

ALAMEDA COUNTY COMMUNITY DEVELOPMENT AGENCY
PLANNING DEPARTMENT

Chris Bazar
Agency Director

Agenda Item: _____ July 8, 2008

June 19, 2008

Honorable Board of Supervisors
County of Alameda
1221 Oak Street, Suite 536
Oakland, California 94612

REVISED

Dear Board Members:

SUBJECT: EAST COUNTY AREA PLAN AMENDMENT (GPA 08-01) FOR THE PURPOSE OF TECHNICAL CLARIFICATION; PROPOSED ZONING ORDINANCE AMENDMENTS TO ESTABLISH AN SD – DOWNTOWN SUNOL DISTRICT; AND REZONING OF THE PROPERTIES IN THE PROJECT AREA (ZONING UNIT ZU 2260) TO THE SD DISTRICT

RECOMMENDATION:

In order to create a new Sunol Downtown general plan designation and Downtown Sunol zoning district, it is recommended that your Board:

1. Adopt the proposed resolution accepting the Planning Commission recommendation to adopt the Mitigated Negative Declaration and amend the East County Area Plan to include the Sunol Downtown designation and apply it to the project area;
2. First reading and introduction of an ordinance adding Chapter 17.17 to Title 17 of the County of Alameda Ordinance code establishing a Zoning District for the Downtown Sunol Area;
3. Adopt a resolution accepting the Planning Commission recommendation to adopt the Mitigated Negative Declaration and make findings regarding zoning ordinance amendment to establish a Downtown Sunol District;
4. Adopt an ordinance pursuant to Title 17 Alameda County General Ordinance code reclassifying Downtown Sunol and rezoning the properties in the project area to the Sunol District; and
5. Consider the approval of a Floor Area Ratio of 0.1 for parcels containing commercial development to the Sunol Downtown General Plan designation to add greater restrictions on commercial development for the area

PRIOR ACTIONS:

Sunol Citizens Advisory Committee Action: On April 16, 2008, the Sunol Citizens Advisory Committee voted unanimously in support of the proposed East County Area Plan amendment, zoning ordinance amendment, and rezoning of the downtown Sunol area.

Planning Commission Action: On June 16, 2008, the Planning Commission voted unanimously (6/0) to recommend that the Board adopt the Mitigated Negative Declaration, amend the East County Area Plan and Zoning Ordinance as proposed, and rezone the properties in the project area to the SD District.

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SUMMARY:

When the East County Area Plan (ECAP) was adopted in 1994, the area where downtown Sunol is located was designated "Water Management" (WM) on the Land Use Diagram. The WM designation allows for a minimum parcel size of 100 acres and places strict limits on development.

Many Sunol citizens believe that the downtown Sunol area was inadvertently included in the WM designation due to its adjacency to the San Francisco Public Utility Commission (SFPUC) secondary watershed lands and have requested that the Plan be adjusted to reflect this. To this end, the Planning Department recommends creation of a new land use designation, "Sunol Downtown," for the area outlined in Attachment A of the Initial Study (which is attached to this letter). In addition to the adoption of the new land use designation, the plan map would be redrawn to show that designation in the area. Under Measure D, adopted by the voters of Alameda County in 2000, the land use designations in ECAP may be amended only by a vote of the people in the County. However, the initiative allows the Board of Supervisors to make technical or non-substantive modifications. County Counsel has determined that this general plan amendment process is purely a technical clarification of ECAP, and does not require a vote of the people. In addition to the general plan clarification, the community has requested and the Planning Department recommends creating a new zoning district and applying it to the project area. This zoning would implement the general plan policies for the area.

Both the plan language and zoning language are intended to preserve the intensity of development, as well as the mix of residential and commercial uses, that has historically existed in Sunol. The proposed general plan and zoning ordinance changes are the result of discussions at many meetings with the Sunol Citizens Advisory Committee and other interested members of the public over a period of several years. Several alternative approaches were discussed, and a survey of Sunol residents was conducted to develop a list of appropriate uses for the downtown area.

DISCUSSION:

The unincorporated community of Sunol is located in the south-central part of Alameda County, east of the City of Fremont, north of Niles Canyon Road/State Highway 84 and west of I-680. The core of the community, the Sunol Downtown area, consists of approximately 24.3 acres in 25 parcels in both public and private ownership. This area is currently zoned for residential, commercial, and light industrial uses. The residential zoning allows single family residences with an 8,000 square foot minimum lot area requirement

General Plan Amendment

The proposed "Sunol Downtown" general plan designation would allow Low Density Residential (single-family residential would be allowed by right) development as defined in ECAP. The following uses could be allowed via the conditional use permit process: residential development up to a maximum density of 5.5 units per acre; a variety of office uses; and neighborhood and retail commercial uses (as defined in the SD District of the Ordinance).

Residential and commercial uses could be combined on one parcel. The proposed text of the general plan land use designation is in Attachment B of the Initial Study.

Zoning Text Amendments

In addition to the general plan clarification, the community has requested, and the Planning Department recommends, creating a new zoning district and applying it to the project area (ZU 2260, shown in Appendix A of the Initial Study). This zoning would implement the general plan policies for the area. The text of the proposed zoning language is in Attachment C of the Initial Study.

Like the plan language, the zoning language reflects the existing zoning and land uses in the community. Staff worked with the Sunol Citizens Advisory Committee to develop a list of uses that they felt would be appropriate in the community. The list allows for continuation of the existing commercial uses, and changes to other commercial uses or establishment of new commercial uses from a list of uses that either now exist in the area or are local resident-serving uses appropriate to a community with the character of Sunol, subject to Planning Commission review as a Conditional Use Permit. In order to approve a new or changed use the Commission must make a number of findings to ensure that the proposed development is consistent with the existing community. Among these findings is one that would allow commercial development on no more than eight of the seventeen parcels in the project area. There are currently commercial uses on seven of these parcels. These findings are in addition to the standard findings required for any Conditional Use Permit. Commercial uses would be subject to the development standards of the C-1 (Retail Business) District, although the Planning Commission would have the authority to impose more, but not less, restrictive conditions on them.

Residential Development Potential

In addition to commercial uses, the zoning would allow residential development. Under the proposed zoning the minimum building site area would be 40,000 square feet. (The 40,000 square foot minimum parcel size was based on the County Environmental Health Department's requirement for a 40,000 square foot minimum parcel size for a septic system on a parcel with municipal water.) The proposed zoning would allow additional residential units on any parcel that meets the minimum building site requirement, up to a maximum density of one unit per each 8,000 square feet of lot area of the residential portion of the building site. This reflects the existing R-1-B-8 zoning in the area except that it does not require each unit to be on a separate 8,000 square foot parcel and thus allows more efficient use of the limited amount of land in the project area. On parcels smaller than 40,000 square feet only one residential unit would be allowed. Additional residential units would be subject to Planning Commission review as a Conditional Use Permit. Again, in order to approve additional residential units the Commission must make a number of findings to ensure that the proposed development is consistent with the existing community. Residential development would be subject to the development standards of the R-1 (Single Family Residence) District. Staff analysis of potential residential development in the downtown area found that there may be potential for a total of ten additional residential units on five parcels in the downtown area under the proposed ordinance language.

Lot Consolidation

The issue of lot consolidation and its possible effect on densities in the Downtown Sunol area, was raised in the Initial Study and was discussed extensively at the June 2nd Planning Commission meeting. Under this scenario, landowners could combine their properties into larger parcels and then increase the number of units using the one unit per 8,000 square feet standard discussed above. Staff presented this issue to the Planning Commission as a remote possibility and highly unlikely, and continues to believe this is the case. Although consolidation is possible and could result in increased residential density, it is improbable given past development trends and the expressed wishes of the Sunol community. Staff does not believe this to be a significant issue, and although staff analysis indicated that maximum parcel consolidation could allow a total of 28 additional units (eighteen more than without consolidation), any attempt to determine the reasonable extent of additional units resulting from consolidation would be speculative at best.

Staff was recently apprised (on June 27) that the Sierra Club has recommended that the date of the passage of Measure D be added to the draft Zoning Ordinance, as shown below, to discourage consolidation of existing parcels into parcels larger than 40,000 square feet. The modified text being proposed would be as follows:

17.17.040 Conditional Uses–Planning Commission

BB. On any parcel that meets the minimum building site requirement for this district *on December 22, 2000*, and has frontage on a County road, residential units, up to a maximum of one unit per each 8,000 square feet of lot area ...

Members of the Sunol community who have reviewed this proposal are comfortable with it. However, the Office of the County Counsel has legal concerns about the addition of this date and will address these concerns in a memo that will be provided to the Board under separate cover.

Additional Restrictions on Commercial Development

At the June 2 Planning Commission meeting, a representative of the Sierra Club expressed concern that the proposed amendments to the general plan and zoning ordinance do not place adequate limits on potential commercial development in the downtown Sunol area. In an attempt to address these concerns, staff has developed an additional potential restriction which would limit the amount of development that could occur on parcels with commercial development. Attachment 2 contains draft language that would apply a Floor Area Ratio (FAR) of 0.1 to parcels with commercial development. If an FAR of 0.1 is applied to the seven parcels that currently contain commercial uses, there are three parcels that may have potential for additional commercial development (Parcels 8, 12, and 17 on Attachment A of the Initial Study). The potential additional development on these three parcels would be approximately 6,500 square feet or an increase of roughly 20% over the total existing commercial square footage in downtown Sunol.

Under the original draft ordinance, commercial development would be limited to no more than 50% of the parcels in the Downtown Sunol District, or eight of the existing seventeen parcels. There are currently commercial uses on seven of the seventeen parcels in downtown Sunol; therefore, commercial development could be allowed on only one additional parcel. If a

commercial use was proposed on the largest parcel (Parcel 16 on Attachment A of the Initial Study) that currently does not have any commercial development, the FAR of 0.1 would limit the commercial development to approximately 3,000 square feet, in addition to the existing residential development. Adding the potential 3,000 square feet of additional commercial development on this parcel to the potential 6,500 square feet on the existing commercial parcels brings the total to approximately 9,500 square feet, an increase of approximately 30% over the existing commercial development. The remaining residential parcels are much smaller in size than this large parcel, and are either fully developed with a residential use or development is severely constrained.

Although there are considerable constraints already in place with the draft language (i.e., the fifty percent restriction and conditional use permit requirement) to limit commercial development, the Board of Supervisors may consider including the 0.1 FAR on commercial parcels in the draft general plan language if it feels that additional limits on commercial development are needed.

