014.

than significant.

29. *Inconsistency with an Airport Master Plan / Airport Safety (Impact HAZ-4)*: The Project's potential impacts related to airport land use plans are discussed beginning on page 4.7-6 of the Draft EIR. The Project area is not within an airport land use plan, nor is the Project close enough for the airport to pose a unique safety hazard to residents or workers in the Project area. Therefore, the Project would have no impact due to nearby airports.
30. *Conflict with Adopted Emergency Plan (Impact HAZ-5)*: The Project's potential impacts related to conflict with adopted emergency plans are discussed beginning on page 4.7-6 of the Draft EIR. Alameda County has a comprehensive Emergency Operation Plan (EOP) that establishes policies and procedures and assigns responsibilities to ensure the effective management of emergency operations within Alameda County. The Plan provides information on the Alameda County Operational Area (OpArea) emergency management structure and how the emergency management team is activated. Should traffic lane reductions or street closure be required due to construction, such conditions would be short-term, temporary and localized, and adequately managed through standard traffic management practices and through coordination with the County. As a result, the potential for interference by the Project with emergency response and emergency evacuation plans would be less than significant.
31. *Wildland Fires (Impact HAZ-6)*: The Project's potential impacts related to wildland fires are discussed beginning on page 4.7-6 of the Draft EIR. The Project area is located in a heavily urbanized and developed area. There are no wildlands in proximity to the Project area that could result in risk of loss, injury, or death from wildland fires. As a result, there would be no impact related to wildland fires.
32. *Cumulative Hazards and Hazardous Materials Impacts*: The Project's potential impacts related to cumulative hazards and hazardous materials impacts are discussed beginning on pages 6-4 of the Draft EIR. The area of cumulative impacts for hazardous materials for the Project includes the Project area and .5 mile of the Project area. This area is an urbanized area that is developed with structures, roadways, and infrastructure that has the potential to contaminate the area with hazardous materials. The Project does not propose any uses that would use or generate hazardous materials that would be released into the atmosphere. The Project would result in the clean-up of hazardous materials in Project site soils. Therefore, the Project would not have any significant cumulative impacts to hazardous materials.

G. Hydrology and Water Quality

33. *Water Quality Standards (Impact HYDRO-1)*: The Project's potential impacts related to water quality standards are discussed beginning on page 4.5-5 of the Draft EIR. The County would be required to complete a SWPPP prior to Project construction. The SWPPP shall: describe when work activities would be performed that could cause the discharge of pollutants in stormwater; describe the water pollution control practices associated with each construction phase; and identify the soil stabilization and sediment control practices for all disturbed soil areas. A Soil Erosion Control Plan shall be implemented and maintained during construction of the Project that includes the following:

Temporary Hydraulic Mulch. Hydraulic mulch shall be applied to disturbed areas requiring temporary protection until permanent vegetation is established or disturbed areas that must be redisturbed following an extended period of inactivity. After any rainfall event, the Contractor is responsible for maintaining all slopes to prevent erosion.

Temporary Erosion Control Blanket. Geotextiles, mats, plastic covers, or erosion control blankets shall be placed to stabilize disturbed soil areas and protect soils from erosion by

wind or water. These materials shall be used on steep slopes where erosion potential is high or adjacent to environmentally sensitive areas.

Wind Erosion Control. Wind erosion control shall consist of applying water and/or other dust palliatives as necessary to prevent or alleviate erosion by the forces of wind. Dust control shall be applied in accordance with Caltrans standard practices. Covering of small stockpiles or areas is an alternative to applying water or other dust palliatives

Additionally, construction BMPs shall be implemented and maintained during Project construction. Sediment control BMPs shall be installed at all appropriate locations along the site perimeter and at all operational internal inlets to storm drain systems at all times. These BMPs shall include the installation of following:

- Temporary silt fence
- Temporary fiber rolls
- Temporary gravel bag berm
- Daily street sweeping
- Temporary concrete washout facility

Implementation of these construction BMPs would reduce impacts to less than significant.

Operation

All stormwater would be treated on site using treatment methods in compliance with Provision C.3. The Project would implement a combination of self-treating areas, bioretention areas, flow-through planter boxes, and permeable joint pavers to address stormwater treatment. The on-site stormwater runoff would be captured by these proposed stormwater treatment facilities prior to being discharged to the existing storm drainage system within the adjacent streets.

The treatment design options that would be implemented for the Project include the following combinations:

Self-Retaining/Zero Discharge Areas. Drainage from roofs and paving would be directed to the self-retaining area, where it would pond and infiltrate into the soil. Self-retaining areas would be created by designing concave landscaped areas at a lower elevation than surrounding paved areas, such as walkways, driveways, sidewalks and plazas; or by designing areas of pervious paving to accept runoff from impervious surfaces.

Bioretention Areas. Bioretention Areas would be constructed to allow for evapotranspiration and the filtering of water engineered biotreatment soil. If the underlying soils have a saturated hydraulic conductivity rate of 1.6” per hour or greater, then runoff would be treated by evapotranspiration and infiltration. If the soils have a lower hydraulic conductivity rate, or if infiltration is prohibited and the bioretention area is lined with an impermeable layer, then stormwater would be treated with evapotranspiration, some or no infiltration, and the remaining amount of runoff would be filtered and released into the underdrain.

Flow-Through Planter Boxes. Flow-through planter boxes would be used treat stormwater by intercepting rainfall and slowly draining it through filter media and out of planter. Planter boxes may be used next to buildings and developed areas, and would not be used as a drainage channel or in-line with an existing drainage channel. Flow-through planter boxes may receive both sheet flow from paved surfaces and concentrated flows from drainage facilities.

Permeable Joint Pavers. Permeable joint pavers sized to retain at least the Municipal Stormwater Regional Permit volume of rainfall runoff would be used where feasible. Permeable joint pavers allow for treatment within an area that can support both parked vehicles and light traffic.

Implementation of these measures would ensure that impacts to water quality during Project operation would be less than significant.

