

**CITY OF ALAMEDA PLANNING BOARD  
DRAFT RESOLUTION**

A RESOLUTION OF THE CITY OF ALAMEDA PLANNING BOARD RECOMMENDING THAT THE CITY COUNCIL CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT, ADOPT FINDINGS AND A STATEMENT OF OVERRIDING CONSIDERATIONS, MITIGATION MEASURES, AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR THE ALAMEDA MARINA PROJECT

WHEREAS, Pacific Shops, Inc. (Developer) owns approximately 27.08 acres of land and water and leases an additional 17.06 acres of land and water from the City at a property located at 1815 Clement Avenue and commonly known as Alameda Marina; and

WHEREAS, the Developer proposes to redevelop the Alameda Marina site and construct several new structures on the site; and

WHEREAS, the proposed project would include a combination of residential, maritime and commercial uses that would be housed in existing structures to be rehabilitated or new structures to be built on the site, including up to 779 housing units, up to 250,000 square feet of maritime and commercial space, approximately 3.59 acres of open space, and up to 530 marina berths (collectively, the "Project"); and

WHEREAS, the City prepared an Environmental Impact Report (EIR) evaluating the potential effects of the proposed development of the Alameda Marina Project; and

WHEREAS, the EIR was circulated for comment on January 1, 2018; and

WHEREAS, the Planning Board held a duly noticed public hearing to receive public testimony on the EIR on February 12, 2018, examined pertinent maps and documents, and considered the testimony and written comments received; and

WHEREAS, following the close of the public review period, the final FEIR (Final EIR) was prepared, which responds to the written and oral comments received during the public review period and makes revisions to the EIR; and

WHEREAS, the Final EIR, which consists of the EIR and the EIR Appendices, and a Responses to Comments on the EIR volume that contains comments on the EIR, responses to those comments, and revisions to the EIR, was published on May 17, 2018; and

WHEREAS, the Planning Board held a duly noticed public hearing to receive public testimony on the Final EIR on May 29, 2018, examined pertinent maps and documents, and considered the testimony and written comments received and recommended that the City Council certify the Final EIR; and

WHEREAS, the Final EIR has been presented to and independently reviewed and considered by the City Council.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board recommends that

the City Council take the following actions:

1. Certify that the Final EIR for the Alameda Marina Project has been completed in compliance with CEQA, Public Resources Code sections 21000 *et seq.*, the State CEQA Guidelines, California Code of Regulations, title 14, sections 15000 *et seq.*, and all applicable state and local guidelines, and reflects the independent judgment of the City.
2. Adopt Findings for the Project, including a Statement of Overriding Considerations, attached hereto as Exhibit A, and adopt and incorporate into the Project all of the mitigation measures within the responsibility and jurisdiction of the City of Alameda which are identified in the Findings.
3. Adopt the Mitigation Monitoring and Reporting Program for the Project, attached hereto as Exhibit B.

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## EXHIBIT A

### **CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE ALAMEDA MARINA PROJECT**

#### **I. INTRODUCTION**

The City of Alameda (“City”), as lead agency under the California Environmental Quality Act (“CEQA”), Public Resources Code Section 21000 *et seq.*, has prepared the Final Environmental Impact report for the Alameda Marina Project (State Clearinghouse No. 2016102064) (“Final EIR”). The Final EIR is a project-level EIR pursuant to Section 15161 of the Guidelines for implementation of CEQA (“State CEQA Guidelines”).<sup>1</sup> The Final EIR consists of the January 2018 Public Review Draft Alameda Marina Master Plan Environmental Impact Report (“EIR”), the May 2018 Response to Comments on the EIR (“Response to Comments document”), and revisions to the EIR contained in the Response to Comments document.

In determining to approve the Alameda Marina Master Plan (“Project”), which is described in more detail in Section II, below, the City makes and adopts the following findings of fact and statement of overriding considerations, and adopts and incorporates into the Project all of the mitigation measures identified in the Final EIR, all based on substantial evidence in the whole record of this proceeding (“administrative record”). Pursuant to Section 15090(a) of the State CEQA Guidelines, the Final EIR was presented to the City, and the City reviewed and considered the information contained in the Final EIR prior to making the findings in Sections IV through XIV, below. The conclusions presented in these findings are based on the Final EIR and other evidence in the administrative record.

#### **II. PROJECT DESCRIPTION**

The Project, as fully described in Chapter 3 of the EIR, involves the redevelopment of approximately 44 acres of land and water located at 1815 Clement Avenue in the north-central portion of the City of Alameda. The project site encompasses approximately 27.08 acres of private land, including privately-owned submerged land, and 17.06 acres of State tidelands that are held in trust by the City of Alameda and leased to Pacific Shops, Inc. The proposed Project would demolish most existing structures on the Project site and allow for development of up to 779 new housing units, a marina with up to 530 boat slips and a harbormaster’s office, approximately 250,000 square feet of maritime and commercial uses, and about 3.59 acres of waterfront-related public open space and parks.

The residential unit types proposed include: townhomes, three to four story multifamily stacked flat buildings, and four to five story wrap buildings. A range of commercial and maritime uses are permitted and could include a maritime workplace with maritime and craftsman work spaces, business and professional offices, work/live studios, and kayak and bicycle rental shops. Other proposed improvements include establishing locations for launching kayaks and other small watercraft, provisions for a future public water taxi/water shuttle, a new internal roadway

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<sup>1</sup> The State CEQA Guidelines are found at California Code of Regulations, Title 14, Sections 15000 *et seq.*

system and utility infrastructure, and parking throughout the site. A shoreline public promenade, offering views of the Oakland skyline and hills, the Oakland Estuary and Coast Guard Island would encircle the proposed residential mixed-use community. The shoreline infrastructure will also be repaired or replaced, and will include the repair and replacement of approximately 4,000 linear feet of seawalls and bulkheads, upgrades for utilities to support the existing marina, marina dredging associated with the seawall construction and operation of the marina, sub surface debris removal associated with the prior history of the Project site, and repair of the graving dock.

As set forth in Chapter 3 of the Draft EIR, the project objectives are as follows:

### **Improve and Enhance the Maritime Commercial Marina**

- Maintain Alameda Marina as a working waterfront and retain and/or promote Alameda Marina's maritime uses by creating a Maritime Commercial Core that utilizes the maritime footprint more efficiently.
- Encourage the retention and development of waterfront and maritime-related job and business opportunities that relate to the area's waterfront location.
- Upgrade and rehabilitate facilities, unique buildings, as feasible, and provide land for existing maritime businesses, boat berthing and maintenance, boat storage, and waterfront commercial recreation businesses.
- Provide sea level rise protection and other infrastructure upgrades to bring Alameda Marina up to date to make it a safe and accessible place.

### **Activate and Reconnect the Community to the Waterfront**

- Reconnect the community to the waterfront by extending the existing city grid into the site to allow for additional view corridors and access points through the site to the shoreline edge.
- Create public amenities and opportunities for gathering spaces for existing and future community members by developing new open space areas within and along the shoreline edge with a Bay Trail component.

### **Create a Dynamic New Neighborhood for Everyone**

- Provide housing of various types to fulfill the goals of the City's Housing Element and help meet the City's Regional Housing Need Allocation.
- Provide options for housing that meet the need of a wide demographic that includes universally designed units, affordable, rental, work force market-rate and market-rate units.
- Integrate Alameda Marina's core maritime uses, including those governed by the Tidelands Lease, with renovated and new compatible uses, including various types of housing.
- Develop a mixed-use project that allows for a mix of compatible uses at the site.
- Provide opportunities for the improvement of the existing boat Marina and shoreline

infrastructure; maintain and generate new jobs; and create better and new open space and recreational areas.

### **Provide Financially Sound Development**

- Develop an economically sustainable and financially sound new development that can fund the construction of the public facilities and services that are needed to serve the plan area and achieve General Plan objectives, while avoiding any financial impact on the City's ability to provide services to the rest of the City.
- Fulfill the project sponsor's obligations under the Tidelands and Marina Lease.