Environmental Review

Staff prepared and circulated a draft Initial Study and Mitigated Negative Declaration. The Initial Study found that although the proposed project could have a significant effect on the environment in several areas (aesthetics, air quality, and cultural resources) there will not be a significant effect in this case because there are mitigation measures that will reduce these impacts to less than significant. Staff circulated the draft for a thirty-day period and received five comment letters from the California Department of Transportation (Caltrans), the Department of Fish and Game (DFG), Zone 7, Pat and Jim O'Laughlin, and the Alameda County Sheriff's Office.

Very truly yours,



Chris Bazar, Director
Community Development Agency

Attachments:

Attachment 1 - Initial Study

Attachment 2 - Draft General Plan Amendment Language with FAR of 0.1 added

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

A. PROJECT DESCRIPTION

1. **Project title:** General Plan Amendment for the purpose of technical clarification; Proposed Zoning Ordinance Amendments to establish an SD – Downtown Suñol District; and Zoning Unit ZU 2260 - Planning Commission Initiated
2. **Project location:** The unincorporated community of Suñol is located in the south central part of Alameda County, east of the City of Fremont, north of State Highway 84/Niles Canyon Road, and west of I-680. The Suñol Downtown area consists of approximately 24.30 acres in 25 parcels currently zoned for residential, commercial, and industrial purposes in the area roughly bounded by Highway 84/Niles Canyon Road, the Niles Canyon Railway (formerly Southern Pacific) tracks, Bond Street, the Union Pacific (formerly Western Pacific) tracks, and the Arroyo de la Laguna, including the Suñol Glen School. See Attachment A for exact boundaries and list of parcels included.
3. **Project sponsor's name and address:** Alameda County Planning Department, 224 West Winton Avenue, Hayward, California, 94544, attn: Elizabeth McElligott
4. **General plan designation:** Water Management.
5. **Zoning:** R-1-B-8 (Single Family Residence 8,000 square foot minimum building site area); C-1 (Retail Business); C-2 (General Commercial); M-1(Light Industrial); and PD (Planned Development, 1767th Zoning Unit allowing residential and light industrial).
6. **Description of project:** The project consists of creating a new General Plan designation, 'Suñol Downtown' and a new zoning district, SD – Suñol Downtown, and applying them to the project area. See Attachment B for complete proposed general plan language and Attachment C for complete proposed Zoning Ordinance language. The proposed plan language would recognize the existing small town nature of the community, which has existed for and developed over more than one hundred years. The proposed zoning would allow a total of ten additional units on two parcels in the project area, plus limited additional commercial development. See Attachment D for a complete description of the project.

The community of Suñol is shown on the East County Area Plan's Land Use Diagram as located within the Water Management (WM) Land Use Designation. Suñol citizens feel that the downtown Suñol area was inadvertently included in the WM designation due to its adjacency to the San Francisco Public Utility Commission (San Francisco Water Department) (SFPUC) secondary watershed lands and have requested that the Plan be adjusted to reflect this. To this end, the Planning Department recommends creation of a new land use designation, "Sunol Downtown," for the area outlined in Attachment A. The text of the land use designation is in Attachment B. In addition to the adoption of the new land use designation the plan map would be redrawn to show that designation in the area. This process is purely a technical clarification of ECAP, and does not require a vote of the people. Measure D proponents have supported this view.

In addition to the general plan clarification, the community has requested and the Planning Department recommends creating a new zoning district and applying it to the project area. This

zoning would implement the general plan policies for the area. The text of the proposed zoning language is in Attachment C.

Both the plan language and zoning language essentially would reflect the existing zoning and land uses in the community. They would allow for continuation of the existing commercial uses, and changes to other commercial uses or establishment of new commercial uses from a list of uses that either now exist in the area or are local resident serving uses appropriate to a community of the character of Sunol, subject to Planning Commission review as a Conditional Use Permit. In addition to commercial uses, the zoning would allow residential development. Under the proposed zoning the minimum building site area would be 40,000 square feet. The proposed zoning would allow additional residential units on any parcel that meets the minimum building site requirement and has frontage on a County road, up to a maximum density of one unit per each 8,000 square feet of lot area of the residential portion of the building site. This reflects the existing R-1-B-8 zoning in the area. The ordinance language defines residential portion as the part of the building site not occupied by commercial uses, including accessory uses such as storage or parking. On parcels smaller than 40,000 square feet only one residential unit would be allowed. (However one of these parcels already has three units on it.) Additional residential units would be subject to Planning Commission review as a Conditional Use Permit. See Attachment D for a more complete narrative.

7. **Surrounding land uses and setting:** The offices of the San Francisco Public Utilities Commission (the San Francisco Water Department) (SFPUC), large sand and gravel quarries, and some tree nurseries are located to the south and east of Interstate 680, and one rock quarry is located approximately one mile west of the downtown area in Niles Canyon. The surrounding lands are in both private and public (SFPUC) ownership, and almost all are utilized for grazing, limited viticulture, or other agriculture. Pleasanton Ridge Regional Park is located to the north of the project area.

8. **Other public agencies whose approval may be required:** None

B. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

C. LEAD AGENCY DETERMINATION:

On the basis of this initial evaluation:

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

Signature 

Date 4/18/08

D. EVALUATION OF ENVIRONMENTAL EFFECTS:

The Environmental Checklist and discussion that follows is based on sample questions provided in the CEQA Guidelines (Appendix G) which focus on various individual concerns within 16 different broad environmental categories, such as air quality, cultural resources, land use and traffic (and arranged in alphabetical order). The Guidelines also provide specific direction and guidance for preparing responses to the Environmental Checklist. Each question in the Checklist essentially requires a “yes” or “no” reply as to whether or not the project will have a potentially significant environmental impact of a certain type, and, following a Checklist table with all of the questions in each major environmental heading, citations, information and/or discussion that supports that determination. The Checklist table provides, in addition to a clear “yes” reply and a clear “no” reply, two possible “in-between” replies, including one that is equivalent to “yes, but with changes to the project that the proponent and the Lead Agency have agreed to, *no*”, and another “no” reply that requires a greater degree of discussion, supported by citations and analysis of existing conditions, threshold(s) of significance used and project effects than required for a simple “no” reply. Each possible answer to the questions in the Checklist and the different type of discussion required is discussed below:

- a) Potentially Significant Impact. Checked if a discussion of the existing setting (including relevant regulations or policies pertaining to the subject) and project characteristics with regard to the environmental topic demonstrates, based on substantial evidence, supporting information, previously prepared and adopted environmental documents, and specific criteria or thresholds used to assess significance, that the project will have a potentially significant impact of the type described in the question.
- b) Less Than Significant With Mitigation. Checked if the discussion of existing conditions and specific project characteristics, also adequately supported with citations of relevant research or documents, determine that the project clearly will or is likely to have particular physical impacts that will exceed the given threshold or criteria by which significance is determined, but that with the incorporation of clearly defined mitigation measures into the project, that the project applicant or proponent has agreed to, such impacts will be avoided or reduced to less-than-significant levels.
- c) Less Than Significant Impact. Checked if a more detailed discussion of existing conditions and specific project features, also citing relevant information, reports or studies, demonstrates that, while some effects may be discernible with regard to the individual environmental topic of the question, the effect would not exceed a threshold of significance which has been established by the Lead or a Responsible Agency. The discussion may note that due to the evidence that a given impact would not occur or would be less than significant, no mitigation measures are required.
- d) No Impact. Checked if brief statements (one or two sentences) or cited reference materials (maps, reports or studies) clearly show that the type of impact could not be reasonably expected to occur due to the specific characteristics of the project or its location (e.g. the project falls outside the nearest fault rupture zone, or is several hundred feet from a 100-year flood zone, and relevant citations are provided). The referenced sources or information may also show that the impact simply does not apply to projects like the one involved. A response to the question may also be “No Impact” with a brief explanation that the basis of adequately supported project-specific factors or general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a basic screening of the specific project).

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

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

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

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

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

Setting: Any additional development, which the proposed zoning would limit to a realistic maximum of ten additional residential units and new commercial development on two parcels, would be within the context of an existing effectively built-out town setting. There is a possibility that there could be more new units, but this would involve consolidation of existing parcels into larger ones, which does not appear realistic. And, if this were to happen, the possibility of additional commercial development would diminish proportionally. It is also possible that new development could replace existing development, but this would result in no net gain. The project area is within the Niles Canyon Scenic Corridor. Given the existing development in the community, this limited development potential would have no impact on a scenic vista or the scenic corridor. Any new development, commercial or residential, including change of commercial use, would be the subject of a conditional use permit with the Planning Commission as the decision making body and would undergo scrutiny at that time for consistency with required findings. The Commission would have to make a specific finding that the design of the new structure is consistent with the historical, architectural, and visual context of the area. Given the existing development in the community, this limited development potential would have minimal impact on light or glare.

Impacts:

AI. Light and Glare: New homes and businesses constructed on undeveloped parcels in the area would probably use some level of outdoor lighting at night for visibility and/or security. This lighting, if installed improperly, could result in both glare cast toward adjacent sensitive land uses, and illumination aimed toward areas where it is either unnecessary or wasted, such as into the sky. In addition to the minor waste of energy this would entail, the net effect would be a potentially significant impact. The County has a set of standard measures that are useful for minimizing these effects.

No other impacts are anticipated. Any new development would be subject to Planning Commission review with a required finding that the design is consistent with the historical, architectural, and visual context of the area.

Mitigation Measures:

Measure AI – Light and Glare: Each applicant shall design lighting to be sensitive to neighboring land uses and to minimize energy use, according to standard County lighting guidelines. Each application for new residences or businesses locating in the project area should include a lighting plan, for approval by the Planning Director, to minimize or eliminate light and glare to other properties and to minimize

illumination of the night sky. The lighting plan shall be based upon, and include appropriate measures from, Alameda County Planning Department's standard lighting guidelines. These may include, but not necessarily be limited to, the following measures:

Lighting guidelines for plans and projects potentially applicable to the Plan Area:

- * Applicant shall design public area lighting so as to evenly illuminate areas of concern, but so as not to intrude upon private areas any more than necessary. Public areas not essential to security should be illuminated only when necessary for occupation by use of timers or motion detector circuits.
- * Applicant shall use the lowest wattage lamps reasonable for illumination of the area of concern.
- * Applicant shall install only full cutoff-shielded lights for illumination of public areas. Non-shielded lighting presently in place shall be replaced when required only with shielded fixtures.
- * Applicant shall design and place night time lighting and security lighting so that it is no higher than necessary to illuminate the area of concern for security or visual comfort, and that the lighting is directed toward the area of concern, and always below the horizontal.
- * Applicant shall not position night lighting to illuminate areas beyond the site boundaries, nor shall the applicant position general lighting to radiate above the horizontal, but shall place lights or install shielded lights to illuminate only the area of concern.
- * Residents shall extinguish any lights not required for onsite security reasons.
- * For any lighting on areas nonessential for security or active operations, applicant shall place lights on a motion detector circuit so illumination only occurs when required for occasional visibility.
- * Applicant shall not install direct advertising lights that radiate upward or above the horizontal. Elevated general coverage illuminated signs shall be fitted with awnings to minimize upward light loss.