34. *Depletion of Groundwater Supplies/Interference with Groundwater Recharge (Impact HYDRO-2):* The Project's potential impacts related to groundwater are discussed beginning on page 4.8-6 of the Draft EIR. The proposed Project would not involve the use of groundwater supplies. Construction of bioretention planting areas and other measures to minimize off-site stormwater runoff would provide enhanced opportunities for groundwater recharge. Groundwater levels surrounding the Project area would not be affected, and this potential impact is determined to be less than significant.
35. *Alteration of Existing Drainage Patterns Resulting in Erosion or Siltation (Impact HYDRO-3):* The Project's potential impacts related to alteration of drainage patterns resulting in erosion or siltation are discussed beginning on page 4.8-6 of the Draft EIR. The Project site is flat and there are no rivers or streams on site that would be altered. As described above, the County would implement a SWPPP that provides effective combination of erosion (soil stabilization) and sediment control BMPs during construction. Stormwater during operation would be captured and controlled. Implementation of these measures would ensure that impacts to water quality during Project operation would be less than significant.
36. *Alteration of Existing Drainage Patterns Resulting in an Increase in the Rate or Amount of Surface Runoff (Impact HYDRO-4):* The Project's potential impacts related to surface runoff are discussed beginning on page 4.8-7 of the Draft EIR. The Project would not result in a substantial increase in impervious surface area, or the rate or amount of surface runoff. Proposed bioretention planting areas and other measures to minimize off-site stormwater runoff would provide enhanced opportunities for groundwater recharge and decreased draining off-site. The Project would not result in flooding on- or off-site, therefore the impacts would be less than significant.
37. *Contribute Runoff Exceeding the Capacity Drainage Systems or Adding Sources of Pollution (Impact HYDRDO-5):* The Project's potential impacts related to surface runoff pollution are discussed beginning on page 4.8-7 of the Draft EIR. T San Lorenzo Creek is approximately 225 feet from the northeast corner of the Project area. Under the Federal Clean Water Act, the State Water Resources Control Board is required to report on the condition of its surface water quality. Water bodies and pollutants that exceed protective water quality standards are placed on the State's 303(d) List of Impacted Water Bodies. Under the current 303(d) List, San Lorenzo Creek is impaired for Diazinon. The EPA approved a Total Maximum Daily Load (TMDL) in 2007. (TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still safely meet water quality standards.) The Project would be required to prepare a SWPPP prior to Project implementation. The SWPPP would include measures to ensure pollutants such as Diazinon do not reach surface waters of San Lorenzo Creek. Impacts would be less than significant.
38. *Housing within a Flood Hazard Area or Structures Which Would Impede or Redirect Flood Flows (Impact HYDRO-6):* The Project's potential impacts related to placing housing or structures within a flood hazard area are discussed beginning on page 4.8-7 of the Draft EIR. According to the FEMA flood insurance rate map, a portion of Hampton Road along the southern Project area boundary is located in Zone X, which is an area classified as having a 0.2 percent annual chance floodplain (a "500-year" flood). The Project would not place a

structure within a 100-year flood hazard area and would not impede or redirect flood flows. Additionally, the Project does not propose the construction of any housing units. Therefore, the Project would not 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. This potential impact is determined to be less than significant.

39. *Flooding as a Result of the Failure of a Levee or Dam (Impact HYDRO-7)*: The Project's potential impacts related to potential inundation are discussed beginning on page 4.8-7 of the Draft EIR. According to the ABAG Dam Failure Inundation Hazard Map, the Project area is not located within an area subject to inundation in the event of a failure of any dam, nor is the Project area located in an area that is protected by levees. Therefore, the Project will not 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. This potential impact is determined to be less than significant.
40. *Tsunami, Seiche, or Mudflow (Impact HYDRO-8)*: The Project's potential impacts related to potential tsunami, seiche, or mudflow risk are discussed beginning on page 4.8-8 of the Draft EIR. There are no large bodies of water near the Project area, and the Project is not subject to inundation by seiche or tsunami. This potential impact is determined to be less than significant.
41. *Cumulative Hydrology and Water Quality Impacts*: The Project's potential impacts related to cumulative hydrology and water quality impacts are discussed beginning on pages 6-4 of the Draft EIR. The area of cumulative impacts for hydrology and water quality for the Project includes the drainage basin and alluvial plain of San Lorenzo Creek. This area is an urbanized area that is developed with structures, roadways, and infrastructure. The Project is subject to water quality standards and waste discharge requirements. Discharges during construction activities must meet water quality standards from the Basin Plan. The Project would result in the clean-up of hazardous materials in Project site soils, with the potential to contribute pollutants to the drainage basin. Therefore, the Project would be beneficial to water quality and would not have any significant cumulative impacts to hydrology and water quality.

H. Land Use Plans and Policy Consistency

42. *Physically Divide an Established Community (Impact LU-1)*: The Project's potential impacts related to physically dividing an established community are discussed beginning on pages 4.9-2 of the Draft EIR. The physical division of an established community typically refers to the construction of a physical feature (such as an interstate highway or railroad tracks) or removal of a means of access (such as a local road or bridge) that would impair mobility within an existing community, or between a community and outlying areas. The Project would construct a Community Center building and reconfiguration of an existing parking lot. The Project would provide services to the Cherryland community and would not physically divide an established community. Therefore, the Project would have no impact related to the division of a community.
43. *Land Use Compatibility / Change in Environment (Impact LU-2)*: The Project's potential impacts related to land use compatibility are discussed beginning on pages 4.9-2 of the Draft EIR. The proposed Project would not be incompatible with surrounding land uses and would not result in a substantial land use change in the surrounding environment. The County's zoning ordinances do not apply to the County as the Project sponsor unless the County has taken affirmative action to apply its zoning rules to itself. Changes on the Meek Estate Park parking lot would be consistent with the County's zoning. This potential impact is determined to be less than significant.

44. *Habitat and Natural Community Conservation Plans (Impact LU-3)*: The Project's potential impacts related to conflicts with habitat and natural community conservation plans are discussed beginning on pages 4.9-4 of the Draft EIR. T No habitat conservation plan or natural community conservation plan is applicable for the Project area or vicinity. Therefore, the Project would not conflict with any habitat conservation plan or natural community conservation plan, and no impacts would occur.
45. *Cumulative Land Use Impacts*: The Project's potential impacts related to cumulative land use impacts are discussed beginning on pages 6-4 of the Draft EIR. The area of cumulative impacts for land use and planning policy for the Project includes the Alameda County Eden Area General Plan area. The Project would be consistent with the Eden Area General Plan, which states that uses such as community centers, parks, schools, places of worship, care centers, and home occupations may also be permitted in residential areas Therefore, the Project would not have any significant cumulative impacts to land use and planning policy.