### **III. ENVIRONMENTAL REVIEW PROCESS**

On October 27, 2016, the City issued a Notice of Preparation ("NOP") of the EIR. The NOP requested that agencies with regulatory authority over any aspect of the project describe that authority and identify the relevant environmental issues that should be addressed in the EIR. Interested members of the public were also invited to comment. The NOP was circulated for comment by responsible and trustee agencies and the public for a total of 34 days from October 27, 2016, through November 30, 2016, during which time the City held a public scoping meeting on November 14, 2016. Based on input from the public, and following further consultation with the City, a revised Master Plan was submitted in May 2017, and a revised NOP was released on July 13, 2017. Comments on the NOP and the revised NOP were received by the City and considered during preparation of the EIR.

The EIR was made available for public review on January 1, 2018, and distributed to responsible and trustee agencies and the public. It was circulated for public review through February 15, 2018, for a total of 45 days, during which time the City held a public hearing on the EIR on February 12, 2018.

The Response to Comments document was issued on May 17, 2018. On May 29, 2018, at a duly noticed public hearing, the Planning Board recommended that the City Council certify the Final EIR.

The Planning Board recommended that the findings, recommendations, and statement of overriding considerations set forth below (the "Findings") be made and adopted by the City Council regarding the Project's significant environmental effects ("significant impacts"), mitigation measures, alternatives to the Project, and the overriding considerations that support approval of the Project despite any remaining significant impacts it may have.

### **IV. FINDINGS**

These findings summarize the environmental determinations of the Final EIR about project impacts before and after mitigation, and do not attempt to repeat the full analysis of each significant impact contained in the Final EIR. Instead, these findings provide a summary description of and basis for each impact conclusion identified in the Final EIR, describe the applicable mitigation measures identified in the Final EIR, and state the City's findings and rationale about the significance of each significant impact following the adoption and incorporation of mitigation measures into the Project. A full explanation of these environmental findings and conclusions can be found in the Final EIR, and these findings hereby incorporate by reference the discussion and analysis in the Final EIR supporting the Final EIR's determinations

regarding mitigation measures and the Project's impacts.

In adopting mitigation measures below, the City intends to adopt each of the mitigation measures identified in the Final EIR. Accordingly, in the event a mitigation measure identified in the Final EIR has been inadvertently omitted from these findings, such mitigation measure is hereby adopted and incorporated into the Project in the findings below by reference. In addition, in the event the language of a mitigation measure set forth below fails to accurately reflect the mitigation measure in the Final EIR due to a clerical error, the language of the mitigation measure as set forth in the Final EIR shall control unless the language of the mitigation measure has been specifically and expressly modified by these findings.

Sections V through VIII, below, provide brief descriptions of the impacts that the Final EIR identifies as either significant and unavoidable, less than significant with adopted mitigation, or less than significant without mitigation. These descriptions also reproduce the full text of the mitigation measures identified in the Final EIR for each significant impact.

## **V. SIGNIFICANT OR POTENTIALLY SIGNIFICANT IMPACTS THAT CANNOT BE AVOIDED OR MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL**

The Final EIR identifies the following significant and unavoidable adverse impacts associated with the approval of the Project, some of which can be reduced, although not to a less-than-significant level, through implementation of mitigation measures identified in the Final EIR. In addition, the City cannot require adoption or implementation of mitigation measures for some impacts because they are within the responsibility and jurisdiction of other public agencies. Pub. Resources Code § 21081(a)(2). Therefore, as explained below, some impacts will remain significant and unavoidable notwithstanding adoption of feasible mitigation measures. To the extent that these mitigation measures will not mitigate or avoid all significant effects on the environment, and because the City cannot require mitigation measures that are within the responsibility and jurisdiction of other public agencies to be adopted or implemented by those agencies, it is hereby determined that any remaining significant and unavoidable adverse impacts are acceptable for the reasons specified in Section XIII, below. Pub. Resources Code § 21081(a)(3). As explained in Section X, below, the findings in this Section V are based on the Final EIR, the discussion and analysis in which is hereby incorporated in full by this reference.

### **A. Impact CUL-1: Project implementation would cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5.**

The Alameda Marina Project, as proposed, would include the demolition of 26 of the 37 buildings in the Project area. Of the 17 contributing buildings and one structure in the Alameda Marina Historic District, 11 would be demolished (Buildings 1, 4, 6, 12, 22, 28, 29, 31, 32, 33, and 34). Buildings 13, 14, 16, 17, 18, 19, 21, 25, 26, and 27 would remain. All three buildings deemed individually eligible for the National Register (16, 19, and 27) would be retained. The demolition of many of the District's contributing buildings, which have been determined to be historical resources, is considered a significant impact under CEQA.

This impact cannot be reduced to a less-than-significant level; however,

implementation of the Mitigation Measure CUL-1a (Treatment of Historic Properties), Mitigation Measure CUL-1b (Documentation), and Mitigation Measure CUL-1c (Interpretive Display) set forth below, which are hereby adopted and incorporated into the Project, would reduce impacts, to the extent feasible, to historical resources by documenting the resource and preserving the history of the site and buildings. Overall, the proposed Project would cause a substantial adverse change in the significance of a historical resource, and this impact would be significant and unavoidable with mitigation.

**Mitigation Measure CUL-1a: Treatment of Historic Properties (Buildings 16 19 and 27).** Alterations, to the exteriors of Buildings 16, 19 and 27, shall conform to the Secretary of the Interior's Standards for the Treatment of Historic Properties and Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, if feasible (NPS, 1995) and PRC 5024.5.

**Mitigation Measure CUL-1b: Documentation.** The project proponent shall prepare a treatment plan including but not limited to photo documentation and public interpretation of the Alameda Marina Historic District (Buildings 1, 4, 6, 12, 15, 16, 17, 19, 21, 22, 27, 28, 29, 31, 32, 33, 34, and the graving dock). Photo documentation will be overseen by a Secretary of the Interior-qualified architectural historian, documenting the affected historical resource in accordance with the National Park Service's Historic American Buildings Survey (HABS) and/or Historic American Engineering Record (HAER) standards. Such standards typically include large-format photography using (4x5) negatives, written data, and copies of original plans if available. The HABS/HAER documentation packages will be archived at local libraries and historical repositories, as well as the Northwest Information Center of the California Historical Resources Information System.

**Mitigation Measure CUL-1c: Interpretive Display.** Public interpretation of historical resources shall be provided and could include a plaque, kiosk, or other method of describing the Alameda Marina Historic District's historic or architectural importance to the general public. The design and placement of the display(s) shall be reviewed and approved by the City of Alameda Historic Advisory Board.

**B. Impact CUL-4: Project construction could cause a substantial adverse change in the significance of a Tribal Cultural Resource as defined in Public Resources Code Section 21074.**

Based on background research, there is an extensive prehistoric archaeological site with human burials (CA-ALA-11) present in a portion of the Project area. The site is recommended as eligible for listing in the California Register and for the purposes of CEQA is considered a tribal cultural resource. In the event that construction activities disturb archaeological sites that are considered tribal cultural resources, damage would be considered a significant impact.

Implementation of Mitigation Measure CUL-2a (Archaeological Research Design and Treatment Plan) and Mitigation Measure CUL-4 (Tribal Cultural Resources Interpretive Program) set forth below, which are hereby adopted and incorporated into the Project, would reduce these impacts, but not to a less-than-significant level.

**Mitigation Measure CUL-2a: Archaeological Resources Management Plan.** During the preliminary design for development within the project area, and prior to submittal of a building permit or grading application to the City of Alameda, the project applicant shall undertake the following:

- **Preservation in Place.** A qualified archaeologist, in consultation with the City of Alameda, the project applicant, and the appropriate Native American representative(s) shall determine whether preservation in place of site CA-ALA-11 is feasible. Consistent with CEQA Guidelines Section 15126.4(b)(3), this may be accomplished through planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement.