These measures, if properly designed and installed, would reduce this potential impact to a less-than-significant level.

2. AGRICULTURE RESOURCES In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				x
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				x
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				x

Setting: The area has been effectively built out as a town for many years. No farm land remains in the project area, nor could the project area expand onto land that is used or suitable for agriculture. The Farmland Mapping and Monitoring Program maps for the area show the project area as 'Urban and Built-up Land'; therefore new development in the project area would not convert agricultural land to non-agricultural use. There are no agricultural preserves in the project area, nor has the project area been zoned for agricultural uses. The limited development that the project would allow would be confined to the existing developed project area and could not exert pressure to convert farmland to non-agricultural use.

Impacts: None

Mitigation Measures: None necessary

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

Setting: Like most of the San Francisco Bay Area, the project area is violation of air quality standards for certain criteria pollutants, notably ozone and inhalable particulate matter, which are particulates smaller than 10 microns diameter (PM₁₀). These two violations tend to be regional in nature as opposed to localized; for construction projects and for PM₁₀, local contributions can normally be reduced to minimal levels with common prescribed dust reduction techniques. As noted above, the project would allow very limited new development in an already developed area. The timing of new construction will be sporadic and unpredictable, and is likely to be at most two units at one time, which in themselves would have no or only minor impacts on air quality. This would not conflict with any applicable air quality plan. PM₁₀ emissions could violate any air quality standard, although the contribution to any existing violation would be minimal and short-lived. There would be no exposure to pollutant concentrations. The provisions of the proposed zoning would not allow commercial activities of a type that could generate objectionable odors

Impacts:

AQI – Construction Dust and Particulate Matter: Construction-related emissions are generally short-term in duration, but may still cause adverse air quality impacts. Fine particulate matter (PM₁₀) is the pollutant of greatest concern with respect to construction activities. PM₁₀ emissions can result from a variety of construction activities, including excavation, grading, demolition, vehicle travel on paved and unpaved surfaces, and vehicle and equipment exhaust. Construction-related emissions can cause substantial increases in localized concentrations of PM₁₀. Particulate emissions from construction activities can lead to adverse health effects as well as nuisance concerns such as reduced visibility and soiling of exposed surfaces.

Construction emissions of PM₁₀ can vary greatly depending on the level of activity, the specific operations taking place, the equipment being operated, local soils, weather conditions and other factors. Despite this variability in emissions, experience has shown that there are a number of feasible control measures that can be reasonably implemented to significantly reduce PM₁₀ emissions from construction.

Mitigation Measures:

Measure AQ1 – Construction Dust and Particulate Matter To reduce dust and resulting PM₁₀ from construction activities, every approval for new construction should include the following basic measures as specified in Table 2 of the BAAQMD CEQA GUIDELINES: Assessing the Air Quality Impacts of Projects and Plans (December 1999):

- Water all active construction areas at least twice daily.
- Cover all trucks hauling soil, sand, and other loose materials *or* require all trucks to maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.

If properly implemented, these measures would reduce dust and PM₁₀ emissions to less-than-significant levels for the types of small construction projects possible under this plan.

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

Setting: Any additional development that the proposed zoning would allow would occur within the context of an existing effectively built-out town setting that is not suitable for habitat for identified species, and would have no impact on any identified species. Two of the parcels in the project area, one of which could have development potential under the proposed language, abut Sinbad Creek and Arroyo de la Laguna. County creek setback ordinances preclude development within one hundred feet of the creek. This would effectively preclude additional development on either of these parcels. There are no federally protected wetlands in the project area. The limited potential additions to existing development in the project area would not interfere with any migratory corridors or wildlife nursery sites. No local policies or ordinances regarding protection of biological resources exist for the area. The San Francisco Water Department is drafting a habitat conservation plan for their Suñol Watershed lands south of Suñol. There are no other adopted habitat conservation plans or natural community conservation plans in the project vicinity, or other habitat conservation plan for the project area. There are no extant oak woodlands in the project area that any new or replacement development could affect.

Impacts: No significant impacts.

Mitigation Measures: None necessary

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

Setting: As noted above, any additional development, which the proposed zoning would limit to a realistic maximum of ten additional residential units and commercial development on a maximum of two additional parcels, would be within the context of an existing effectively built-out town setting. There is a possibility that there could be more new units, but this would involve consolidation of existing parcels into larger ones, which does not appear realistic. It is also possible that new development could replace existing development, which would result in no net gain. Two properties in the project area, the Suñol Glen School and the Suñol Café, are on Alameda County's draft Historic Register. The register is still very tentative, and inclusion on the draft register by no means assures inclusion on the final document. It is also unknown at this time what inclusion in the final document might mean. However, the fact that they have been proposed for inclusion indicates that there is at least some basis to believe that they have historic value. It is highly unlikely that there would be any redevelopment of the Suñol Glen School property since it is in public ownership. Any new development, commercial or residential, including change of commercial use, would be the subject of a conditional use permit with the Planning Commission as the decision making body and would undergo scrutiny at that time for consistency with required findings. The Commission would have to make a specific finding that the design of the new structure is consistent with the historical, architectural, and visual context of the area. Inclusion in a draft or final document would be one factor in the Commission's decision. All new development would be subject to a standard condition regarding procedures to follow in the event of disturbance of human remains.

Impacts:

CRI – Archaeological Resources: Although it is highly unlikely that unanticipated archaeological resources would be found in the project area, there is the possibility that a unique archaeological resource may be encountered during excavation and grading activities for individual construction sites. This impact is considered potentially significant. Implementation of the following mitigation would reduce the potential for adverse change in the significance of an archaeological resource to a less-than-significant level.

Mitigation Measures:

Measure CRI – Archaeological Resources: Stop Work if Buried Resources Are Discovered Inadvertently. If buried cultural resources, such as chipped or ground stone, historic debris, building foundations, or human bone are discovered inadvertently during ground-disturbing activities, work will stop in that area and within 100 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the County and other appropriate agencies.

If human remains of Native American Origin are discovered during project construction, it will be necessary to comply with state laws relating to the disposition of Native American burials, which fall under the jurisdiction of the Native American Heritage Commission (NAHC) (Public Resources Code, Section 5097). If any human remains are discovered or recognized in any location other than a dedicated cemetery, there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

1. The Alameda County Coroner has been informed and has determined that no investigation of the cause of death is required; and,
2. the remains are of Native American origin and the descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code, Section 5097.98, or NAHC is unable to identify a descendent or the descendent fails to make a recommendation within 24 hours after being notified by the NAHC.

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

Setting: The project area lies outside of the Alquist-Priolo zone for any fault, including the Calaveras Fault. The minimal development that the proposed zoning would allow should not result in erosion or loss of topsoil, were it to do so standard grading and erosion control measures that are part of every approval would address this issue. The Alameda County Department of Environmental Health and the Alameda County Flood Control and Water Conservation District Zone 7 must approve any septic systems prior to construction; without this approval the development may not occur.

The State of California has produced a series of maps for seismic hazards statewide. These maps show areas of seismic hazards including landslide potential liquefaction potential, and other hazards. One such map is the Seismic Hazard Zones Map for the Niles Quadrangle (October 19, 2004), which includes the project area. According to this map, small portions of two parcels within the project area – Parcels Nos. 96-0155-001-00 and 96-0155-004-01 – lie within a hazard zone for potential liquefaction. Regulation requires that any habitable construction proposed for areas within these designated zones requires a geotechnical/geologic investigation, prepared by a licensed geotechnical engineer/geologist and reviewed by the county prior to approval of a "Project" if a site is located within a designed zoned area. All new single family dwellings located within these areas are required to provide a geotechnical/geologic report and the report must be reviewed and accepted by the county prior to issuance of a building permit. The legal requirement for geotechnical review of potential seismic hazard effects on buildings results in the potential for seismic effect being a less-than-significant impact without additional mitigation.

Impacts: None

Mitigation Measures: None necessary

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

Setting: Potential uses in the project area are limited to residential and neighborhood- or community-serving commercial activities, routine or otherwise. The project would not involve any transport, use, or disposal of hazardous materials. There is no reasonably foreseeable possibility of releasing hazardous materials into the environment, nor of emissions that could affect the Sunol Glen School, which is in the project area. According to the State Department of Toxic Substances Control website, there are no known hazardous materials sites in or near the project area. The project area is not within an airport land use plan or within two miles of an airport; the nearest airports are Livermore, about nine miles northeast, and Hayward, about eleven miles northwest. According to ALUC staff, there are no known private airstrips or helicopter pads in the vicinity of the project area. By its nature, the project could not impair or interfere with any emergency plans. While there are wildland areas close to the project area it is unlikely that development in the project area subject to limitations under the zoning would increase any fire risk over that existing now. In any event, the County Fire Department would have the ability to impose appropriate conditions on any development approval in the project area.

Impacts: No significant impacts.

Mitigation Measures: None needed

<p>8. HYDROLOGY AND WATER QUALITY Would the project:</p>	YES: Potentially Significant Impact	NO: Less Than Significant With Mitigation	NO: Less Than Significant Impact	NO: No Impact
a) Violate any water quality standards or waste discharge requirements, conflict with water quality objectives, or cause significant degradation of beneficial uses of surface water bodies or groundwater, including public uses, aquatic, wetland and riparian habitat?			x	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				x
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site (i.e. within a watershed)?				x
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff (e.g., due to increased impervious surfaces) in a manner which would result in flooding on- or off-site (i.e. within a watershed)?			x	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems due to changes in runoff flow rates or volumes?				x
f) Result in a significant increase in pollutant discharges to receiving waters (marine, fresh, and/or wetlands) during or following construction (considering water quality parameters such as temperature, dissolved oxygen, turbidity, and typical stormwater pollutants such as heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash)?			x	
g) Result in an increase in any pollutant for which a water body is listed as impaired under Section 303(d) of the Clean Water Act?				x
h) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				x
i) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				x
j) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				x
k) Inundation by seiche, tsunami, or mudflow?				x

Setting: The proposed project would allow a realistic maximum of ten new units in the project area, plus an undeterminable but small amount of new commercial activity. New development is expected to occur one or two structures at a time. Public water is available to the area, although there are no public sewers and properties are on private septic systems. There would be neither impact on water quality standards nor on groundwater volume. The project is within the jurisdiction of the San Francisco Bay Regional Water Quality Control Board and is not subject to the Regional Stormwater Permit.