I. Noise and Vibration

46. *Noise and Land Use Compatibility (Impact NOI-1)*: The Project's potential impacts related to ground borne vibrations are discussed beginning on page 4.10-11 of the Draft EIR. The future noise exposure at the Project site is calculated to be up to 63 dBA DNL. The outdoor use area, however, would be exposed to noise levels below 60 dBA DNL. Interior noise levels would be expected to be below 45 dBA DNL assuming standard construction methods with the windows closed. This impact would be less than significant. The building proposed as part of the Project would be setback a minimum distance of 60 feet from the center of Hampton Road. Future cumulative traffic noise levels are anticipated to increase by 3 dBA DNL above existing conditions along the roadway as a result of cumulative growth forecast in the General Plan. Exterior noise levels would reach 63 dBA DNL at the southernmost façade of the proposed building. Such levels would fall in the "Conditionally acceptable" category for noise and land use compatibility for proposed land uses similar to meeting halls and schools.

Future Exterior Noise Environment

A review of the proposed site plan indicates that the Project would construct a play area to be located at least 150 feet from Hampton Road. The outdoor use area would be shielded from traffic noise by the proposed building and walls. The future noise exposure at the proposed outdoor use area (play area) is calculated to be less than 60 dBA DNL. Due to the increased distance from area roadways and shielding provided by proposed walls, exterior noise levels at the common outdoor use area would meet the County's "normally acceptable" exterior noise level limit of 60 dBA DNL.

Interior Noise Environment

Portions of the southernmost façades of the proposed building would be exposed to future noise levels of 63 dBA DNL. Standard building construction, assuming fixed windows and mechanical ventilation, would result in a noise reduction of approximately 25 to 30 dB in interior spaces. Interior noise levels would range from 33 to 38 dBA DNL, and would be less than 45 dBA DNL throughout the Project site. Spaces where lower noise levels would be desired, such as private offices and conference rooms, may benefit from additional noise control in order to meet a lower, more desirable interior noise level. Additional noise control could be accomplished through building design by selecting appropriate sound-rated windows for sensitive interior spaces along the southernmost façades of the proposed building, adjacent to traffic noise sources.

47. *Project-Generated Traffic Noise (Impact NOI-2)*: The Project's potential impacts related to ground borne vibrations are discussed beginning on page 4.10-12 of the Draft EIR. Traffic

volume information at the study area intersections was reviewed as part of the traffic noise analysis. Comparison showed that traffic noise levels would not be substantially increased with the Project as compared to existing conditions at sensitive land uses along roadway segments serving the Project site. Traffic noise levels are calculated to increase by 0 to 1 dBA DNL as a result of the Project and such noise increases would not be considered substantial. Project generated traffic would not substantially increase traffic noise levels in the area. This impact would be less than significant.

48. *Construction Noise (Impact NOI-3)*: The Project's potential impacts related to construction noise are discussed beginning on page 4.10-13 of the Draft EIR. Noise levels generated by Project construction activities would temporarily elevate ambient noise levels at sensitive land uses in the vicinity. However, the duration of construction would be limited to one year or less. Temporary construction noise impacts would be less than significant.
49. *Construction Vibration (Impact NOI-4)*: The Project's potential impacts related to construction vibration are discussed beginning on page 4.10-14 of the Draft EIR. Construction of the Project may generate perceptible vibration when heavy equipment or impact tools (e.g., jackhammers, hoe rams, etc.) are used. Project construction activities, such as drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.), may generate substantial vibration in the immediate vicinity. Jackhammers typically generate vibration levels of 0.035 in/sec PPV and drilling typically generates vibration levels of 0.09 in/sec PPV at a distance of 25 feet. Vibration levels would vary depending on soil conditions, construction methods, and equipment used. Vibration levels from typical construction activities would be expected to be 0.2 in/sec PPV or less at a distance of 25 feet, below the 0.3 in/sec PPV significance threshold. Vibration generated by construction activities near the common property line with adjacent residential land uses would at times be perceptible, however, would not be expected to result in cosmetic damage to these buildings. Therefore, this impact would be less than significant.
50. *Airport Noise (Impact NOI-5)*: The Project's potential impacts related to exposure to airport noise are discussed beginning on page 4.10-15 of the Draft EIR. The Project area is not subject to an Airport Land Use Plan and is not near a private airstrip. The closest airport to the Project area is the Hayward Air Terminal, located approximately 2.5 miles to the southwest. Oakland International Airport is located approximately 5.8 miles to the northwest of the Project area. People residing near or visiting the Cherryland Community Center would not be exposed to excessive noise levels. Therefore, there would be no impact.
51. *Cumulative Traffic Noise (Cumulative Impact NOI-1)*: The Project's potential impacts related to cumulative impacts to cumulative traffic noise are discussed beginning on page 6-5 of the Draft EIR. Traffic volumes provided by the traffic report for the "Existing" and "2035 Cumulative Plus Project" traffic scenarios were calculated to determine the cumulative traffic noise increase expected at build-out. Cumulative traffic noise levels, with or without the proposed Project, are not anticipated to increase substantially along the majority of roadways serving the Project site, and the Project's contribution to cumulative traffic noise level increases is calculated to be 0.3 dBA DNL or less. Cumulative traffic noise increases would not be considered substantial, and the Project would not make a cumulatively considerable contribution to increased noise levels. Traffic volumes along roadways serving the Project site will increase as a result of cumulative growth planned in and around the unincorporated area of Alameda County known as Cherryland and the Eden Area Redevelopment Project Area. Significant cumulative traffic noise impacts are not anticipated in the Project vicinity and the Project would not make a "cumulatively considerable" contribution to cumulative traffic noise increases. This impact would be less than significant.