If it is determined that preservation in place is not feasible for the resource and another type of mitigation would better serve the interests protected by CEQA, mitigation shall include testing and data recovery through archaeological investigations and the project applicant shall undertake the following:

- **Archaeological Resources Management Plan.** Because a significant archaeological resource (CA-ALA-11) has been previously identified in the project area, the project proponent shall retain a Secretary of the Interior-qualified archaeologist, in consultation with a Native American representative(s), to prepare and implement an Archaeological Resources Management Plan (ARMP). The ARMP shall include a preliminary testing program to identify the types of expected archaeological materials, the testing methods to be used to define site boundaries and constituents, and the locations recommended for testing. The purpose of the testing program will be to determine to the extent possible the presence or absence of archaeological materials in the proposed areas of disturbance for the project and to determine whether those materials contribute to the significance of site CA-ALA-11. If a significant contributing element to the site is in the project area, the project proponent shall conduct a data recovery program as outlined in the ARMP. The ARMP will include how the data recovery program would preserve the significant information the archaeological resource is expected to contain. Treatment would consist of (but would not be not limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim of targeting the recovery of important scientific data contained in the portion(s) of the significant resource to be impacted by the project. The ARMP shall include provisions for analysis of data in a regional context; reporting of results within a timely manner and subject to review and comments by the appropriate Native American representative, before being finalized; curation of artifacts and data at a local facility acceptable to the City and appropriate Native American representative; and dissemination of final confidential reports to the appropriate Native American representative, the Northwest Information Center of the California Historical Resources Information System and the City.

**Mitigation Measure CUL-4: Tribal Cultural Resources Interpretive Program.** In consultation with the affiliated Native American tribal representatives, the proposed project shall be redesigned so as to avoid any adverse effect on the significant tribal cultural resource, if feasible. If preservation in place of the tribal cultural resource is not a



sufficient or feasible option, the project applicant shall implement an interpretive program of the tribal cultural resource in consultation with affiliated tribal representatives. The plan shall identify, as appropriate, proposed locations for installations or displays, the proposed content and materials of those displays or installation, the producers or artists of the displays or installation, and a long term maintenance program. The interpretive program may include artist installations, preferably by local Native American artists, oral histories with local Native Americans, artifacts displays and interpretation, and educational panels or other informational displays.

**C. Impact C-CUL-1: The project, in combination with past, present, and probable future projects, would substantially contribute to cumulative adverse historic architectural resources impacts.**

The potential impacts of the Project when considered together with similar impacts from other probable future projects in the vicinity could result in a significant cumulative impact on historic architectural resources. The proposed Project's contribution to this impact could be cumulatively considerable, as documented above under Impact CUL-1, especially due to the unique nature of the site and its ties to both World War I and World War II. Many World War II-era shipyards in the Bay Area were demolished in the 1950s or 1960s, but, so far, the Alameda Marina has remained, albeit with a substantial loss of integrity as all water-side elements of the former shipyard were removed several decades ago.

Implementation of Mitigation Measures CUL-1a, CUL-1b, and CUL-1c, set forth above, would reduce these impacts, but not to a less-than-significant level.

**D. Impact C-CUL-3: The project, in combination with past, present, and probable future projects, could result in cumulative adverse impacts on tribal cultural resources.**

The geographic scope for cumulative effects on tribal cultural resources includes projects in Alameda that would also involve disturbance in locations with tribal cultural resources, as defined by PRC Section 21074. Cumulative projects that would potentially impact tribal cultural resources would be a potentially significant impact. Unless a tribal cultural resource can be avoided and preserved in place according to the provisions set forth by PRC Section 21084.3, impacts to tribal cultural resources would not be reduced to a less-than-significant level, even with implementation of Mitigation Measure CUL-4 set forth above, and the cumulative impact would be significant and unavoidable.

**E. Impact TRA-2: The proposed project would increase traffic volumes such that traffic conditions at the Park Street/Blanding Avenue and Park Street/Clement Avenue intersections would either deteriorate from LOS D to LOS F or the proposed project would increase traffic volumes by three percent or more.**

The proposed Project would cause a significant impact at the following intersections:

- Park Street/Blanding Avenue (#7) intersection under Existing Plus Project conditions – The proposed Project would increase traffic volumes such that the

intersection would deteriorate from LOS D to LOS F in the PM peak hour.

- Park Street/Blanding Avenue (#7) intersection under Cumulative (2040) Plus Project conditions - The proposed Project would increase traffic volumes by three percent or more at the intersection which would operate at LOS F during the AM peak hour, and increase traffic volumes such that the intersection would deteriorate from LOS D to LOS F during the PM peak hour.
- Park Street/Clement Avenue (#8) intersection under Cumulative (2040) Plus Project conditions - The proposed Project would increase traffic volumes by three percent or more at the intersection which would operate at LOS F during both AM and PM peak hours regardless of the Project.

Implementation of Mitigation Measure TRA-2, set forth below, which is hereby adopted and incorporated into the Project, would reduce these impacts, but not to a less-than-significant level.

**Mitigation Measure TRA-2:** Implement Mitigation Measure TRA-1, which would consist of implementing a TDM program at the project site.

**Mitigation Measure TRA-1:** To reduce the amount of VMT generated by the project, as well as the number of automobile trips generated by the project and to reduce automobile LOS impacts, the project shall prepare a Transportation Demand Management (TDM) Plan and funding program for Planning Board review and approval. The TDM plan shall include the following measures to reduce VMT and vehicle trips, particularly single-occupant vehicle trips, by project residents, workers, and visitors:

- All residents and employers at Alameda Marina will pay annual fees to support supplemental transit services and trip reduction services for the residents and employees.
- All residents and employees will be provided with AC Transit Easy Passes, which will provide access to all of AC Transit's services including the San Francisco express commuter buses. The cost of the passes will be included in the mandatory assessments on each unit, which dis-incentivizes future residents who prefer to drive alone and do not want to use transit.
- Residents of the non-townhome units, who wish to have cars, will be required to lease parking spaces on a monthly basis in a shared parking lot or structure. The cost of the parking will be "unbundled" from the cost of the residential unit, which provides a financial incentive for residents to reduce car ownership and take advantage of the AC Transit passes, which are "bundled" into the cost of their residential units. (The 162 townhomes will have private parking.)
- The project residents will be members of the Alameda Transportation Management Agency, which will provide transportation information services to all of the residents through a TMA website and through annual surveys of resident transportation needs.
- The project will provide access to car share and guaranteed ride home services to make it easier for residents and employees to reduce their dependence on a

private automobile and increase use of project-provided transit services.

- Resident annual assessments in the Northern Waterfront area currently fund supplemental commute hour service on the AC Transit Line 19, which provides direct service to Fruitvale and 12th Street BART stations. Future assessments received from project residents and employers will allow for additional transit services and future water shuttle services designed to serve the waterfront developments along the Estuary in Alameda and Oakland and connect the project sites to the regional ferry services provided from Jack London Square in Oakland and the Main Street Terminal in Alameda.

**F. Impact TRA-3: In the event that the planned Clement Avenue extension is not completed prior to project opening, the proposed project could increase traffic volumes at intersections on Buena Vista Avenue such that traffic operations could deteriorate to substandard conditions.**

Clement Avenue is an east/west Regional Arterial along the northern Alameda waterfront between Grand Street in the west and Broadway in the east. The roadway currently terminates at Grand Street and the Shell Oil Facility, but then begins again to the west of the Shell Oil Facility, where it provides an important means of access and circulation to the recently-completed Marina Cove and Marina Shores residential developments west of the Alameda Marina Project site. Improvement to Clement Avenue was a required mitigation for both of those projects, and those improvements have been completed between Hibbard Street and Entrance Road. The future extension of Clement Avenue westwards from Entrance Road to Atlantic Avenue is also a required mitigation for the approved Del Monte Warehouse project, and is also a conditional mitigation requirement for the proposed Encinal Terminals project in the event that the Del Monte project's contribution does not materialize prior to the Encinal Terminals project coming online.