Approval of construction that will involve more than 10,000 square feet of impervious surface (or the then-current standard) must include numerical analysis of stormwater drainage and treatment thereof. Construction of a single-family home or other development, which is not part of a larger common plan of development and which does not meet the threshold for impervious surfaces, with the incorporation of appropriate pollutant source control and design measures, and using landscaping to appropriately treat runoff from roof and house associated impervious surfaces (e.g., runoff from roofs, patios, driveways, sidewalks, and similar surfaces), may be in substantial compliance with Provision C.3; but would nonetheless need to meet regulations in effect at the time of CUP and Building Permit approval. All projects regardless of size should consider incorporating appropriate source control and site design measures that minimize stormwater pollutant discharges to the maximum extent practicable. All new development would be required to eliminate or minimize all potential for non-point pollution sources, short-term and long-term, to the maximum extent practicable. In particular, the project will be required to implement appropriate Best Management Practices (BMP's) for storm water pollution prevention and erosion control, which are required as standard conditions.

According to the FEMA maps, except for a small area on the eastern boundary of the project area the area is an area of minimal flooding. County creek setback ordinances preclude more development in that portion of the project area that lies within the flood zone. There is no danger of inundation by seiche, tsunami, or mudflow. All new uses would be subject to review under CUP. ies and, for residences, have approval from Environmental Health stating that the proposed total number of bedrooms in the project can be supported by an on-site septic system. Also new construction is subject to Building Inspection Department review.

Impacts: None

Mitigation Measures: None necessary. Any new development under the proposed zoning would be subject to review by the Planning Commission, the Alameda County Department of Environmental Health, the Alameda County Flood Control and Water Conservation District Zone 7, and Alameda County Building Inspection Department prior to any new construction.

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

Setting: The goal of the project is to preserve and strengthen a long-established community. By its very nature there is no way the proposed project could divide it. The project is a clarification of an existing general plan to recognize the existing community, and the zoning ordinance language is to implement the plan language. The proposed zoning ordinance language, the existing general plan, and existing county policies, regulations, and ordinances all aim to avoid or mitigate environmental impacts. There is no adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other habitat conservation plan for the project area.

Impacts: None

Mitigation Measures: None necessary

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

Setting: While there are mineral resources (quarries) to the south of the project area, across Highway 84/ Niles Canyon Road, there are none within the area. There are no recognized significant mineral resources, including regionally significant aggregate resources, within the area affected by the proposed project. Since the project would allow minimal infill development in a long-established community, activities that the proposed general plan or zoning designations would allow would not affect any mineral resources.

Impacts: None

Mitigation Measures: None needed

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

Setting: The project would allow minimal new development in a long-established community. The type of development or activities that the proposed general plan or zoning designations would allow would not result in noise levels in excess of any established standards. There could be no excessive groundborne vibrations or noise. None of the proposed allowed uses or activities could generate a substantial permanent increase in ambient noise levels in the project area. There could be temporary increase in noise levels during construction of new or remodeling of existing structures. However, this would be limited to regulated levels under standard conditions of approval in the Conditional Use Permit that would allow the construction, and especially by the County Noise Ordinance, which strictly limits hours of construction. The project area is not within an airport land use plan or within two miles of an airport; the nearest airports are Livermore, about nine miles northeast, and Hayward, about eleven miles northwest. As noted above, there are no known private airstrips or helipads in the vicinity of the project area.

Impacts: None

Mitigation Measures: None needed

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

Setting: As noted, the project would allow very minimal, and by no means substantial, growth in the long-established community. Since any additional development would be on a parcel-by-parcel basis, there would be no indirect inducement through road extension or infrastructure sizing. Any new development, commercial or residential, including change of commercial use, would be the subject of a conditional use permit with the Planning Commission as the decision making body and would undergo scrutiny at that time for consistency with required findings, the first of which is that the proposed use would have no growth inducing impacts on the community. Any displacement of existing housing would be minimal at best, and would be done at a property owner's instigation. One cannot reasonably foresee any need for construction of replacement housing elsewhere.

Impacts: No significant impacts.

Mitigation Measures: None needed

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

Setting: The Alameda County Fire Department provides fire protection to the project area. The Alameda County Sheriff's Department provides police services. The Sunol Glen School District provides elementary public education; the Pleasanton Unified School District provides secondary public education. The East Bay Regional Park District operates several regional facilities in the vicinity; there is no provider of local park and recreation services. The San Francisco Water Department provides water to the project area. There is no public sewer system in the project area; all residential and commercial structures are on septic tanks under the aegis of the Alameda County Department of Environmental Health and the Alameda County Flood Control and Water Conservation District Zone 7. The Pleasanton Garbage Company provides residential garbage and recycling collection. The Livermore-Dublin Garbage Company provides commercial garbage and recycling collection. Given the minimal additional number of units, either residential or commercial, that the project would allow in the community there would be no substantial impact on public services in the area.

Impacts: No significant impacts.

Mitigation Measures: None necessary

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

Setting: There are no official local public parks in the project area. The East Bay Regional Park District operates Pleasanton Ridge Regional Park to the north with access just north of the project area, and Sunol Regional Wilderness and Mission Peak Regional Preserve to the south, with access from Calaveras Road. Given the very limited additional development the project would allow, the additional burden on park and recreational facilities in the area would be negligible and would neither cause nor accelerate physical deterioration of the facilities. The project neither includes nor requires construction or expansion of facilities, thus there is no possibility of physical impacts.

Impacts: No significant impacts.

Mitigation Measures: None needed

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

Setting: Any new development, commercial or residential, including change of commercial use, would be the subject of a conditional use permit with the Planning Commission as the decision making body and would undergo scrutiny at that time for consistency with required findings, one of which is that the proposed use would have no impacts on the existing road system. The limited number of additional units that the proposed zoning language would allow would not cause a substantial increase in traffic in or adjacent to the project area, nor exceed any established level of service standard. The County Public Works Agency, in coordination with CalTrans, is considering installing a roundabout at the intersection of Niles Canyon/Pleasanton Sunol/Paloma Roads. The Public Works Agency indicates that it will work with CalTrans on installing a traffic signal on Niles Canyon Road at Main Street concurrently with constructing the roundabout.

All new construction in the unincorporated County, including the project area, is subject to both Cumulative Traffic Impact Mitigation and Tri-Valley Transportation Council fees. Combined fees for a single family dwelling would be about \$4,000; for a multiple unit, \$2,500; and for a commercial unit \$2,800. These fees address cumulative traffic impacts, which are significant, widespread, off-site impacts to the existing system of county maintained roadways that are difficult to measure and mitigate on a project-by-project basis, yet are cumulatively measurable and mitigable. These fees could be used for installation of the improvements, or wherever they are needed most to reduce cumulative traffic effects, and the payments of these fees would automatically mitigate the cumulative effect of potential project traffic, as small as it would be.

By the very nature of the project there would be no change in air traffic patterns. Any development under the proposed regulations would be subject to review to address issues of hazards due to design features or incompatible uses; the regulations specifically require the Planning Commission to make findings regarding compatibility with the existing community. Underlying Zoning Ordinance regulations set

standards for access and parking that any additional residential or commercial development must meet. There are no policies, plans, or programs supporting alternative transportation that apply to the area.

Impacts: No significant impacts.

Mitigation Measures: None necessary

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

Setting: There is no public sewer system in the project area; all residential and commercial structures are on septic tanks under the aegis of the Alameda County Department of Environmental Health and the Alameda County Flood Control and Water Conservation District Zone 7. Any new development must receive a permit from those agencies, which, in turn, must meet regional water quality control standards. The San Francisco Water Department provides water to the project area. The Department has indicated that there is a limited capacity still available in its domestic water distribution system. The minimal amount of new development that the proposed zoning would allow would not require new treatment facilities, either for water or sewer. The low density of development would not require new or expanded stormwater facilities, and would have to meet State stormwater treatment mandates in effect at the time of construction. There is sufficient water available to serve the minimal amount of possible new development and no new or expanded entitlements would be needed. Since development in the area would be on private septic systems, there is no capacity issue; Alameda County Department of Environmental Health and the Alameda County Flood Control and Water Conservation District Zone 7 policies and regulations would ensure adequacy of septic system operation. The small additional amount of solid waste that new development might generate would have minimal impact on existing solid waste disposal facilities, and there would be no conflict with Federal, State, or local statues and regulations related to solid waste.

Impacts: None

Mitigation Measures: None necessary

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

Discussion: The minimal amount of additional development that the project would allow in an already developed area does not have the potential to degrade the quality of the environment. It would have no impact on the habitat of a fish or wildlife species, nor cause a fish or wildlife population to drop below self-sustaining levels. It would pose no threat to eliminate a plant or animal community, to reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. The project is self-contained in the project area, some 24.30 acres, and does not have the capability of expanding beyond that specific area. It represents the entirety of the potential for the area. Given the constraints of the Alameda County General Plan/East County Area Plan, no significant expansion, if any, of the project area would be possible without a County-wide vote allowing it, which is highly unlikely to occur. Therefore the project could not set precedent for development in the adjacent area that could contribute to cumulative impacts beyond those discussed in this document. Again, given the minimal amount of additional development that the project would allow, it can result in no environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

E. SOURCES

- Alameda County Airport Land Use Commission staff, Cynthia Horvath, various conversations
- Alameda County Parks, Recreation, and Historical Commission staff, Angela Robinson, various conversations
- Alameda County Public Works Agency, Art Carrera, Principal Civil Engineer, Road Division
- Alameda County Public Works Agency, Robert Hale, Clean Water Program
- Alameda County Public Works Agency, John Shouldice, Building Inspection Division
- Alameda County Public Works Agency, Andy Hyun-Jae Cho, Grading Section
- Bay Area Air Quality Management District, CEQA Guidelines: Assessing the Air Quality Impacts of Projects and Plans (December 1999)
- Greenvolts Utility-Scale Solar Field Administrative Draft Initial Study, April, 2008.
- San Francisco Water Department, Michael Weisenberger,
- State of California, Seismic Hazard Zones, Niles Quadrangle – Official Map (October 19, 2004)
- State of California, Special Studies Zones, Niles Quadrangle – Revised Official Map, (January 1, 1980)
- State of California, Department of Toxic Substances Control, EnrivoStor website, 2007 (Internet search)
- State of California, Resources Agency, Department of Conservation, Farmland Mapping and Monitoring Program, Bay Area Region Important Farmland 2004 map
- U.S. Federal Emergency Management Agency, National Flood Insurance Program Flood Insurance Rate Map, Alameda County, California, Panel 215 of 325, (Effective Date April 15, 1981)

F. MITIGATION MEASURES TO BE INCLUDED IN THE PROJECT AND AGREED TO BY THE PROJECT SPONSOR AND ALL SUBSEQUENT PROPERTY OWNERS AND PERMITTEES

The following mitigation measures are required to reduce potentially significant impacts of the proposed project to a "Less Than Significant" or "No Impact" level. These mitigation measures shall be made conditions of approval for the project. For every mitigation measure, the Permittee will be responsible for implementation actions, schedule, funding and compliance with performance standards, unless otherwise stated in the measure.