52. *Cumulative Operation Noise (Cumulative Impact NOI-2)*: The Project's potential impacts related to cumulative impacts to cumulative traffic noise are discussed beginning on page 6-5 of the Draft EIR. A day-night average noise level of 59 dBA DNL was calculated at the back yards of residences as a result of all operational noise sources. The existing noise level is about 59 dBA DNL. The noise level is calculated to increase about 3 dBA DNL due to the operational noise from the Project. An increase of 3 dBA DNL at noise-sensitive uses would not exceed the threshold in the Noise Element of the Alameda County Eden Area General Plan. The rooftop mechanical equipment is the only significant source of noise that would affect the neighbors to the north. The noise from special events in the courtyard would primarily affect neighbors to the east, but the cumulative noise from the two sources would increase the noise at the neighbors to the east by about 1 dBA, resulting in an L50 of up to 61 dBA at the nearest property. It is assumed that the rooftop equipment would only operate intermittently during the "daytime" hours of 7 a.m. to 10 p.m. when the adjusted allowable limit ranges from 50 to 59 dBA L50. The cumulative operational noise is calculated to exceed the hourly Noise Ordinance limit by up to 10 dBA at residences to the north and by up to 11 dBA at residences to the east during special events. Therefore, cumulative operational noise would be significant and unavoidable.

J. Public Services/Recreation

53. *Fire protection, police protection, schools, parks, and other facilities (Impact PUB/REC-1)*: The Project's potential impacts related to public services are discussed beginning on page 4.11-2 of the Draft EIR. Construction and operation of the Project would not affect the Fire Department or Sheriff Office service ratios, response times, or other performance objectives to the extent that new or physically altered fire protection facilities would need to be constructed. As a result, impacts on fire and police protection would be less than significant. The proposed Project would not generate additional student to the HUSD or result in the need for additional school capacity and the Project would have no impact on existing schools or the need for additional schools. The Project would not generate additional population, and would help fulfill HARD's mission which is "to enrich the quality of life for our community by providing a variety of recreation activities, parks, and facilities that promote health and wellness, learning, and fun." As a result, there would be no impact on existing recreation and services from the Project. The cost of providing roadway maintenance, flood control and other services would be provided through existing property taxes collected within the County. As a result, impacts on roadway, flood control or other facilities and services, or the County's levels of service for these facilities and services would be considered less than significant.

54. *Increase in Use of Existing Parks (Impact PUB/REC-2)*: The Project's potential impacts related to public services are discussed beginning on page 4.11-3 of the Draft EIR. The Project would provide new community facilities and would help accommodate additional demand for park and recreation facilities. It is possible that the Community Center would attract some new users to Meek Estate Park or increase the use of Meek Estate Park by current users by attracting more people to the Project area. However, the Community Center is intended to serve the Cherryland community and it is not anticipated that the Project would substantially increase the use of Meek Estate Park, or existing neighborhood or regional parks or other recreational facilities leading to the substantial physical deterioration of existing recreational facilities. The Project would help fulfill HARD's ongoing mission to enrich the quality of life for the community by providing a variety of recreation activities, parks, and facilities that promote health and wellness, learning, and fun. As a result, impacts to existing parks would be less than significant.

55. *Cumulative Public Services and Recreation*: The Project's potential impacts related to cumulative impacts to public services and recreation are discussed beginning on page 6-7 of the

Draft EIR. The area of cumulative impacts for public services and recreation for the Project includes the area served by HARD. The Project would contribute additional recreational services to the area. The Project is constructed to allow access to fire, emergency, and police services and would not create an impact to those services. The Project would attract a small number of people to the Project site for a limited number of events; however, this small number of people and limited events would not result in a significant impact to police and fire services. Therefore, the Project would not have any significant cumulative impacts to public services or recreation.

K. Traffic, Transportation and Circulation

56. *Intersection Level of Service (Impact TRANS-1)*: The Project's potential impacts related to intersection levels of service are discussed beginning on page 4.12-7 of the Draft EIR. The results show that the two signalized study intersections would operate at acceptable levels of service under Near Term Project conditions and this impact would be less than significant.
57. *Peak Hour Signal Warrant (Impact TRANS-2)*: The Project's potential impacts related to air traffic patterns are discussed beginning on page 4.12-9 of the Draft EIR. The Project would not result in additional population to Cherryland, nor would the Project be inconsistent in terms of its height as in relation to nearby structures. As a result, the Project would not induce any change in air traffic patterns or air travel safety hazards. As discussed Hazards and Hazardous Materials, the Project area is not located within an airport land use plan area or within two miles of a public use airport or private airport strip. The Project would not change air traffic patterns, and therefore, there would be no impact.
58. *Hazards (Impact TRANS-3)*: The Project's potential impacts related to design hazards or incompatible uses are discussed beginning on page 4.12-9 of the Draft EIR. Access to the Project area would be from Hampton Road. Intersection LOS at both study intersections is good, and the Project would not result in any changes to road alignment on Hampton Road. Therefore, impacts associated with Project design features would be less than significant.
59. *Inadequate Emergency Access (Impact TRANS-4)*: The Project's potential impacts related to inadequate emergency access are discussed beginning on page 4.12-9 of the Draft EIR. The County has consulted with the Alameda County Fire Department regarding requirements for emergency access to the site. As a result of these discussions, modifications were made to the placement of the driveway and parking lot to enable adequate fire truck access to the center portion of the Project area. These changes would also enable fire personnel to reach the far northwestern corner of the site with a 150-foot fire hose should it be necessary. Additionally, a emergency vehicle access has been included on the northern side of the Community Center. With the Fire Department's acceptance of the design changes, the Project would have no impact with regard to inadequate emergency access.
60. *Plans, Policies, or Programs (Impact TRANS-5)*: The Project's potential impacts related to conflict with adopted plans, policies, or programs are discussed beginning on page 4.12-9 of the Draft EIR. The proposed Community Center would be served by AC Transit bus lines on Meekland Avenue and Mission Boulevard, but there are no routes serving Hampton Road. Route 32 on Meekland Avenue provides service between BART Bayfair station and downtown Hayward and has 60-minute headways on weekends. On Mission Boulevard, Bus Routes 93 and 99 with headways of 60 minutes on weekends, provides service between the BART Bayfair station and Meekland Avenue. Bus Route 99 provides service between BART Bayfair station and BART Fremont station, and operates with 30 minute weekend headways. New transit riders resulting from the Project are not expected to be significant, in particular due to the distance of nearby transit.