The timeline for the completion of the Clement Avenue extension is uncertain, and it is possible that if the Alameda Marina Master Plan Project is approved and constructed, it could come online before the extension is completed. In that event, significant traffic impacts could occur at locations along Buena Vista Avenue, specifically at its intersection with Entrance Road.

Implementation of Mitigation Measure TRA-3, set forth below, which is hereby adopted and incorporated into the Project, would reduce these impacts, but not to a less-than-significant level.

**Mitigation Measure TRA-3 (revised):** The project shall pay a fair share contribution to the cost of the Clement Avenue extension from Atlantic Avenue to Grand Street. The fair share contribution shall be calculated based upon a traffic study to calculate the fair share contribution of each Northern Waterfront development project including the Del Monte Warehouse Project, the Encinal Terminals Project, the Windriver fifth building project, and Alameda Marina, which will contribute traffic trips to the Clement Avenue Extension. The City shall require all developers to contribute their fair share as

determined by the traffic study. The Alameda Marina fair share contribution shall be paid on a pro-rata basis for each residential phase of the Alameda Marina project (number of units in phase divided by total number of units in project multiplied by the fair share contribution). Each portion of the fair share contribution shall be paid prior to issuance of the first building permit for the current residential phase if work on the Clement Avenue extension has been initiated by another developer of a Northern Waterfront development project. If the work has not been initiated by another developer prior to issuance of the first building permit for Alameda Marina, the contribution shall be made prior to issuance of the first residential Certificate of Occupancy on the property.

**VI. SIGNIFICANT OR POTENTIALLY SIGNIFICANT IMPACTS THAT CAN BE AVOIDED OR MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL BY MITIGATION MEASURES INCORPORATED INTO THE PROJECT.**

The Final EIR identifies the following significant or potentially significant impacts associated with the Project. These impacts are eliminated or reduced to a less-than-significant level by mitigation measures identified in the Final EIR. It is hereby determined that the impacts addressed by these mitigation measures will be mitigated to a less-than-significant level or avoided by incorporation of these mitigation measures into the Project. Pub. Resources Code § 21081(a)(1). As explained in Section X, below, the findings in this Section are based on the Final EIR, the discussion and analysis in which is hereby incorporated in full by this reference.

**A. Impact AQ/CC-1: The proposed project would not result in localized construction dust-related air quality impacts; generate construction emissions that would result in a substantial increase of criteria pollutants and precursors for which the air basin is in nonattainment under an applicable federal or state ambient air quality standard; or expose sensitive receptors to substantial concentrations of toxic air contaminants or respirable particulate matter (PM2.5).**

The Final EIR finds that Project related demolition, soil transport, remediation, grading and other construction activities at the Project site may cause wind-blown dust that could release particulate matter into the atmosphere. Project-related construction would generate air emissions through the use of heavy-duty construction equipment, from vehicle trips hauling materials, and from construction workers traveling to and from the Project site. These emissions would be temporary and limited to the immediate area surrounding the construction site. Based on default assumptions from CalEEMod, construction emissions associated with the Project would be less than significant. The BAAQMD requires implementation of Best Management Practices to reduce construction dust impacts to a less than-significant level. Mitigation Measure AQ/CC-1, set forth below, which is hereby adopted and incorporated into the Project, would reduce impacts to less than significant levels.

**Mitigation Measure AQ/CC-1: Implementation of Dust Abatement Programs.** The project applicant shall be required to demonstrate compliance with all applicable City regulations and operating procedures prior to issuance of building or grading permits, including standard dust control measures. The effective implementation of dust abatement programs, incorporating all of the following dust control measures, would reduce the temporary air quality impact associated with construction dust.

- All active construction areas shall be watered two times daily using equipment and staff provided by the project applicant or prime contractor, as needed, to avoid visible dust plumes. Appropriate non-toxic dust palliative or suppressant, added to water before application, may be used.
- All trucks hauling soil, sand and other loose materials shall be covered.
- All unpaved access roads, parking areas and construction staging areas shall be either paved, watered as necessary to avoid visible dust plumes, or subject to the application of (non-toxic) soil stabilizers.
- All paved access roads, parking areas and staging areas at the construction site shall be swept daily with water sweepers. The use of dry power sweeping is prohibited.
- If visible soil material is carried onto adjacent public streets, these streets shall be swept daily with water sweepers. The use of dry power sweeping is prohibited.
- All stockpiles of debris, soil, sand or other materials that can be blown by the wind shall either be covered or watered as necessary to avoid visible dust plumes.
- An off-pavement speed limit of 15 miles per hour for all construction vehicles shall be incorporated into the construction contract and enforced by the prime contractor.
- All inactive portions of the project site (those areas which have been previously graded, but inactive for a period of ten days or more) shall be watered with an appropriate dust suppressant, covered or seeded.
- All earth-moving or other dust-producing activities shall be suspended when the above dust control measures prove ineffective in avoiding visible dust plumes during periods of high winds. The wind speed at which this suspension of activity will be required may vary, depending on the moisture conditions at the project site, but suspension of such activities shall be required in any case when the wind speed exceeds 25 miles per hour.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and person to contact at the City of Alameda regarding dust complaints. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

**B. Impact AQ/CC-5: The proposed project would not conflict with or obstruct**

### **the implementation of the applicable air quality plan.**

The Final EIR finds that the Project could result in an increase in emissions of criteria pollutants during operations. Therefore, the Project could potentially conflict with or obstruct implementation of the most recently adopted air quality plan, which is BAAQMD's *2017 Clean Air Plan*. Consistency with the Clean Air Plan can be determined if the Project meets the following criteria: 1) supports the goals of the Clean Air Plan; 2) includes applicable control measures from the Clean Air Plan; and 3) would not disrupt or hinder implementation of any control measures from the Clean Air Plan.

The Project would not exceed the BAAQMD's significance criteria for air pollutant emissions and would, therefore, be consistent with the first of the criteria for consistency with the Clean Air Plan. The Final EIR finds that with elements identified as part of the proposed Project and with implementation of Mitigation Measure AQ/CC-3, the proposed Project would be consistent with applicable control measures of the Clean Air Plan. The proposed Project meets the third criteria for consistency with the Clean Air Plan by incorporating applicable control measures, including a TDM program, creation of new bicycle and pedestrian facilities that connect to the City's existing network, and implementation of Mitigation Measure AQ/CC-3.

With Mitigation Measure AQ/CC-3, set forth below, which is hereby adopted and incorporated into the Project, the Project would not substantially conflict with or obstruct implementation of the 2017 Clean Air Plan, and the impact would be less than significant.

**Mitigation Measure AQ/CC-3:** The City shall require that the following measures be implemented, either by the City or the project applicant, or both in combination, to encourage the use of low- and zero-emission vehicles in travel to and from the project site and construction meeting LEED Silver or equivalent sustainable design standards:

- Promote use of clean fuel-efficient vehicles through preferential parking and/or installation of charging stations.
- Require LEED Silver certification or equivalent for all new residential structures.
- Promote zero-emission vehicles by providing a neighborhood electric vehicle program to reduce the need to have a car or second car as an element of the TDM program.

### **C. Impact C-AQ/CC-2: The proposed project would not generate greenhouse gas (GHG) emissions, either directly or indirectly, that would have a significant impact on the environment.**

The Final EIR finds that construction activities would produce combustion emissions from various sources, but that implementation of the construction emission control measures in Mitigation Measure AQ/CC-1, set forth above, would further reduce GHG emissions during Project construction.

During operations, the Final EIR also finds that the proposed Project would generate 5,783 metric tons of CO<sub>2e</sub> per year, which is above the BAAQMD's screening threshold of 1,100 metric tons of CO<sub>2e</sub> per year. The Project would develop up to 779 residential units which would

accommodate a service population of 1,932 people. Therefore, the Project's GHG emissions would result in a GHG efficiency of 2.9 metric tons per service population per year which is below the BAAQMD's threshold of 4.6 metric tons per service population per year for year 2020. According to the BAAQMD, a project would have less-than-significant GHG emissions if it would meet one or more of the criteria. Therefore, because the Project results in emissions below the 4.6 metric tons CO<sub>2</sub>e per service, the Project would not have a significant effect on the environment related to greenhouse gas emissions with respect to the GHG reduction goals for year 2020.