Measure A1 – Light and Glare: Each Applicant shall design lighting to be sensitive to neighboring land uses and to minimize energy use, according to standard County lighting guidelines. Each application for new residences or businesses locating in the project area should include a lighting plan, for approval by the Planning Director, to minimize or eliminate light and glare to other properties and to minimize illumination of the night sky. The lighting plan shall be based upon, and include appropriate measures from, Alameda County Planning Department's standard lighting guidelines. These may include, but not necessarily be limited to, the following measures:

Lighting guidelines for plans and projects potentially applicable to the Plan Area:

- * Applicant shall design public area lighting so as to evenly illuminate areas of concern, but so as not to intrude upon private areas any more than necessary. Public areas not essential to security should be illuminated only when necessary for occupation by use of timers or motion detector circuits.
- * Applicant shall use the lowest wattage lamps reasonable for illumination of the area of concern.
- * Applicant shall install only full cutoff-shielded lights for illumination of public areas. Non-shielded lighting presently in place shall be replaced when required only with shielded fixtures.
- * Applicant shall design and place night time lighting and security lighting so that it is no higher than necessary to illuminate the area of concern for security or visual comfort, and that the lighting is directed toward the area of concern, and always below the horizontal.
- * Applicant shall not position night lighting to illuminate areas beyond the site boundaries, nor shall the applicant position general lighting to radiate above the horizontal, but shall place lights or install shielded lights to illuminate only the area of concern.
- * Residents shall extinguish any lights not required for onsite security reasons.
- * For any lighting on areas nonessential for security or active operations, applicant shall place lights on a motion detector circuit so illumination only occurs when required for occasional visibility.
- * Applicant shall not install direct advertising lights that radiate upward or above the horizontal. Elevated general coverage illuminated signs shall be fitted with awnings to minimize upward light loss.

These measures, if properly designed and installed, would reduce this potential impact to a less-than-significant level.

Measure AQI – Construction Dust and Particulate Matter To reduce dust and resulting PM₁₀ from construction activities, every approval for new construction should include the following basic measures as specified in Table 2 of the BAAQMD CEQA GUIDELINES: Assessing the Air Quality Impacts of Projects and Plans (December 1999):

- Water all active construction areas at least twice daily.
- Cover all trucks hauling soil, sand, and other loose materials *or* require all trucks to maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.

If properly implemented, these measures would reduce dust and PM₁₀ emissions to less-than-significant levels for the types of small construction projects possible under this plan.

Measure CRI – Archaeological Resources: Stop Work if Buried Resources Are Discovered Inadvertently. If buried cultural resources, such as chipped or ground stone, historic debris, building foundations, or human bone are discovered inadvertently during ground-disturbing activities, work will stop in that area and within 100 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the County and other appropriate agencies.

If human remains of Native American Origin are discovered during project construction, it will be necessary to comply with state laws relating to the disposition of Native American burials, which fall under the jurisdiction of the Native American Heritage Commission (NAHC) (Public Resources Code, Section 5097). If any human remains are discovered or recognized in any location other than a dedicated cemetery, there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

1. The Alameda County Coroner has been informed and has determined that no investigation of the cause of death is required; and,
2. the remains are of Native American origin and the descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code, Section 5097.98, or NAHC is unable to identify a descendant or the descendant fails to make a recommendation within 24 hours after being notified by the NAHC.

Any new development would be subject to Planning Commission review with a required finding that the design is consistent with the historical, architectural, and visual context of the area, and to standard conditions regarding disturbance of human remains.

G. AGREEMENT BY PROJECT SPONSOR

Project Sponsor, acting on behalf of all present and future property owners and Permittees, understands the mitigation measures set forth above and agrees to be bound by them if they are adopted as a result of project approval. Monitoring reports shall be provided to the Planning Director and Director of Public Works at appropriate stages in the development process.



Project Sponsor's Signature

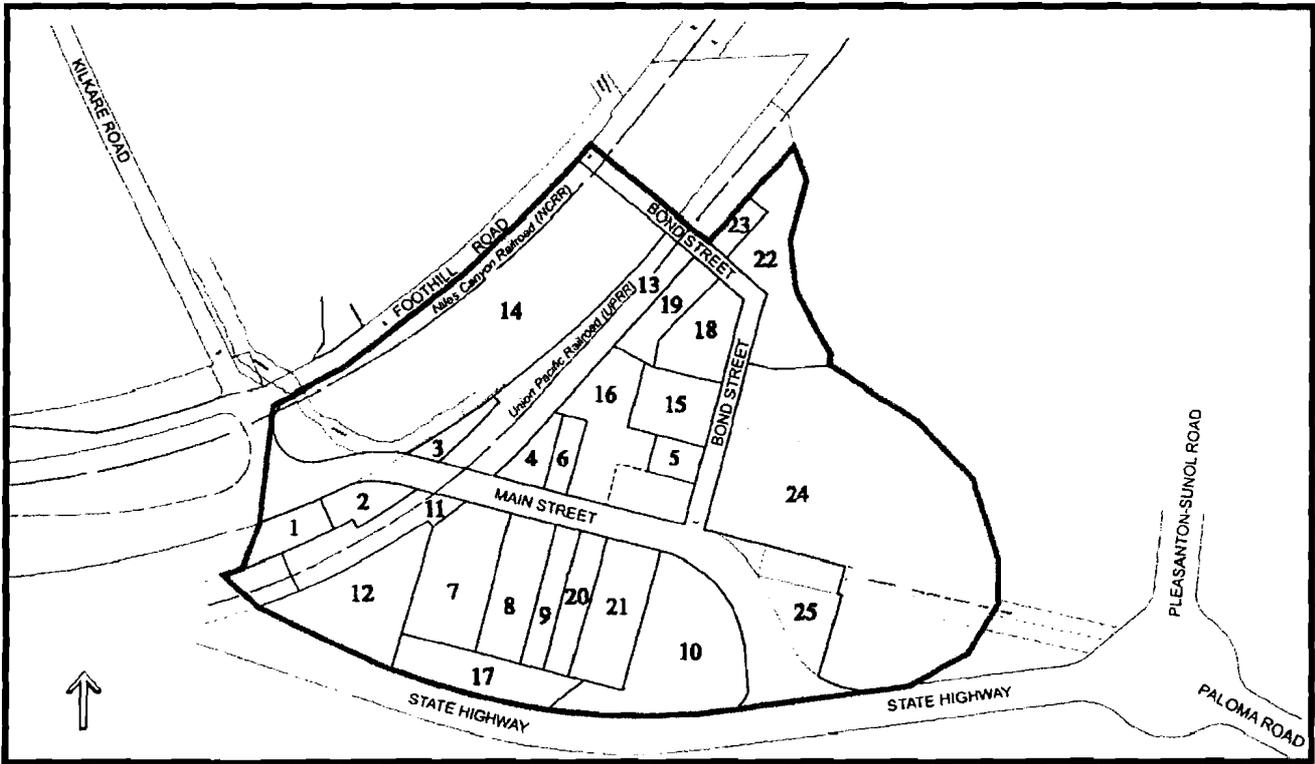
April 18, 2008

Date

Chris Bazar, Planning Director

Project Sponsor's Printed Name and Title

**ATTACHMENT A
PROJECT AREA**



ASSESSOR'S PARCEL NUMBERS

1	96-0140-002-01	10	96-0140-015-00	19	96-0140-023-00
2	96-0140-003-03	11	96-0140-016-01	20	96-0140-024-00
3	96-0140-004-00	12	96-0140-016-03	21	96-0140-025-00
4	96-0140-007-02	13	96-0140-017-00	22	96-0155-001-00
5	96-0140-008-00	14	96-0140-018-00	23	96-0155-003-02
6	96-0140-010-00	15	96-0140-019-00	24	96-0155-004-01
7	96-0140-011-00	16	96-0140-020-00	25	96-0155-005-00
8	96-0140-012-00	17	96-0140-021-02		
9	96-0140-013-00	18	96-0140-022-00		

ATTACHMENT B
PROPOSED GENERAL PLAN LANGUAGE

Sunol Downtown: allows Low Density Residential (single-family residential would be allowed by right) development as defined in this Plan; Medium Density Residential as defined in this Plan except that the maximum density shall be 5.5 units to the acre; as well as a variety of offices; and neighborhood and retail commercial uses (as defined in the SD District of the Ordinance) through the Conditional Use Permit process. Uses may be combined on one parcel, and current land uses may be changed within the parameters of this designation.

**ATTACHMENT C
PROPOSED ZONING ORDINANCE LANGUAGE**

Chapter 17.17

SD DISTRICT

Sections:

- 17.17.010** **Suñol Downtown District-Intent**
- 17.17.020** **Site development review – When required**
- 17.17.030** **Permitted uses**
- 17.17.040** **Conditional Uses – Board of Zoning Adjustments**
- 17.17.050** **Number of Dwelling Units**
- 17.17.060** **Building Site**
- 17.17.070** **Yards**
- 17.17.080** **Height of buildings**
- 17.17.090** **Other regulations**

17.17.010 **Suñol Downtown District-Intent**

The intent of the Suñol Downtown District, hereinafter designated as SD District, is to implement the provisions of the East County Area Plan to regulate and control development of combined residential and commercial uses on a building site within the downtown area of the community of Suñol so as maintain the economic viability of such uses to the greatest extent possible consistent with provisions of the East County Area Plan. The District is established to recognize the existence of established residential and commercial uses that have coexisted in the same neighborhood for many years and form a cohesive neighborhood of buildings that have had a history of mixed residential and commercial retail or small manufacturing uses, and the existence of buildings that may be historically significant.

17.17.020 **Site development review – When required**

Any structure one thousand (1,000) square feet or more or any construction aggregating one thousand (1,000) square feet or more, including reconstruction of damaged or destroyed structures, shall be subject to Site Development Review pursuant to Section 17.54.220. Where a Conditional Use Permit or Variance is also required, the decision making body for said Site Development Review shall be the Planning Commission, and the Planning Commission shall be the decision making body for the Variance. All Site Development Reviews shall go before the Sunol Citizens Advisory Committee or its successor body, as an advisory body to either the Planning Director or the Planning Commission, and approval shall be subject to making the findings outlined in Section 17.17.040 below.