Pedestrian traffic primarily would be generated by local residents walking to and from the proposed community center, bus stops, and Meek Park. All of the roadways in the Project area

currently have sidewalks on both sides of the street, with crosswalks and pedestrian push buttons and signal heads at the major intersections. The extensive network of sidewalks within the Project area would continue to provide users of the community center with a safe connection between the Project and other surrounding land uses in the area.

There are very few bicycle facilities in the Project area and no bike lanes are proposed as part of the Project. Further, the Project would not be expected to generate a significant number of additional bicycle trips. Bicyclists would share the road with vehicular traffic. Since the proposed Project would have a relatively small effect on the total bicycle trips in the Project area, and forecast traffic volumes on Hampton Road are relatively low, no improvements to bicycle facilities would be necessary as a result of the Project. The Project would have no impact due to conflicts with adopted plans, policies, or programs regarding public transit. Consequently, the proposed Project would have no impact on the existing transit, pedestrian, and bike lanes.

61. *Cumulative Traffic Impacts (Cumulative Impact TRANS-1)*: The Project's potential impacts related to cumulative traffic are discussed beginning on page 6-8 of the Draft EIR. New trips generated by the Cherryland Community Center Project were estimated by applying trip generation rates from the ITE Trip Generation Manual. Based on the average trip rates of community centers included in the survey, the Project would generate 36 AM peak hour trips and 48 PM peak hour trips. Based on the average inbound/outbound splits that were surveyed, the Project would produce 24 inbound and 12 outbound trips during the AM peak hour, and 27 inbound and 21 outbound trips during the PM peak hour. The Project would not generate more than 100 PM peak hour trips. Therefore, impacts to the ACCMA's Congestion Management Program would be less than significant.

L. Utilities

62. *Wastewater Treatment Requirements (Impact UTIL-1)*: The Project's potential impacts related to wastewater treatment requirements are discussed beginning on page 4.13-3 of the Draft EIR. The Project area would be provided with sanitary sewer services by the Oro Loma/Castro Valley Sanitary District. Use of the Cherryland Community Center by large groups for special events would occur on an irregular basis, with some events attended by as many as 250 people. Based on intermittent demand for wastewater service and the current capacity of the District's treatment plant, it can adequately address RWQCB treatment requirements. The proposed Project would not result in an increase in wastewater flows beyond the existing permitted capacity of the existing wastewater collection and treatment system, would not require any new or expansion of existing facilities, would not cause any violation of any waste discharge requirements, and would not cause any applicable San Francisco Regional Water Quality Board wastewater treatment requirements to be exceeded. The impact of the Project on wastewater treatment facilities would be less than significant.
63. *Expansion of Water or Wastewater Treatment Facilities (Impact UTIL-2)*: The Project's potential impacts related to the need for expansion of water or wastewater treatment facilities are discussed beginning on page 4.13-3 of the Draft EIR. Limited amounts of water would be used for dust control and other construction activities during Project construction, and for landscaping after the Project is completed. The Project would include extensive water conservation and on-site stormwater treatment measures and would not generate substantial long-term water demand or wastewater treatment requirements. All stormwater would be treated on site and as a result, the Project would not result in the need for new or expanded water or wastewater facilities, and impacts would be less than significant.
64. *Expansion of Stormwater Drainage Facilities (Impact UTIL-3)*: The Project's potential impacts related to the need for expansion of stormwater drainage facilities are discussed beginning on page 4.13-4 of the Draft EIR. All stormwater would be treated on site and as a result, the Project would not result in the need for new or expanded water or wastewater facilities, and impacts would be less than significant.

- than significant.
65. *Water Supplies (Impact UTIL-4)*: The Project's potential impacts related to sufficient water supply are discussed beginning on page 4.13-4 of the Draft EIR. EBMUD is the water supply provider for the Project area. EBMUD prepared an UWMP in 2010, which projects water supply and demand for its service area to 2040. The proposed Project would not add new houses or residents to the Eden area, and use of the Community Center would generally be from local residents. Any population growth that might occur in the Eden Area thereby increasing water demand has already been anticipated and addressed in the EBMUD's UWMP. Therefore, impacts to water supply would be less than significant.
 66. *Wastewater Treatment (Impact UTIL-5)*: The Project's potential impacts related to wastewater treatment requirements are discussed beginning on page 4.13-4 of the Draft EIR. The Project area would be provided with sanitary sewer services by the Oro Loma/Castro Valley Sanitary District. The proposed Project would not result in an increase in wastewater flows beyond the existing permitted capacity of the existing wastewater collection and treatment system, would not require any new or expansion of existing facilities, would not cause any violation of any waste discharge requirements, and would not cause any applicable San Francisco Regional Water Quality Board wastewater treatment requirements to be exceeded. The impact of the Project on wastewater treatment facilities would be less than significant.
 67. *Landfill Capacity (Impact UTIL-6)*: The Project's potential impacts related to landfill capacity are discussed beginning on page 4.13-4 of the Draft EIR. Project construction activities would generate solid waste, including debris from demolition of existing concrete pads present on the Hampton Road parcel and removal of existing vegetation, including trees. Operation of the Project would generate solid waste, most of which would be related to daily operations of the Community Center, organized neighborhood events, and food preparation activities at the site. Alameda County is served by three landfills: Altamont Landfill and Resource Recovery Facility (Livermore), Tri-Cities Landfill (Fremont) and the Vasco Road Landfill (Livermore). All of these landfills have remaining capacities that will extend into the next 20 years. Therefore, the impact of the Project related to solid waste disposal and landfill capacity would be less than significant.
 68. *Recycling (Impact UTIL-7)*: The Project's potential impacts related to landfill capacity are discussed beginning on page 4.13-5 of the Draft EIR. The Project would be required to comply with all regulations established by the ACWMA related to recycling and solid waste collection and this impact would be less than significant.
 69. *Cumulative Utilities Impacts*: The Project's potential impacts related to cumulative utilities impacts are discussed beginning on page 6-8 of the Draft EIR. The area of cumulative impacts for utilities for the Project includes wastewater treatment plants, potable water treatment facilities, storm water drainage system, water supply systems, and solid waste landfills currently serving the Cherryland area. This area is an urbanized area that is developed with structures, roadways, and infrastructure. The Project site has been developed in the past and was served by utilities. The Community Center would not represent a substantial increase in demand for utilities beyond the demand generated from the previous development. Therefore, the Project would not have any significant cumulative impacts to utilities and service systems.