For year 2030, a new interim goal of a further 40 percent reduction below 1990 levels has been adopted by CARB pursuant to Senate Bill 32. Applying these further needed reductions to the service population threshold results in an operational-related greenhouse gas emissions threshold of 2.8 metric tons of CO<sub>2</sub>e per service population as sufficient to achieve the goals for year 2030 (Vintze, 2016). As currently proposed, the Project would just exceed this year 2030 threshold by 0.1 metric ton of CO<sub>2</sub>e per year. However, implementation of Mitigation Measure AQ/CC-3 identified above, which is hereby adopted and incorporated into the Project, for consistency with the 2017 Clean Air Plan would require the applicant to obtain LEED silver certification or its equivalent for proposed residential structures as well as other measures that would reduce Project-related GHG emissions.

**D. Impact BIO-1: The proposed project would not have a substantial adverse effect, either directly or through habitat modifications, on species identified as candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the United States Fish and Wildlife Service.**

The Final EIR finds that sensitive aquatic communities, special-status fish, and marine mammals that occur in Alaska Basin and the Oakland-Alameda Estuary could be adversely impacted by Project activities requiring in-water work associated with rehabilitation of pilings and docks in the marina. Special-status and migratory bird species have the potential to be at or in the vicinity of the Project site and could be adversely impacted by construction activities associated with the demolition of existing buildings which could disrupt occupied avian nests. The Oakland-Alameda Estuary and Alaska Basin waters could be used by harbor seals and sea lions for foraging and thus, there is a potential for noise from proposed pile driving activities to significantly affect these marine mammals.

Implementation of noise reduction measures to protect fish and marine mammals in Mitigation Measure BIO-1a, BIO-1b, and BIO-1c, set forth below, which are hereby adopted and incorporated into the Project, would reduce the impacts to a less than significant level.

Increased artificial illumination of Bay waters at night can alter normal swimming and foraging behavior of fish, marine mammals, and seabirds. The potential for impacts on special-status species from artificial night lighting on marina and future water shuttle facilities would be potentially significant. Implementation of Mitigation Measure BIO-1d, as set forth below, is hereby adopted and incorporated into the Project, would reduce impacts to a less than significant level.

Construction disturbance from building demolition or vegetation and tree removal during breeding bird season in support of the proposed Project could result in incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment of active nests within Project structures

or in trees or buildings in the vicinity of the proposed Project site. Equipment staging and construction activities may result in indirect impacts to protected breeding birds resulting from construction noise and activity, even when the physical nest is unaffected. Implementation of Mitigation Measure BIO-1e, set forth below, which is hereby adopted and incorporated into the Project, would reduce impacts on breeding birds from Project activities to less than significant.

Dredging operations can directly impact birds during foraging in several ways. Noise caused by dredging can cause partial or complete avoidance of usual foraging locations, requiring birds to expend more energy finding new foraging locations. Dredging operations can increase normally occurring anthropogenic and natural levels of turbidity in the Bay. Increased turbidity may decrease foraging success by decreasing prey abundance or making it more difficult for piscivorous birds to detect prey. According to the 2001 *Long-Term Management (LTMS) Strategy for the Placement of Dredged Material in the San Francisco Bay Region Management Plan*, the LTMS specifies that dredging activities within this potential impact area within the one mile coastline from Berkeley Marina south through San Lorenzo Creek should not occur during the period in which (and just prior to which) least terns might be nesting in the San Francisco Bay area (March 16–July 31). Because the proposed Project and associated in-water components are located within this area where potential foraging effects may occur, the project applicant would be required by Section 10 and/or Section 404 permitting conditions to limit dredging to occur outside of this sensitive period. With respect to pile driving activities associated with in-water work, implementation of Mitigation Measures BIO-1a, BIO-1b, BIO-1c and BIO-1d, as set forth below, would minimize potential impacts on fish and, consequently, the foraging birds that depend on them.

**Mitigation Measure BIO-1a:** Prior to the start of in-water construction and maintenance that would require pile driving, the project applicant shall prepare a NMFS-approved sound attenuation monitoring plan to protect fish and marine mammals, if impact pile driving is required for project implementation. This plan shall provide detail on the sound attenuation system, detail methods used to monitor and verify sound levels during pile driving activities, and describe management practices to be taken to reduce impact hammer pile-driving sound in the marine environment to an intensity level of less than 183 dB. The sound monitoring results shall be made available to the NMFS. The plan shall incorporate, but not be limited to, the following best management practices (BMPs) to meet the 183 dB performance standard:

- To the extent feasible, all pilings shall be installed and removed with vibratory pile drivers only. If feasible, vibratory pile driving will be conducted following the Corps' "*Proposed Procedures for Permitting Projects that will Not Adversely Affect Selected Listed Species in California*". USFWS and NOAA completed Section 7 consultation on this document, which establishes general procedures for minimizing impacts to natural resources associated with projects in or adjacent to jurisdictional waters.
- An impact pile driver may only be used where necessary to complete installation of larger steel pilings in accordance with seismic safety or other engineering criteria.
- If necessary, the hammer shall be cushioned using a 12-inch thick wood cushion block during all impact hammer pile driving operations.
- All piling installation using impact hammers shall be conducted between June 1 and November 30, when the likelihood of sensitive fish species being present in the work area is minimal.



- If pile installation using impact hammers must occur at times other than the approved work window, the project applicant shall obtain incidental take authorization from NMFS and CDFW, as necessary, to address potential impacts on steelhead trout, chinook salmon, and Pacific herring and implement all requested actions to avoid impacts.
- The project applicant shall monitor and verify sound levels during pile driving activities. The sound monitoring results will be made available to NMFS and the City.
- In the event that exceedance of noise thresholds established and approved by NMFS occurs, a contingency plan involving the use of bubble curtains or air barrier shall be implemented to attenuate sound levels to below thresholds.

**Mitigation Measure BIO-1b:** During the project permitting phase, any activities requiring in-water work will either proceed under one of the programmatic consultations for federally listed species described above or a project-level BO would be required. Alternatively, the project will obtain Incidental Harassment Authorization for marine mammals for dredging or pile driving activities. The project applicant shall also consult with CDFW regarding project impacts on State listed special-status fish species and the potential need for an incidental take permit (ITP). The project applicant shall submit to the City copies of any IHA and/or ITP received or, alternatively, copies of correspondence confirming that an IHA and/or ITP is not required for the project in question.

**Mitigation Measure BIO-1c:** As part of the NMFS-approved sound attenuation monitoring plan required for pile driving in Mitigation Measure BIO-1a, the City shall ensure that the project applicant implements these additional actions to reduce the effect of underwater noise transmission on marine mammals. These actions shall include at a minimum:

- Establishment of a 1,600-foot (500-meter) safety zone that shall be maintained around the sound source, for the protection of marine mammals in the event that sound levels are unknown or cannot be adequately predicted.
- Work activities shall be halted when a marine mammal enters the 1,600-foot (500-meter) safety zone and resume only after the animal has been gone from the area for a minimum of 15 minutes.
- A “soft start” technique shall be employed in all pile driving to give marine mammals an opportunity to vacate the area.
- Maintain in-air sound levels at the noise source below 90 dBA when pinnipeds (seals and sea lions) are present.
- A NMFS-approved biological monitor will conduct daily surveys before and during impact hammer pile driving to inspect the work zone and adjacent Bay waters for marine mammals. The monitor will be present as specified by NMFS during the impact pile-driving phases of construction.

**Mitigation Measure BIO-1d:** Through the Design Review application process, the City shall ensure that the project applicant installs dock lighting on all floating docks and adjacent areas that minimizes artificial lighting of Bay waters by using shielded, low-mounted, and low light-intensity fixtures and bulbs.