17.17.030 **Permitted uses**

The following principal uses are permitted in any SD District:

- A. Any principal use permitted in the R-1-B-40 District, Section 17.08.030 and Chapter 17.22, subject to the provisions of that District, except as may be modified by the provisions of this Chapter;

17.17.040**Conditional Uses – Planning Commission**

In addition to the uses listed in Sections 17.52.480 and 17.52.580, the following are Conditional Uses in an SD District and may be permitted or expanded if approved by the Planning Commission as provided in Section 17.54.135 and 17.19.010:

- A. Any other uses listed as conditional in the R-1 District, Sections 17.08.040, subject to the provisions of that District.
- B. Alcohol Outlet
- C. Animal hospital
- D. Bank or lending institution
- E. Barber shop/beauty parlor
- F. Bed and breakfast establishment as defined in §17.30.170.F.2.a
- G. Blue print/copying
- H. Church
- I. Dental laboratory
- J. Events center
- K. Hotel, motel
- L. Indoor recreation facility
- M. Library
- N. Medical clinic
- O. Nursery
- P. Office
- Q. Parking lot
- R. Pharmacy
- S. Private clubhouse
- T. Public utility substation
- U. Repair shop
- V. Restaurant
- W. Retail store
- X. Service station Type A
- Y. Tailor
- Z. Tavern
- AA. Theater
- BB. On any parcel that meets the minimum building site requirement for this district and has frontage on a County road, residential units, up to a maximum density of one unit per each 8,000 square feet of lot area of the residential portion of the building site, disregarding any fraction, subject to design review by the Planning Commission as part of its review of the Conditional Use Permit to ensure consistency with the historic, architectural, and visual context of the Downtown Suñol Plan area. For purposes of this section, the residential portion of the building site shall be that part of the building site not occupied by commercial uses, including accessory uses such as storage or parking.

In addition to the findings required under §17.54.135, the Planning Commission shall not approve a Conditional Use in the SD District unless it finds that the use (A) will have no growth inducing impacts on the community; (B) is consistent with the septic tank standards and policies of the Alameda County Environmental Health Department and Alameda County Flood Control and Water Conservation District Zone 7; (C) will have no impacts on the existing road system; (D) is consistent with the policies of the East County Area Plan as amended; (E) the design of the project is consistent with the historic, architectural, and visual context of the Downtown Sunol Plan area; and (F) has been reviewed by the Suñol Citizens Advisory Committee or its successor body. For

commercial uses the Planning Commission shall make the additional finding that: (G) the number of parcels with commercial uses on them is no greater than fifty percent (50%) of the total parcels in the Downtown Suñol District. For additional residential units under BB. above, the Planning Commission shall make the following additional findings: (G) the Alameda County Environmental Health Department has provided a letter stating that the proposed total number of bedrooms in the project can be supported by an on-site septic system.

17.17.050 Number of Dwelling Units

Except for units allowed under Section 17.17.040.BB above, the number of dwelling units permitted on a building site in an SD District shall not exceed the number obtained by dividing the area in square feet of the residential portion of the building site by 40,000 square feet, disregarding any fraction. For purposes of this section, the residential portion of the building site shall be that part of the building site not occupied by commercial uses, including accessory uses such as storage or parking.

17.17.060 Building Site

Except for uses on lots legally created prior to [effective date of the ordinance], every use in an SD District shall be on a building site having a median lot width not less than fifty (50) feet, an area not less than forty thousand (40,000) square feet, and frontage on a County road. A corner building site shall have a median lot width of not less than sixty (60) feet

17.17.070 Yards – Commercial Development

The yard requirements for commercial development in SD Districts shall be as follows, subject to the general provisions of Section 17.52.330:

- A. Depth of front yard: none except when the frontage of the abutting lot is in residential use, there shall be a front yard having a depth not less than 10 feet.
- B. Depth of rear yard: none except when the rear of the abutting lot is in residential use, there shall be a rear yard having a depth not less than 10 feet.
- C. Width of side yard: none, except that where the abutting lot at the side is in residential use, there shall be side yard having a width not less than 5 feet.

17.17.080 Height of buildings

- A. No dwelling shall have a height of more than two stories, except as provided by Sections 17.52.090 and 17.08.100, nor shall any building or dwelling have a height in excess of twenty-five (25) feet except as provided by Section 17.52.090.
- B. No commercial structure shall have a height in excess of thirty-five (35) feet except as provided by Section 17.52.090.

17.17.090 Other regulations

Both residential and commercial uses are permitted on the same building site. Where this occurs, the residential uses must meet the standards set out in this chapter for residential uses and the commercial uses must meet the standards set out in this chapter for commercial uses. Unless otherwise specified in this Chapter, commercial uses shall conform to the development standards of Chapter 17.38 C-1 Districts or as the Planning Commission may modify them to be more restrictive.

ATTACHMENT D PROJECT DESCRIPTION

The unincorporated community of Suñol is located in the south central part of Alameda County, east of the City of Fremont, north of Niles Canyon Road/State Highway 84 and west of I-680. The core of the community, the Suñol Downtown area, consists of approximately 24.3 acres in 25 parcels in both public and private ownership, in the area roughly bounded by Niles Canyon Road/Highway 84, the Niles Canyon Railroad (formerly Southern Pacific) tracks, Bond Street, the Union Pacific (formerly Western Pacific) tracks, and the Arroyo de la Laguna, including the Suñol Glen School. Attachment A includes a map of the area and a list of parcels. This area is currently zoned for residential, commercial, and light industrial uses. The residential zoning allows single family residences with an 8,000 square foot minimum lot area requirement

Of the total 24.30 acres in the area, 14.71 acres in eight parcels, or just under 61%, is in public ownership. This is divided between AT&T (one parcel of 8,000 square feet/0.18 acres), the US Postal Service (one parcel of 11,639 square feet/0.27 acres), the Union Pacific Railroad (two parcels, 83,616 square feet/1.92 acres), the San Francisco Water Department (two parcels, 89,270 square feet/2.05 acres), the Niles Canyon Railway (one parcel, 188,467 square feet/4.33 acres), and the Suñol Glen School District (one parcel, 259,618 square feet/5.96 acres).

The remaining 9.59 acres/417,448 square feet is in private ownership, divided between 17 parcels, some of which are in common ownership. They range in size from 6,336 square feet/0.15 acres to 50,965 square feet/1.17 acres. There is a variety of neighborhood-serving commercial establishments on the parcels, including retail and offices. There are a total of nineteen residences in the area. Some of the parcels are mixed use, i.e., have both residential and commercial uses on them.

The community of Suñol is shown on the East County Area Plan's Land Use Diagram as located within the Water Management (WM) Land Use Designation. Suñol citizens feel that the downtown Suñol area was inadvertently included in the WM designation due to its adjacency to the San Francisco Public Utility Commission (San Francisco Water Department) (SFPUC) secondary watershed lands and have requested that the Plan be adjusted to reflect this. To this end, the Planning Department recommends creation of a new land use designation, "Sunol Downtown," for the area outlined in Attachment A. The text of the land use designation is in Attachment B. In addition to the adoption of the new land use designation the plan map would be redrawn to show that designation in the area. This process is purely a technical clarification of ECAP, and does not need a vote of the people. Measure D proponents have supported this view.

In addition to the general plan clarification, the community has requested and the Planning Department recommends creating a new zoning district and applying it to the project area. This zoning would implement the general plan policies for the area. The text of the proposed zoning language is in Attachment C.

Both the plan language and zoning language essentially would reflect the existing zoning and land uses in the community. They would allow for continuation of the existing commercial uses, and changes to other commercial uses or establishment of new commercial uses from a list of uses that either now exist in the area or are local resident serving uses appropriate to a community of the character of Suñol, subject to Planning Commission review as a Conditional Use Permit. In order to approve a new or changed use the Commission must find that the proposed use:

- (A) will have no growth inducing impacts on the community;
- (B) is consistent with the septic tank standards and policies of the Alameda County Environmental Health Department and Alameda County Flood Control and Water Conservation District Zone 7;

- (C) will have no impacts on the existing road system;
- (D) is consistent with the policies of the East County Area Plan as amended;
- (E) the design of the project is consistent with the historic, architectural, and visual context of the Downtown Sunol Plan area;
- (F) has been reviewed by the Suñol Citizens Advisory Committee or its successor body; and
- (G) the number of parcels with commercial uses on them is no greater than fifty percent (50%) of the total parcels in the Downtown Suñol District.

These findings are in addition to the standard findings required for any Conditional Use Permit that the use is required by the public need; is properly related to other land uses in the area; will not materially adversely affect the public health or safety the public welfare or be injurious to property or improvements in the neighborhood; and is consistent with the specific intent clauses and performance standards of the district. Note that finding (G) would allow commercial development on no more than eight of the seventeen parcels in the project area.

In addition to commercial uses, the zoning would allow residential development. Under the proposed zoning the minimum building site area would be 40,000 square feet. The proposed zoning would allow additional residential units on any parcel that meets the minimum building site requirement and has frontage on a County road, up to a maximum density of one unit per each 8,000 square feet of lot area of the residential portion of the building site. This reflects the existing R-1-B-8 zoning in the area. The ordinance language defines residential portion as the part of the building site not occupied by commercial uses, including accessory uses such as storage or parking. On parcels smaller than 40,000 square feet only one residential unit would be allowed. (However one of these parcels already has three units on it.) Additional residential units would be subject to Planning Commission review as a Conditional Use Permit. In order to approve additional residential units, must find that they:

- (A) will have no growth inducing impacts on the community;
- (B) are consistent with the septic tank standards and policies of the Alameda County Environmental Health Department and Alameda County Flood Control and Water Conservation District Zone 7;
- (C) will have no impacts on the existing road system;
- (D) are consistent with the policies of the East County Area Plan as amended;
- (E) the design of the project is consistent with the historic, architectural, and visual context of the Downtown Sunol Plan area;
- (F) has been reviewed by the Suñol Citizens Advisory Committee or its successor body; and
- (G) the Alameda County Environmental Health Department has provided a letter stating that the proposed total number of bedrooms in the project can be supported by an on-site septic system.