VI Findings and Recommendations Regarding Significant Irreversible Changes

Section 21100(b)(2)(B) of CEQA requires that an EIR identify any significant effect on the environment that would be irreversible if the project were implemented. Section 15126.2(c) of the CEQA Guidelines identifies irreversible environmental changes as those involving a large commitment of nonrenewable resources or irreversible damage resulting from environmental accidents.

The Project's significant and irreversible changes are discussed in the Draft EIR beginning at page 6-1. The Draft EIR explains that the construction activities and operations associated with the

Project would result in an irretrievable and irreversible commitment of natural resources through the use of power supply and construction materials, but that the Project's proposed uses are consistent with the County of Alameda land use policies, would take up limited land area, and are compatible with the adjacent land uses. Accidental spills of fuels, paints, or other chemicals could occur during construction. However, pursuant to California Health and Safety Code Sections 25500–25520, the construction contractor would be required to limit spills by training construction workers, supervising all construction work, and reporting and cleaning-up any inadvertent spills of chemicals used during construction (e.g., fuel, lubricants) with oversight from Alameda County's Certified Unified Program Agency program. In addition, the Project does not propose nor would it require the use explosives or other extremely hazardous materials (e.g., pesticides, other toxins) during construction.

VII Findings and Recommendations Regarding Growth-Inducing Impacts

Section 15126.2(d) of the CEQA Guidelines states that an EIR should discuss "...the ways in which the Proposed Project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." Growth can be induced in a number of ways, including through elimination of obstacles to growth, through the stimulation of economic activity within the region, or through precedent-setting action.

The Project's growth inducing impacts are discussed in the Draft EIR beginning at page 6-2. The Project would not result in a substantial direct contribution relative to growth inducement. The Project would not remove an impediment to growth by providing roadway or utility infrastructure to serve currently undeveloped parcels. These parcels have been previously developed and would not create new development outside an urbanized area.

The Project would not potentially result in the urbanization of land or economic expansion or growth in the area as the area has been previously developed and is surrounded by urban development. No zoning or General Plan amendments are proposed. The Project is a community center to serve the existing Cherryland community. Therefore, the Project would not generate any economic expansion or growth in the Project area that would be considered growth-inducing.

VIII Project Alternatives

A. Background - Legal Requirements:

CEQA requires that EIRs assess feasible alternatives or mitigation measures that may substantially lessen the significant effects of projects prior to approval (Public Resources Code § 21002). With the exception of the "no project" alternative, the specific alternatives or types of alternatives that must be assessed are not specified. CEQA "establishes no categorical legal imperative as to the scope of alternatives to be analyzed in an EIR. Each case must be evaluated on its own facts, which in turn must be reviewed in light of the statutory purpose (Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d. 553, 556). The legislative purpose of CEQA is to protect public health, welfare and the environment from significant impacts associated with all types of development, by ensuring that agencies regulate activities so that major consideration is given to preventing environmental damage while providing a decent home and satisfying living environment for every Californian (Public Res. Code § 21000). In short, the objective of CEQA is to avoid or mitigate environmental damage associated with development. This objective has been largely accomplished in the Project through the inclusion of mitigation measures that reduce all potentially significant impacts of the Project to a less than significant level.

B. Identification of Project Objectives:

The CEQA Guidelines state that the "range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid

or substantially lessen one of more of the significant effects” of the Project (CEQA Guidelines § 15126(d)(2)). Thus, an evaluation of the Project objectives is key to determining which alternatives should be assessed in the EIR.

The Project’s objectives are to provide a gathering place and community focal point for residents of Cherryland that provides classes, events, and places for learning.

C. Alternatives Analyzed in EIR:

The CEQA Guidelines state that the “range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects” of the Project. The County considered alternatives to the proposed Project including an alternate location, alternative programming options, and alternative designs.

Alternative Location

- a) **Finding:** Based on the DEIR and the entire record before the County, the County Rejects an alternative location for the Project as infeasible.
- b) **Explanation:** Regarding choosing an alternate location, the Project is a community center for the residents of Cherryland. The Project site location is preferred by the County as it is adjacent to a neighborhood park and in a residential area making easy access for residents. Although other suitable sites may exist in the Cherryland area, the County does not own any other site in the Cherryland neighborhood. Therefore, alternative sites were not analyzed.

Alternative Programming Options

- a) **Finding:** Based on the DEIR and the entire record before the County, the County Rejects alternative programming options for the Project as they would not meet the objectives of the Project.
- b) **Explanation:** The County considered alternative programming options for the Community Center, including limiting the type of events and number of events, not permitting the playing of music indoors, and reducing the number of attendees allowed at events. However, these options were considered and rejected as being infeasible as the programming for the Community Center was devised using specific feedback obtained by the County at community meetings on its wants, needs, and desires. This feedback included the need for a venue that would permit group events (such as weddings and other celebrations) of up to 250 people that allow the playing of music indoors and the use of the outdoor courtyard by the event. Alternative event programming, including limiting event types, number, and attendees; the playing of music indoors, and use of the courtyard during events would fail to meet the needs and desires of the community, and therefore, the objectives of the Project, which is to serve the Cherryland Community with this type of venue. Therefore, alternative programming and restrictions, as described above, were considered infeasible and are not analyzed further.

Alternative Project Design

- a) **Finding:** Based on the DEIR and the entire record before the County, the County Rejects alternative project designs for the Project as they are not acceptable to the community.
- b) **Explanation:** Lastly, alternative designs for building courtyard and site walls were considered. Project building courtyard walls were originally designed at 3-feet in

height. These walls were increased to 6-feet in height. Additionally, site walls originally designed to 6-feet in height were increased to 8-feet in height. Changes to building courtyard and site walls reduced noise levels emanating from the building. Higher outer site wall heights were discussed with neighbors; however, the neighboring land owners did not want walls higher than 8-feet in height. Screening for rooftop mechanical equipment is 3-feet in height. Alternative heights for screening of rooftop mechanical equipment were discussed with neighbors and were deemed intrusive and undesirable. Therefore, alternative designs, including wall and screen heights, were considered infeasible and not analyzed further.

Therefore, as described below the only feasible alternative is the No Project/No Build Alternative.