**Mitigation Measure BIO-1e:** To the extent practicable, construction activities including building renovation, demolition, vegetation and tree removal, and new site construction shall be performed between September 1 and January 31 in order to avoid breeding and nesting season for birds. If these activities cannot be performed during this period, a preconstruction survey for nesting birds shall be conducted by a qualified biologist.

In coordination with the City, surveys shall be performed during breeding bird season (February 1 – August 31) no more than 14 days prior to construction activities listed above in order to locate any active passerine nests within 250 feet of the project site and any active raptor nests within 500 feet of the project site. Building renovation, demolition, tree and vegetation removal, and new construction activities performed between September 1 and January 31 avoid the general nesting period for birds and therefore would not require pre-construction surveys.

If active nests are found on either the proposed construction site or within the 500-foot survey buffer surrounding the proposed construction site, no-work buffer zones shall be established around the nests in coordination with CDFW. No renovation, demolition, vegetation removal, or ground-disturbing activities shall occur within a buffer zone until young have fledged or the nest is otherwise abandoned as determined by the qualified biologist. If work during the nesting season stops for 14 days or more and then resumes, then nesting bird surveys shall be repeated, to ensure that no new birds have begun nesting in the area.

**E. Impact BIO-2: Development facilitated by the proposed project would not have a substantial adverse effect on riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.**

There is no riparian habitat located within the Alameda Marina Project area; however, sensitive natural communities are present in the vicinity of the proposed Project that could be adversely impacted by Project development. Dredging and pile removal associated with rehabilitation or replacement of deteriorated wharf pilings could potentially affect submerged aquatic vegetation on the Bay floor or attached to wharf pilings, as well as affect native oysters or mussels. The greatest potential threat to the sensitive aquatic communities off Alameda could be from boaters unfamiliar with San Francisco Bay's sensitive habitats, their locations, and the importance of protecting these habitats. In addition, in-water work and increases in recreational boaters could result in the introduction and/or spread of invasive marine species. Potentially significant adverse impacts on these sensitive aquatic communities resulting from in-water work and recreational boaters would be reduced to less-than-significant levels through implementation of Mitigation Measures BIO-2a, BIO-2b, and BIO-2c, set forth below, which are hereby adopted and incorporated into the Project.

**Mitigation Measure BIO-2a:** Prior to in-water work, the City shall ensure that the project applicant conducts a pre-construction survey to determine if native oysters, mussels, and eelgrass are present in the Oakland/Alameda Estuary to be affected by the project.

- The eelgrass survey shall be conducted according to the methods contained in the California Eelgrass Mitigation Policy and Implementing Guidelines (NMFS, 2014), with the exception that the survey shall be conducted within 120 days (rather than 60 days,

as recommended in the CDEMP) prior to the desired construction start date, to allow sufficient time for modification of project plans (if feasible) and agency consultation.

- If eelgrass beds or native oysters are found within or immediately adjacent to the construction footprint, the project applicant shall first determine whether avoidance of the beds is feasible. If feasible, impacts to the oyster or eelgrass bed shall be avoided. If complete avoidance is not feasible, the applicant shall request guidance from the National Marine Fisheries Service (or other applicable agency) as to the need and/or feasibility to move affected beds. Any translocation of eelgrass beds shall be conducted consistent with the methods described in the CDEMP and/or those described in Eelgrass Conservation in San Francisco Bay: Opportunities and Constraints (Boyer and Wyllie-Echeverria, 2010). Translocation of oyster beds shall be consistent with methods and recommendations presented in Shellfish Conservation and Restoration in San Francisco Bay: Opportunities and Constraints (Zabin et al., 2010).
- If it is not possible to translocate oyster or eelgrass beds, then the City shall ensure that the project applicant provides compensatory mitigation consistent with the CDEMP for eelgrass (a ratio of 3.01:1 [transplant area to impact area]) and a minimum 1:1 ratio for oyster beds.
- The relocation or compensatory mitigation site for eelgrass or oyster beds shall be within San Francisco Bay.

**Mitigation Measure BIO-2b:** The Marina operators shall prepare educational information regarding sensitive biological resources in the project vicinity and within Bay waters. This information shall be disseminated to all boaters using the marina and shall include, but not be limited to, information educating boat owner/operators about sensitive habitats and species in the Bay and actions they are required to implement to avoid impacts to marine resources.

The educational information will be disseminated to visiting boaters through multiple methods including, but not limited to, brochures or pamphlets; marina and/or City websites; boating, cruising, and newspaper periodicals; and social media. The information shall be prepared soliciting input from, and in cooperation with, the National Marine Fisheries Service (NMFS), U.S. Coast Guard (USCG), California State Lands Commission, National Park Service (NPS), California Department of Parks and Recreation (CDPR), Bay Conservation and Development Commission (BCDC), and local organizations active in protecting Bay marine resources, as appropriate.

**Mitigation Measure BIO-2c:** The City shall require that the project applicant develop and implement a Marine Invasive Species Control Plan prior to commencement of any in-water work including, but not limited to, construction of wharves and seawalls, dredging, pile driving, and construction of new stormwater outfalls. The plan shall be prepared in consultation with the United States Coast Guard (USCG), RWQCB, and other relevant state agencies. Provisions of the plan shall include but not be limited to the following:

- Environmental training of construction personnel involved in in-water work.
- Actions to be taken to prevent the release and spread of marine invasive species, especially algal species such as Undaria and Sargasso.
- Procedures for the safe removal and disposal of any invasive taxa observed on the

removed structures prior to disposal or reuse of pilings, docks, wave attenuators, and other features.

- The onsite presence of qualified marine biologists to assist the contractor in the identification and proper handling of any invasive species on removed equipment or materials.
- A post-construction report identifying which, if any, invasive species were discovered attached to equipment and materials following removal from the water, and describing the treatment/handling of identified invasive species. Reports shall be submitted to the City, as well as the USCG and the RWQCB if requested by the agencies.

**F. Impact BIO-3: Development facilitated by the proposed project would have a substantial adverse effect on federally protected wetlands, 'other waters', and navigable waters as defined by Sections 404 and 10 of the Clean Water Act and waters of the State through direct removal, filling, hydrological interruption, or other means.**

The Final EIR finds that a number of activities associated with development of the Project could result in substantial adverse effects on waters of the United States, waters of the State, and waters and land under BCDC jurisdiction. Temporary disturbance of jurisdictional waters, degradation of water quality and aquatic habitat, degradation of tidal marsh habitat, and accidental discharge or site runoff of sediment or toxic materials into jurisdictional waters would be potentially significant impacts. Mitigation Measures BIO-3a and BIO-3b, set forth below, which are hereby adopted and incorporated into the Project, would reduce impacts to a less-than-significant level.

**Mitigation Measure BIO-3a:** All dredging and in-water construction activities shall be consistent with the standards and procedures set forth in the Long Term Management Strategy for dredging in the San Francisco Bay waters, a program developed by the U.S. Army Corps of Engineers (USACE), the Bay Conservation and Development Commission (BCDC), the Regional Water Quality Control Board (RWQCB), the U.S. Environmental Protection Agency, (EPA), and other agencies, to guide the disposal of dredge materials in an environmentally sound manner.

**Mitigation Measure BIO-3b:** During project construction, best management practices (BMPs) would be applied to prevent potential pollutants from entering the storm drain system directly, reducing sediment or potentially hazardous runoff from entering receiving waters. Examples of these measures include covering trash receptacles and car wash areas, regular sweeping of paved surfaces, stenciling of storm drain inlets, and installation of full trash capture devices.

**G. Impact BIO-4: Development facilitated by the proposed project would not interfere with the movement of 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.**

The Final EIR finds that development facilitated by the Project has the potential to interfere with the movement or migratory corridors of native resident or migratory avian species, and could adversely impact the movement of fish and marine mammals within Project area

waters. Implementation of Mitigation Measure BIO-1e, as described above, in addition to Mitigation Measure BIO-3, described below, would reduce these potential Project-related impacts to a less-than-significant level.