Four of the parcels are larger than 40,000 square feet. One of these parcels borders Sinbad Creek and Arroyo de la Laguna, and has one unit on it. Creek setback regulations would preclude further development on this parcel. Another parcel of 45,000 square feet/1.03 acres already has three units on it, plus commercial development. Whether there is room for additional residential development would depend on the actual site plan that the applicant submitted as part of the application; the Planning Commission would have to make that determination. In any event there could be a maximum of two additional units on this parcel. Two other parcels, one of 45,738 square feet/1.05 acres and one of 50,965 square feet/1.17 acres, also would have potential for additional units. The former now has one residence on it, but could get four additional residences; the latter now has three residences but could get three additional residences. Three other parcels, all of which are less than 40,000 square feet in size could have one residence on each. However, all these appear to be fully developed with commercial uses and could only have a residence if the commercial development were removed, which would be unlikely. One other parcel less than 40,000 square feet is used for light industrial/storage uses and does not have a residence on it. Depending on a determination of how much non-commercial square footage remains on the

property, or if the commercial uses were abandoned, there could be one residence on this parcel. This would give a total of nine additional residences under the proposed ordinance language, plus a possible one more on a parcel that does not have residential uses now.

The above discussion is based on the existing lot configuration. It is possible, although highly unlikely, that property owners could consolidate parcels to create building sites larger than the 40,000 square foot minimum for additional residential units. There are two places where this could occur that would result in building sites large enough to meet the minimum requirement for additional residential units. One site is on the south side of Main Street, bounded by Main Street, the San Francisco Water Department property, Niles Canyon Road/Highway 84, and the Union Pacific tracks. This site totals 216,164 square feet/4.97 acres. There are currently ten residences on it, plus some commercial development along Main Street, and with the current lot configuration there is potential for seven additional residences. If consolidated, based on the 8,000 square feet/unit density, there is the potential for a maximum of 29 residential units on this, for a net gain of nineteen, or twelve more than without consolidation. The actual number would depend on the extent of the commercial activity on the consolidated parcel.

The other possible consolidation is on the north side of Main Street, bounded by Main Street, the Union Pacific tracks, and Bond Street, excluding the AT&T property on Main Street. This area totals 131,605 square feet, or 3.02 acres. There are currently seven residences on it, and one parcel is devoted to commercial uses. Given the current lot configuration there is potential for three additional residences. If consolidated, there is potential for a maximum of sixteen residences, for a net gain of nine, six more than without consolidation. As with the other area, the actual number would depend on the extent of commercial activity on the consolidated parcel.

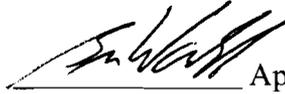
There are two other places where consolidation could occur. However, these would not result in additional residences. One area, the two parcels bounded by Bond Street, the Suñol Glen School, the Arroyo de la Laguna, and the Union Pacific tracks, totals 49,025 square feet or 1.13 acres. Taken out of context there could be a total of six residences on the site. However, given the proximity of the Arroyo and Sinbad Creek and creek setback requirements, there could be no additional construction on this site. The other area with potential for consolidation is the two parcels bounded by the Union Pacific tracks and Main Street. However, even if combined, these parcels would total but 20,654 square feet or 0.47 acres, and thus, given the 40,000 square foot minimum building site requirement, could not have more than one residence on it.

In summary, the proposed ordinance language would allow a maximum of ten additional units in the area. Were there to be maximum parcel consolidation it would allow a total of 28 additional units, eighteen more than without consolidation. Both would depend on the extent of commercial development on the various parcels. However, it is highly unlikely that maximum consolidation would occur; in fact any consolidation is improbable. Any attempt to determine the reasonable extent of consolidation would be speculative at best.

ATTACHMENT 2
PROPOSED GENERAL PLAN LANGUAGE

Sunol Downtown: allows Low Density Residential (single-family residential would be allowed by right) development as defined in this Plan; Medium Density Residential as defined in this Plan except that the maximum density shall be 5.5 units to the acre; as well as a variety of offices; and neighborhood and retail commercial uses (as defined in the SD District of the Ordinance) through the Conditional Use Permit process. Uses may be combined on one parcel, and current land uses may be changed within the parameters of this designation. *This designation allows a maximum building intensity of .1 FAR (including both commercial and residential buildings) on parcels on which commercial uses are located. Existing residential buildings may be converted to commercial uses on parcels where existing development exceeds .1 FAR if all other requirements for commercial development can be met.*

REEL IMAGE

 Approved as to Form
RICHARD WINNIE, County Counsel

By **Brian Washington, Senior Deputy**

THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA,
STATE OF CALIFORNIA

**On motion of Supervisor
Seconded by Supervisor**

and approved by the following vote:

Ayes:

Noes:

Excused or Absent:

THE FOLLOWING RESOLUTION WAS ADOPTED JULY 8, 2008:
NUMBER _____

ADOPT MITIGATED NEGATIVE DECLARATION AND APPROVE
GENERAL PLAN AMENDMENT 08-01

WHEREAS, this Board has received the petition of the Planning Commission initiating consideration of an amendment to the East County Area Plan (as amended by Measure D) to clarify the land use designation of the downtown portion of Sunol presently shown as Water Management (WM) by adopting a Sunol Downtown designation and applying it to an area consisting of approximately 24.30 acres in 25 parcels, property generally described as:

the area roughly bounded by Highway 84/Niles Canyon Road, the Niles Canyon Railroad (formerly Southern Pacific) tracks, Bond Street, the Union Pacific (formerly Western Pacific) tracks, and the Arroyo de la Laguna, including the Sunol Glen School, bearing County Assessor's Parcel Numbers 096-0140-002-01, 096-0140-003-03, 096-0140-004-00, 096-0140-007-02, 096-0140-008-00, 096-0140-010-00, 096-0140-011-00, 096-0140-012-00, 096-0140-013-00, 096-0140-015-00, 096-0140-016-01, 096-0140-016-03, 096-0140-017-00, 096-0140-018-00, 096-0140-019-00, 096-0140-020-00, 096-0140-021-02, 096-0140-022-00, 096-0140-023-00, 096-0140-024-00, 096-0140-025-00, 096-0155-001-00, 096-0155-003-02, 096-0155-004-01, 096-0155-005-00;

WHEREAS the Alameda County Planning Commission did hold public hearings on said proposed amendment on the second day of June, 2008 and on the sixteenth day of June, 2008 at the County of Alameda, 224 West Winton Avenue, Hayward, California, for which notice was given as required by law, and at which the Commission took public testimony; and

WHEREAS the Alameda County Planning Commission did review this general plan amendment in accordance with the provisions of the California Environmental Quality Act, considered a draft Mitigated Negative Declaration, and recommended to the Board of Supervisors

that the Mitigated Negative Declaration be adopted and that the general plan amendment be approved; and

WHEREAS this Board did hold a public hearing on said proposed general plan amendment at the hour of 11:00 a.m. on Tuesday the eighth day of July 2008, in the Board Chambers, County Administration Building, 1221 Oak Street, Oakland, for which notice was given as required by law and at which the Board took public testimony; and

WHEREAS this Board did review this general plan amendment in accordance with the provisions of the California Environmental Quality Act and a Mitigated Negative Declaration has been prepared; and

WHEREAS it is the finding of this Board that amendment of the East County Area Plan to adopt the Sunol Downtown designation and apply the designation to the herein described property is in the public interest for the reasons that it would have the intent and effect of ensuring the ability of downtown Sunol landowners to develop individual properties in a manner consistent with acceptable historic development patterns; and

WHEREAS it is the finding of this Board that amendment of the East County Area Plan to adopt the Sunol Downtown designation and apply the designation to the herein described property constitutes a technical or nonsubstantive modification, as permitted by Section 23 of Measure D, the Save Agriculture and Open Space Lands Initiative.

NOW THEREFORE

BE IT RESOLVED that this Board does hereby amend the East County Area Plan (as amended by Measure D) to clarify the land use designation of the downtown portion of Sunol presently shown as Water Management (WM) by adopting a Sunol Downtown designation and applying the designation to the herein described property.

By 

**AN ORDINANCE ADDING CHAPTER 17.17 TO TITLE 17 OF THE ORDINANCE
CODE OF THE COUNTY OF ALAMEDA ESTABLISHING A ZONING DISTRICT FOR
THE DOWNTOWN SUNOL AREA**

The Board of Supervisors of the County of Alameda ordains as follows:

SECTION I

Chapter 17.17 is added to Title 17 of the Ordinance Code of the County of Alameda to read as follows:

Chapter 17.17

SD DISTRICT

Sections:

- 17.17.010 Suñol Downtown District-Intent**
- 17.17.020 Site development review – When required**
- 17.17.030 Permitted uses**
- 17.17.040 Conditional Uses – Board of Zoning Adjustments**
- 17.17.050 Number of Dwelling Units**
- 17.17.060 Building Site**
- 17.17.070 Yards**
- 17.17.080 Height of buildings**
- 17.17.090 Other regulations**

17.17.010 Suñol Downtown District-Intent

The intent of the Suñol Downtown District, hereinafter designated as SD District, is to implement the provisions of the East County Area Plan to regulate and control development of combined residential and commercial uses on a building site within the downtown area of the community of Suñol so as maintain the economic viability of such uses to the greatest extent possible consistent with provisions of the East County Area Plan. The District is established to recognize the existence of established residential and commercial uses that have coexisted in the same neighborhood for many years and form a cohesive neighborhood of buildings that have had a history of mixed residential and commercial retail or small manufacturing uses, and the existence of buildings that may be historically significant.

17.17.020 Site development review – When required

Any structure one thousand (1,000) square feet or more or any construction aggregating one thousand (1,000) square feet or more, including reconstruction of damaged or destroyed structures, shall be subject to Site Development Review pursuant to Section 17.54.220. Where a Conditional Use Permit or Variance is also required, the decision making body for said Site Development Review shall be the Planning Commission, and the Planning Commission shall be the decision making body for the Variance. All Site Development Reviews shall go before the Sunol Citizens Advisory Committee or its successor body, as an advisory

body to either the Planning Director or the Planning Commission, and approval shall be subject to making the findings outlined in Section 17.17.040 below.