Alternative A: No Project/No Build

The No Project/No Build Alternative assumes that the County would not construct the Project on the Project site and that the County would not construct the community center at another location.

- a) **Findings:** Alternative A would not meet any Project objectives. The No Project Alternative would not construct an energy efficient, LEED certified Community Center or provide a gathering place and community focal point for residents of Cherryland. In addition, Alternative A would not fulfill one of the goals under the Eden Area Livability Initiative, including creating an integrated partnership between the community, the County, and other public sector jurisdictions that have a stake in the unincorporated urban communities of Alameda County
- b) **Explanation:** Alternative #1 would not eliminate all environmental impacts associated with the Project, nor would it meet the Project's fundamental objectives.
 - i. **Aesthetics.** Under Alternative A, there would be no changes to the Project site. The visual character of the site would not improve under Alternative A since the Project site would remain an empty and undeveloped lot along Hampton Road. Although this impact was less than significant, under Alternative A there would not be additional sources of light or glare and this impact would be incrementally less. Overall, impacts on aesthetics under Alternative A would be more than under the Project since the Project site would remain unchanged and would not be developed with a high-quality community center.
 - ii. **Air Quality/Greenhouse Gas Emissions.** Under Alternative A, there would be no construction on the Project site. Because there would be no construction under Alternative A, no air quality or greenhouse gas (GHG) emissions would occur from construction equipment and truck traffic. Although there would be no significant impacts to GHG from the Project, GHG emissions under Alternative A would be lower than GHG emissions from the Project because of reduced vehicle trips to and from the Project site. Under Alternative A, there would be no construction that would expose sensitive receptors to pollutant concentrations and this impact would be less than under the Project.
 - iii. **Biological Resources.** Under Alternative A, there would be no construction on the Project site. Because no construction would occur, no ground disturbing activities, such as grading, fill, and/or excavation, would take place. Therefore, no tree or habitat removal would occur that could affect sensitive species. Although all significant impacts on biological resources resulting from the Project would be mitigated to less than significant, overall, impacts on biological resources under Alternative A would be less than impacts under the Project since the Project site would remain unchanged.
 - iv. **Cultural Resources.** Under Alternative A, there would be no construction on the

Project site. Because no construction would occur, no ground disturbing activities, such as grading, fill, and/or excavation, would take place on the site. There would be no potential to adversely affect archeological or paleontological resources, destroy a unique geologic feature, or disturb any human remains. In addition, similar to the Project, Alternative A would have no impacts on architectural resources. Although all significant impacts on cultural resources resulting from the Project would be mitigated to less than significant, overall, impacts on cultural resources under Alternative A would be less than impacts under the Project since the Project site would remain unchanged.

- v. *Geology/Soils*. Under Alternative A, there would be no construction on the Project site. Because no construction would occur, no ground disturbing activities, such as grading, fill, and/or excavation, would take place. Therefore, substantial soil erosion/loss of topsoil during construction and post-construction due to ground disturbances would not occur. The Cherryland Community Center would not be constructed in the Project area. Therefore, under Alternative A there would be no potential for exposing people or structures to rupture of earthquake fault and seismic-related ground failure/shaking. Similar to the Project, Alternative A would have no impacts on potentially exposing people or structures to landslides. Although there are no impacts on geology/soils resulting from the Project, overall, impacts on geology/soils under Alternative A would be less since the Project site would remain unchanged.
- vi. *Hazards/Hazardous Materials*. Under Alternative A, there would be no construction on the Project site. Because there would be no construction under Alternative A, there would be no use, transport, or release/disposal of any potentially hazardous construction materials. However, the Project would result in the removal of contaminated soil. Therefore, this impact would be greater under Alternative A than under the Project as contaminated soils could potentially release hazardous materials into the environment through erosion on the site. Comparable to the Project, there would be no impacts on schools or hazardous sites; the site would not expose people or structures to loss from wildlife fires, or be located near a private or public airport. Impacts under Alternative A would be greater than impacts under the Project due to potential contamination from on-site soils.
- vii. *Hydrology/Water Quality*. Under Alternative A, there would be no construction and grading activities that would expose areas susceptible to erosion resulting in sedimentation in San Lorenzo Creek. Additionally, there would be no increase in paved surfaces that would contribute additional stormwater runoff contaminants typical of urban landscapes. Similar to the Project, Alternative A would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge or increase siltation. Under Alternative A, no grading would occur and the Project's less than significant impact related to erosion would be incrementally reduced. As with the Project, Alternative A would not result in the placement of any fill on the Project site or construction of buildings in the FEMA-designated 100-year flood zone and impacts on the FEMA flood zone. Comparable to the Project, Alternative A is not located downstream of any levees or dams, and is therefore not subject to flooding due to dam failure. Tsunami inundation maps indicate that the Project site is not located in an area subject to inundation by tsunami. There are no significant impacts on hydrology/water quality resulting from the Project. However, as stated above in Hazards/Hazardous Materials, there would be no removal of contaminated soils and impacts on hydrology/water quality under Alternative A would be slightly greater since the Project site would remain unchanged and the potential for

existing contaminants in soils on the site to run off to San Lorenzo Creek would be greater.