Project activities would potentially expose special-status and sensitive fish and marine mammals moving through the Golden Gate to and from the Central Bay and South Bay to the following types of impacts: increased noise from in-water pile driving and increased vessel traffic; increased resuspension of sediments from dredging, pile removal, anchor placement and removal; and increased potential for collisions and harassment of marine mammals through increased vessel traffic locally. Potential increases in noise and marine mammal collisions from vessel traffic would be minimized by implementation of Mitigation Measures BIO-1a, BIO-1b, and BIO-1c, as described above.

Development facilitated by the Project has the potential to impact migratory and resident birds through new building construction and increases in night lighting, which could lead to increases in bird strikes and potential disorientation of night migrating birds. Implementation of Mitigation Measure BIO-4, set forth below, which is hereby adopted and incorporated into the Project, would reduce these impacts to less-than-significant levels.

#### **Implement Mitigation Measures BIO-1a, BIO-1b, and BIO-1c.**

**Mitigation Measure BIO-4:** The City shall require that the project applicant retain a qualified biologist experienced with bird strike issues to review and approve the design of the building to ensure that it sufficiently minimizes the potential for bird strikes. The City may also consult with resource agencies such as the California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, or others, as it determines to be appropriate during this review.

The project applicant shall provide to the City a written description of the measures and features of the building design that are intended to address potential impacts on birds. The design shall include some of the following measures or measures that are equivalent to, but not necessarily identical to, those listed below, as new, more effective technology for addressing bird strikes may become available in the future:

- Employ design techniques that create “visual noise” via cladding or other design features that make it easy for birds to identify buildings as such and not mistake buildings for open sky or trees;
- Decrease continuity of reflective surfaces using “visual marker” design techniques, which techniques may include:
  - Patterned or fritted glass, with patterns at most 28 centimeters apart,
  - One-way films installed on glass, with any picture or pattern or arrangement that can be seen from the outside by birds but appear transparent from the inside,
  - Geometric fenestration patterns that effectively divide a window into smaller panes of at most 28 centimeters, and/or
  - Decals with patterned or abstract designs, with the maximum clear spaces at most 28 centimeters square.

- Up to 60 feet high on building facades facing the shoreline, decrease reflectivity of glass, using design techniques such as plastic or metal screens, light-colored blinds or curtains, frosting of glass, angling glass towards the ground, UV-A glass, or awnings and overhangs;
- Eliminate the use of clear glass on opposing or immediately adjacent faces of the building without intervening interior obstacles such that a bird could perceive its flight path through the glass to be unobstructed;
- Mute reflections in glass using strategies such as angled glass, shades, internal screens, and overhangs; and
- Place new vegetation sufficiently away from glazed building facades so that no reflection occurs. Alternatively, if planting of landscapes near a glazed building façade is desirable, situate trees and shrubs immediately adjacent to the exterior glass walls, at a distance of less than three feet from the glass. Such close proximity will obscure habitat reflections and will minimize fatal collisions by reducing birds' flight momentum.

**Lighting.** The project applicant shall ensure that the design and specifications for buildings implement design elements to reduce lighting usage, change light direction, and contain light. These include, but are not limited to, the following general considerations that should be applied wherever feasible throughout the proposed project to reduce night lighting impacts on avian species:

- Avoid installation of lighting in areas where not required for public safety.
- Examine and adopt alternatives to bright, all-night, floor-wide lighting when interior lights would be visible from the exterior or exterior lights must be left on at night, including:
  - Installing motion-sensitive lighting
  - Installing task lighting
  - Installing programmable timers
  - Installing fixtures that use lower-wattage, sodium, and yellow-red spectrum lighting.
- Install strobe or flashing lights in place of continuously burning lights for any obstruction lighting.
- Where exterior lights are to be left on at night, install fully shielded lights to contain and direct light away from the sky.

**Antennae, Monopole Structures, and Rooftop Elements.** The City shall ensure, as a condition of approval for every building permit, that buildings minimize the number of and co-locate rooftop-antennas and other rooftop equipment, and that monopole structures or antennas on buildings, in open areas, and at sports and playing fields and facilities do not include guy wires.

**Educating Residents and Occupants.** The City shall ensure, as a condition of approval for every building permit, that the project applicant agrees to provide educational materials to

building tenants, occupants, and residents encouraging them to minimize light transmission from windows, especially during peak spring and fall migratory periods, by turning off unnecessary lighting and/or closing window coverings at night. The City shall review and approve the educational materials prior to building occupancy.

**Documentation.** The project applicant and/or City shall document undertaking the activities described in this mitigation measure and maintain records that include, among others, the written descriptions provided by the building developer of the measures and features of the design for each building that are intended to address potential impacts on birds, and the recommendations and memoranda prepared by the qualified biologist experienced with bird strikes who reviews and approves the design of any proposed projects to ensure that they sufficiently minimize the potential for bird strikes.

**H. Impact BIO-5: Development facilitated by the proposed project would not conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.**

The Final EIR finds that development facilitated by the Project would not result in potentially significant impacts on biological resources due, in part, to the implementation of mitigation measures that avoid conflict with applicable local policies or ordinances protecting biological resources as summarized in Section 4.3.3 of the EIR. Development facilitated by the Project would be implemented in a manner intended to:

- Maintain and improve the quality of the bay, ocean, and shoreline areas;
- Promote the use and development of shoreline areas consistent with the City of Alameda General Plan and the San Francisco Bay Plan;
- Cooperate with and otherwise support regulatory programs of existing regional, state, and federal agencies concerned with San Francisco Bay Area biological resources; and
- Protect rare and endangered species as well as the habitats of known plant and animal species that require a relatively natural environment.

Therefore, with implementation of the measures described above, the potential for the Project to conflict with applicable local policies or ordinances protecting biological resources in the Project area is low and would represent a less-than-significant impact.

**Implement Mitigation Measures as described in Section 4.3.3 for biological resources.**

**I. Impact BIO-6: Development facilitated by the proposed project would not conflict with an adopted local, regional, or State Habitat Conservation Plan.**

The Final EIR finds that development facilitated by the Project could result in potentially significant impacts on biological resources, which could conflict with applicable policies of the CCMP and the Goals Project. However, implementation of Mitigation Measures BIO-1a through BIO-1e, BIO-2a through BIO-2c, and BIO-3, described above, would reduce potentially significant impacts on biological resources to ensure that the Project does not conflict with habitat conservation plans or natural community conservation plans, resulting in a less-than-significant impact.

**Implement Mitigation Measures BIO-1a through BIO-1e, BIO-2a through BIO-2c, and BIO-3.**

**J. Impact BIO-7: The proposed project, in conjunction with other past, current, or foreseeable development in Alameda, could result in cumulative impacts on biological resources.**

The Final EIR finds the geographic scope of potential cumulative impacts on biological resources encompasses the Project site as well as biologically linked areas sharing the Oakland-Alameda Estuary and greater San Francisco Bay. Past projects within this context, including the development of civic facilities, residences, commercial and industrial areas, and infrastructure, have already caused substantial adverse cumulative changes to biological resources in the Project area. Therefore, due to past projects, there has already been an adverse significant cumulative effect on biological resources. With the addition of current and other proposed projects, there is an existing significant cumulative impact *without* the Project.

While there is no sensitive habitat located on land within the Project site, the Project could disturb aquatic habitat in the Oakland-Alameda Estuary. Other potential projects are located along Alameda's waterfront, and some will involve in-water work, such as Encinal Terminals and Shipways at Marina Village, although all of these areas have limited habitat value for wildlife as they are already primarily or fully developed. However, the proximity of some projects to the waters of San Francisco Bay and the Oakland-Alameda Estuary could lead to potential cumulatively significant impacts on waterbirds and marine life and demolition of existing buildings or removal of existing vegetation could lead to significant cumulative impacts on nesting birds.