17.17.030 Permitted uses

The following principal uses are permitted in any SD District:

- A. Any principal use permitted in the R-1-B-40 District, Section 17.08.030 and Chapter 17.22, subject to the provisions of that District, except as may be modified by the provisions of this Chapter;

17.17.040 Conditional Uses – Planning Commission

In addition to the uses listed in Sections 17.52.480 and 17.52.580, the following are Conditional Uses in an SD District and may be permitted or expanded if approved by the Planning Commission as provided in Section 17.54.135 and 17.19.010:

- A. Any other uses listed as conditional in the R-1 District, Sections 17.08.040, subject to the provisions of that District.
- B. Alcohol Outlet
- C. Animal hospital
- D. Bank or lending institution
- E. Barber shop/beauty parlor
- F. Bed and breakfast establishment as defined in §17.30.170.F.2.a
- G. Blue print/copying
- H. Church
- I. Dental laboratory
- J. Events center
- K. Hotel, motel
- L. Indoor recreation facility
- M. Library
- N. Medical clinic
- O. Nursery
- P. Office
- Q. Parking lot
- R. Pharmacy
- S. Private clubhouse
- T. Public utility substation
- U. Repair shop
- V. Restaurant
- W. Retail store
- X. Service station Type A
- Y. Tailor
- Z. Tavern
- AA. Theater
- BB. On any parcel that meets the minimum building site requirement for this district and has frontage on a County road, residential units, up to a maximum density of one unit per each 8,000 square feet of lot area of the residential portion of the building site, disregarding any fraction, subject to design review by the Planning Commission as part of its review of the Conditional Use Permit to ensure consistency with the historic, architectural, and visual context of the Downtown Suñol Plan area. For purposes of this section, the residential portion of the building site shall be that part

of the building site not occupied by commercial uses, including accessory uses such as storage or parking.

In addition to the findings required under §17.54.135, the Planning Commission shall not approve a Conditional Use in the SD District unless it finds that the use (A) will have no growth inducing impacts on the community; (B) is consistent with the septic tank standards and policies of the Alameda County Environmental Health Department and Alameda County Flood Control and Water Conservation District Zone 7; (C) will have no impacts on the existing road system; (D) is consistent with the policies of the East County Area Plan as amended; (E) the design of the project is consistent with the historic, architectural, and visual context of the Downtown Sunol Plan area; and (F) has been reviewed by the Suñol Citizens Advisory Committee or its successor body. For commercial uses the Planning Commission shall make the additional finding that: (G) the number of parcels with commercial uses on them is no greater than fifty percent (50%) of the total parcels in the Downtown Suñol District. For additional residential units under BB. above, the Planning Commission shall make the following additional findings: (G) the Alameda County Environmental Health Department has provided a letter stating that the proposed total number of bedrooms in the project can be supported by an on-site septic system.

17.17.050 Number of Dwelling Units

Except for units allowed under Section 17.17.040.BB above, the number of dwelling units permitted on a building site in an SD District shall not exceed the number obtained by dividing the area in square feet of the residential portion of the building site by 40,000 square feet, disregarding any fraction. For purposes of this section, the residential portion of the building site shall be that part of the building site not occupied by commercial uses, including accessory uses such as storage or parking.

17.17.060 Building Site

Except for uses on lots legally created prior to [effective date of the ordinance], every use in an SD District shall be on a building site having a median lot width not less than fifty (50) feet, an area not less than forty thousand (40,000) square feet, and frontage on a County road. A corner building site shall have a median lot width of not less than sixty (60) feet

17.17.070 Yards – Commercial Development

The yard requirements for commercial development in SD Districts shall be as follows, subject to the general provisions of Section 17.52.330:

- A. Depth of front yard: none except when the frontage of the abutting lot is in residential use, there shall be a front yard having a depth not less than 10 feet.
- B. Depth of rear yard: none except when the rear of the abutting lot is in residential use, there shall be a rear yard having a depth not less than 10 feet.
- C. Width of side yard: none, except that where the abutting lot at the side is in residential use, there shall be side yard having a width not less than 5 feet.

17.17.080 Height of buildings

- A. No dwelling shall have a height of more than two stories, except as provided by Sections 17.52.090 and 17.08.100, nor shall any building or dwelling have a height in excess of twenty-five (25) feet except as provided by Section 17.52.090.
- B. No commercial structure shall have a height in excess of thirty-five (35) feet except as provided by Section 17.52.090.

17.17.090 Other regulations

Both residential and commercial uses are permitted on the same building site. Where this occurs, the residential uses must meet the standards set out in this chapter for residential uses and the commercial uses must meet the standards set out in this chapter for commercial uses. Unless otherwise specified in this Chapter, commercial uses shall conform to the development standards of Chapter 17.38 C-1 Districts or as the Planning Commission may modify them to be more restrictive.

SECTION II

This ordinance shall take effect and be in force thirty (30) days from and after the date of passage and before the expiration of fifteen days after its passage it shall be published once with the names of the members voting for and against the same in the Inter-City Express, a newspaper published in the County of Alameda.

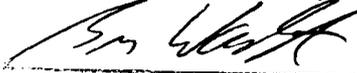
Adopted by the Board of Supervisors of the County of Alameda, State of California, on July __, 2008 by the following called vote:

AYES:
NOES;
EXCUSED:

SCOTT HAGGERTY
President of the Board of Supervisors
County of Alameda, State of California

ATTEST: CRYSTAL K. HISHIDA, Clerk
of the Board of Supervisors, County of Alameda

By_____

By 

ORDINANCE NO.
AN ORDINANCE PURSUANT TO TITLE 17 OF
THE ALAMEDA COUNTY GENERAL ORDINANCE CODE RECLASSIFYING
DOWNTOWN SUNOL

The Board of Supervisors of the County of Alameda, State of California, do ordain as follows:

SECTION I

The Board enacts this ordinance, pursuant to California Planning and Zoning Law, to reclassify the area known as downtown Sunol. This ordinance shall not be codified in the Alameda County Ordinance Code, but shall be maintained in the Zoning Ordinance records of the Alameda County Planning Department.

SECTION II

Title 17 of the Alameda County General Ordinance is hereby amended in the following manner:

The area roughly bounded by Highway 84/Niles Canyon Road, the Niles Canyon Railroad (formerly Southern Pacific) tracks, Bond Street, the Union Pacific (formerly Western Pacific) tracks, and the Arroyo de la Laguna, including the Sunol Glen School, bearing County Assessor's Parcel Numbers 096-0140-002-01, 096-0140-003-03, 096-0140-004-00, 096-0140-007-02, 096-0140-008-00, 096-0140-010-00, 096-0140-011-00, 096-0140-012-00, 096-0140-013-00, 096-0140-015-00, 096-0140-016-01, 096-0140-016-03, 096-0140-017-00, 096-0140-018-00, 096-0140-019-00, 096-0140-020-00, 096-0140-021-02, 096-0140-022-00, 096-0140-023-00, 096-0140-024-00, 096-0140-025-00, 096-0155-001-00, 096-0155-003-02, 096-0155-004-01, 096-0155-005-, are hereby reclassified from the R-1-B-8 (Single Family Residence, 8,000 square foot m.b.s.a.); C-1 (Retail Business); C-2 (General Commercial); M-1 (Light Industrial); and PD (Planned Development, 1767th Zoning Unit allowing residential and light industrial) Districts, respectively to the SD (Sunol Downtown) District.

SECTION III

This ordinance shall take effect and be in force thirty (30) days from and after the date of passage and upon the effective date of Chapter 17.17 of the Alameda County Ordinance Code. Before the expiration of fifteen days after its passage it shall be published once with the names of the members voting for and against the same in the Inter-City Express, a newspaper published in the County of Alameda.

Adopted by the Board of Supervisors of the County of Alameda, State of California, on July __, 2008 by the following called vote:

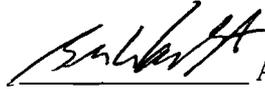
AYES:
NOES;
EXCUSED:

SCOTT HAGGERTY
President of the Board of Supervisors
County of Alameda, State of California

ATTEST: CRYSTAL K. HISHIDA, Clerk
of the Board of Supervisors, County of Alameda

By _____

REEL IMAGE

 Approved as to Form
RICHARD WINNIE, County Counsel

By Brian Washington, Senior Deputy

THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA,
STATE OF CALIFORNIA

**On motion of Supervisor
Seconded by Supervisor**

and approved by the following vote:

Ayes:

Noes:

Excused or Absent:

THE FOLLOWING RESOLUTION WAS ADOPTED JULY 8, 2008:
NUMBER _____

ADOPT MITIGATED NEGATIVE DECLARATION AND MAKE FINDINGS
REGARDING ZONING ORDINANCE AMENDMENT TO ESTABLISH AN SD -
DOWNTOWN SUNOL DISTRICT

WHEREAS, this Board has received the petition of the Planning Commission initiating consideration of an amendment to the Zoning Ordinance of the County of Alameda, California to establish a new SD (Downtown Sunol) zoning district and apply it to an area consisting of approximately 24.30 acres in 25 parcels, property generally described as:

the area roughly bounded by Highway 84/Niles Canyon Road, the Niles Canyon Railroad (formerly Southern Pacific) tracks, Bond Street, the Union Pacific (formerly Western Pacific) tracks, and the Arroyo de la Laguna, including the Sunol Glen School, bearing County Assessor's Parcel Numbers 096-0140-002-01, 096-0140-003-03, 096-0140-004-00, 096-0140-007-02, 096-0140-008-00, 096-0140-010-00, 096-0140-011-00, 096-0140-012-00, 096-0140-013-00, 096-0140-015-00, 096-0140-016-01, 096-0140-016-03, 096-0140-017-00, 096-0140-018-00, 096-0140-019-00, 096-0140-020-00, 096-0140-021-02, 096-0140-022-00, 096-0140-023-00, 096-0140-024-00, 096-0140-025-00, 096-0155-001-00, 096-0155-003-02, 096-0155-004-01, 096-0155-005-00;

WHEREAS the Alameda County Planning Commission did hold public hearings on said proposed Zoning Ordinance amendment on the second day of June, 2008 and on the sixteenth day of June, 2008 at the County of Alameda, 224 West Winton Avenue, Hayward, California, for which notice was given as required by law, and at which the Commission took public testimony; and

WHEREAS the Alameda County Planning Commission did review this Zoning Ordinance amendment in accordance with the provisions of the California Environmental Quality Act, considered a draft Mitigated Negative Declaration, and recommended to the Board of

Supervisors that the Mitigated Negative Declaration be adopted and that the Zoning Ordinance amendment be approved; and

WHEREAS this Board did hold a public hearing on said proposed Zoning Ordinance amendment at the hour of 11:00 a.m. on Tuesday the eighth day of July 2008, in the Board Chambers, County Administration Building, 1221 Oak Street, Oakland, for which notice was given as required by law and at which the Board took public testimony; and

WHEREAS this Board did review this Zoning Ordinance amendment in accordance with the provisions of the California Environmental Quality Act and a Mitigated Negative Declaration has been prepared; and

WHEREAS it is the finding of this Board that amendment of the Zoning Ordinance to establish a new SD (Downtown Sunol) zoning district is in the public interest for the reason that it would have the intent and effect of ensuring the ability of downtown Sunol landowners to develop individual properties in a manner consistent with acceptable historic development patterns.

NOW THEREFORE

BE IT RESOLVED that this Board does adopt the negative declaration and makes the above findings in support of its ordinance to establish a new SD (Downtown Sunol) zoning district.