- viii. *Land Use and Planning.*** Under Alternative A, the Cherryland Community Center would not be built and a number of goals under the Eden Area General Plan would not be met, including improvements to gathering spaces and recreation facilities. Similar to the Project, Alternative A would not physically divide an established community, nor would it conflict with any applicable habitat conservation plan or natural community conservation plan. Therefore, impacts on land use and planning under Alternative A would be slightly greater than under the Project.
- ix. *Noise.*** Under Alternative A, there would be no noise generated by construction activities. Therefore, although construction noise from the Project is less than significant, this impact would be less under Alternative A. Under Alternative A, there would be no construction vibration impacts. Permanent ambient noise level increases under Alternative A would be incrementally less than under the Project. Under Alternative A, there would be no periodic increase in noise that exceeds the County noise ordinance. This would be less than under the Project. Impacts from exposure to airport noise by people using the Project would be comparable to the Project and less than significant. Overall, impacts under Alternative A would be less than under the Project.
- x. *Public Services and Recreation.*** Similar to the Project, there would not be any impacts to public services (fire protection, police protection, schools, parks, and other public facilities) under Alternative A. Under Alternative A, there would not be construction of a recreational facility, thus, there would not be any adverse physical impacts on the environment associated with construction activities. However, since the Cherryland Community Center would not be built, there would not be any improvements or goals met under HARD's ongoing mission to provide a variety of recreation activities, parks, and facilities that promote health and wellness, learning, and fun. This impact would be greater than under the Project. Although Alternative A reduces adverse impacts associated with construction, not constructing the community center diminishes recreational opportunities for local residents. Therefore, impacts on recreation under Alternative A would be greater than under the Project.
- xi. *Traffic and Transportation.*** Under Alternative A, the Cherryland Community Center would not be constructed and there would not be any changes in the level of service (LOS) at the identified major intersections of the Project area. Similar to the Project, Alternative A would not cause changes in air traffic patterns, result in inadequate emergency access, or conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities. Although there are no significant impacts on transportation and traffic resulting from the Project, overall, impacts on transportation and traffic under Alternative A would be less than significant since the Project site would remain unchanged.
- xii. *Utilities.*** Under Alternative A there would be no construction of a community center and consequently no solid waste would be generated during construction activities. Alternative A would not require potable water or utilize wastewater treatment facilities to serve the Project area. Therefore, although there are no significant impacts to utilities resulting from the Project, overall, impacts on utilities under Alternative A would be less than under the Project since the Project site would remain unchanged.
- c) Ability to Meet Project Objectives:** The No Project Alternative would not enable the Project applicant to meet any of its operations objectives for the Project.

Environmentally Superior Alternative

- a) Findings: Potentially significant environmental impacts associated with air quality and GHG, biological resources, cultural resources, hazards and hazardous materials, and noise would be mitigated to less than significant through implementation of all recommended mitigation measures. Potentially significant environmental impacts associated with operational noise from the Project as proposed would not be reduced to a level of less than significant. Because the alternative would reduce some impacts and increase others, there is no clearly environmentally superior alternative to the Project.
- b) Explanation:
- i. The majority of environmental consequences of the Project would be reduced to less than significant levels.
 - ii. Alternative A: No Project/No Build Alternative would eliminate many of the significant impacts associated with the proposed Project. However, Alternative A would result in greater impacts on hazards, land use, and recreation. Additionally, Alternative A would not meet the primary objectives of the Project as it would not provide access to a recreation resource for the Cherryland community. Although Alternative A avoids some of the environmental impacts of the Project, it increases other impacts. Alternative A would reduce potential impacts related to air quality, biological resource, cultural resources, and geology and soils by not resulting in any construction or ground disturbing activities that could impact these resources. Additionally, Alternative A would not result in the generation of traffic or noise on the Project site. Alternative A would have greater impacts as compared to the Project as it would not develop a vacant, previously developed lot with a high-quality community center; would not result in the removal of contaminated soil, clean-up of the site, and reduction in the potential for pollutant run-off; and would be consistent with land use planning and policy, including recreational policies. Therefore, there are environmental advantages and disadvantages of the alternative in comparison with the Project.
 - iii. The Project will provide multiple public benefits, as described below.

STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE CHERRYLAND COMMUNITY CENTER PROJECT

Pursuant to the requirements of Public Resources Code Sections 21002, 21002.1, and 21081, and Section 15093 of the State CEQA Guidelines, the County finds that approval of the proposed Cherryland Community Center Project, whose potential environmental impacts have been evaluated in the Final EIR, and as indicated in the findings presented above, will result in the occurrence of significant effects that are not avoided or substantially lessened. These significant effects are listed below.

Impact NOI-6: Operational Noise from Special Events and Mechanical Rooftop Equipment.

Further, as required by CEQA Section 21081(b) and State CEQA Guidelines Section 15093, the County finds that the unavoidable significant effects listed above are outweighed by specific overriding economic, legal, social, technological, or other benefits offered by the project. Specifically, the project would provide the benefits described below.

The Cherryland Community Center will convey safety, community, economic, and technological public benefits. These benefits are summarized below.

Safety: The Cherryland Community Center would provide a safe and accessible neighborhood facility. The Cherryland Community Center would provide a facility where local residents can safely gather to participate in meaningful recreation activities and programs. The Center would be open to residents of all ages, genders and ethnicities. The design would comply with all ADA laws and regulations, thus meeting needs of physically challenged residents. There are currently no such facilities in the Cherryland Eden Park neighborhood that would allow residents to gather in an accessible location to participate in meaningful recreation activities and programs. The need for such a facility is recognized in the Eden General Plan and the HARD Master Plan.

Community: The Cherryland Community Center would improve community connections: By providing a safe and accessible local resource, the Cherryland Community center would improve connectedness between community members who otherwise not have opportunity to interact with each other. It would be local resource that could be used for weddings, birthday parties, church or other organizational activities that would be scheduled as special events. Enhancing community connections has been repeatedly identified as a major benefit associated with recreation participation, particularly among senior residents.

Community: The Cherryland Community Center would enable local residents to build life skills. The Cherryland Community Center would enable local residents to build life skills by offering a variety of programmed instruction. Potential programs to be offered to enable residents to build life skills might include exercise and physical fitness, cooking, and financial management.

Community: The Cherryland Community Center would promote cultural enrichment: The Cherryland Community Center would host special events such as celebrations of Chinese New Year and Cinco de Mayo that would acknowledge important dates in different cultures.

Economic: The Cherryland Community Center would enhance the local economy. The various special programs that would be programmed would require procuring private sector resources for music and food, and equipment rental. Various courses offered at the Center would require procuring instructional staff. Procuring these various services would stimulate spending within the Cherryland neighborhood and may increase local employment opportunities.

Technological: The Cherryland Community Center would help address the “Digital Divide:” The Cherryland neighborhood is comprised of African American and Latino households

with children living at home. Previous studies have recognized a “digital divide” in communities with high proportions of ethnic minorities. The Cherryland Cultural Center would include a library section with Internet access and desktop computers that would help address the “digital divide.”

Summary

The County is obligated by Section 15093 of the CEQA Guidelines to balance the competing interests of identified project benefits against the unavoidable environmental risks when determining whether to approve a project. The County finds that the project, with all of the mitigation measures proposed, would best balance the construction of a community center that offers public safety, community, economic and technological benefits, while also reducing the unavoidable impacts associated with operational noise from special events and rooftop equipment.