However, with the implementation of Mitigation Measures BIO-1a through BIO-1e (avoid and minimize impacts on special-status wildlife), Mitigation Measures BIO-2a through BIO-2c (avoid and minimize impacts to sensitive natural communities), and Mitigation Measure BIO-3 (avoid and minimize impacts to migratory and breeding wildlife) the Project would result in less-than-significant impacts on biological resources within and in the vicinity of the Project site. When considered within the existing condition of biological resources in the Project area and the greater Bay Area in the context of past, present and reasonably foreseeable similar projects, the Project would add only a minor, incremental contribution to habitat loss, degradation, and direct and indirect impacts to special-status species. The Project's contribution would not be considered cumulatively considerable; therefore, in combination with past, present, and reasonably foreseeable future projects, the proposed Project's cumulative effects on biological resources would be less than significant.

**Implement Mitigation Measures BIO-1a through BIO-1e, BIO-2a through BIO-2c, and BIO-3.**

**K. Impact CUL-2: Project construction could cause a substantial adverse change in the significance of an archaeological resource, including those determined to be a historical resource defined in Section 15064.5 or a unique archaeological resource defined in PRC 21083.2.**

The Final EIR finds that records at the NWIC indicate that an extensive



archaeological site with human burials (CA-ALA-11) is located in a portion of the Project area. The site is recommended eligible for listing in the California Register. The disturbance of this resource would be a potentially significant impact. The significant impact could be an adverse effect to the scientific significance of the resource and/or an adverse effect to its significance to associated Native American tribal groups. Implementation of Mitigation Measure CUL-2a (Archaeological Resources Management Plan), set forth above, which is hereby adopted and incorporated into the Project, would reduce potential impacts to the scientific significance of the resource to a less-than-significant level by requiring an archaeological testing and data recovery program (as well as archaeological monitoring, if warranted) consistent with a professionally developed Archaeological Resources Management Plan.

In addition, during ground disturbance outside of the known site boundaries within the Project area, there is the potential to uncover previously unidentified archaeological resources. The disturbance of unknown archaeological resources would be a potentially significant impact. Implementation of Mitigation Measure CUL-2b (Inadvertent Discovery of Archaeological Resources), set forth below, which is hereby adopted and incorporated into the Project, would reduce potential impacts to a less-than-significant level by ensuring that work would halt in the vicinity of an unanticipated find so that a qualified archaeologist and Native American representative can make additional recommendations, if required.

**Mitigation Measure CUL-2a:** see discussion above.

**Mitigation Measure CUL-2b: Inadvertent Discovery of Archaeological Resources.**

During construction outside of known archaeological site boundaries, if prehistoric or historic-era cultural materials are encountered, all construction activities within 100 feet shall halt and the City shall be notified. Prehistoric archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil (“midden”) containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; artifact filled wells or privies; and deposits of metal, glass, and/or ceramic refuse.

The project applicant shall ensure that a Secretary of the Interior-qualified archaeologist inspect the find within 24 hours of discovery. If the find is determined to be potentially significant, the archaeologist, shall follow the guidelines provided in Mitigation Measure CUL-2a above.

**L. Impact CUL-3: Project construction could disturb human remains, including those interred outside of formal cemeteries.**

The Final EIR finds that based on known conditions and previous archaeological research, human burials occur within and in the vicinity of the Project area and there is a high potential for the discovery of human remains during construction activities that involve ground disturbance. Disturbance of human remains would be a significant impact. Implementation of Mitigation Measure CUL-3 (Inadvertent Discovery of Human Remains), set forth below, which is hereby adopted and incorporated into the Project, would ensure that impacts to human remains would be less-than-significant.

**Mitigation Measure CUL-3: Inadvertent Discovery of Human Remains.** Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California, the project applicant shall ensure the following:

- Project construction personnel shall be informed of the potential of encountering human remains during construction, and the proper procedures to follow in the event of the discovery of human remains during construction.
- In the event of the discovery of human remains during construction, work shall stop in that area and within 100 feet of the find. The Alameda County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to their authority, they shall notify the Native American Heritage Commission who shall identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the project applicant shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further ground disturbance.

**M. Impact C-CUL-2: The project, in combination with past, present, and probable future projects, could result in cumulative adverse impacts on archaeological resources and human remains.**

The Final EIR finds that the geographic scope for cumulative effects on archaeological resources in Alameda includes projects in Alameda that would also involve excavation or similar ground disturbance in locations with previously recorded or as yet unknown archaeological resources, potentially with human remains. Cumulative projects in the Project's vicinity could have a significant impact on both recorded and unrecorded archaeological resources (including CA-ALA-11), including human remains interred outside of formal cemeteries, given the amount of construction-related ground disturbance that could occur for many of the cumulative projects. The potential impacts of the Project when considered together with similar impacts from other probable future projects in the vicinity could result in a significant cumulative impact on archaeological resources and human remains. The proposed Project's contribution to this impact could be cumulatively considerable, as documented above under Impacts CUL-2 and CUL-3. With implementation of Mitigation Measures CUL-2a, CUL-2b, and CUL-3, as set forth above, which are hereby adopted and incorporated into the Project, the proposed Project's contribution to cumulative impacts to archaeological resources and human remains would not be considerable, and the impact would be less than significant with mitigation.

**Implement Mitigation Measures CUL-2a, CUL-2b, and CUL-3.**

**N. Impact HAZ-1: Demolition of the existing structures on the project site which likely contain hazardous building materials—such as lead-based paint, asbestos, and PCBs—could potentially expose workers, the public, or the environment to hazardous materials from the transport, use, or disposal of these hazardous materials and waste.**

The Final EIR finds that demolition of existing structures on the Project site may

expose construction workers, the public, or the environment to hazardous materials such as LBP, ACMs, and PCBs. Implementation of Mitigation Measures HAZ-1a through HAZ-1e, set forth below, which are hereby adopted and incorporated into the Project, would reduce construction period impacts to less-than-significant levels.

**Mitigation Measure HAZ-1a:** Prior to issuance of any demolition permit, the project applicant shall submit to the Alameda County Department of Environmental Health a hazardous building material assessment prepared by qualified licensed contractors for any structure intended for demolition indicating whether ACMs, LBP or lead-based coatings, and/or PCB-containing equipment, are present.

**Mitigation Measure HAZ-1b:** If the assessment required by Mitigation Measure HAZ-1a indicates the presence of ACMs, LBP, and/or PCBs, the project applicant shall create and implement a health and safety plan in accordance with local, state, and federal requirements to protect demolition and construction workers and the public from risks associated with such hazardous materials during demolition or renovation of affected structures.

**Mitigation Measure HAZ-1c:** If the assessment required by Mitigation Measure HAZ-1a finds asbestos, the project applicant shall prepare an asbestos abatement plan and shall ensure that asbestos abatement is conducted by a licensed contractor prior to building demolition. Abatement of known or suspected ACMs shall occur prior to demolition or construction activities that would disturb those materials. Pursuant to an asbestos abatement plan developed by a state-certified asbestos consultant and approved by the City, all ACMs shall be removed and appropriately disposed of by a state certified asbestos contractor.

**Mitigation Measure HAZ-1d:** If the assessment required by Mitigation Measure HAZ-1a finds presence of LBP, the project applicant shall develop and implement a LBP removal plan. The plan shall specify, but not be limited to, the following elements for implementation:

1. Develop a removal specification approved by a Certified Lead Project Designer.
2. Ensure that all removal workers are properly trained.
3. Contain all work areas to prohibit off-site migration of paint chip debris.
4. Remove all peeling and stratified LBP on building and non-building surfaces to the degree necessary to safely and properly complete demolition activities according to recommendations of the survey. The demolition contractor shall be responsible for the proper containment and/or disposal of intact LBP on all materials to be cut and/or removed during the demolition.
5. Provide on-site personnel and area air monitoring during all removal activities to ensure that workers and the environment are adequately protected by the control measures used.
6. Clean up and/or vacuum paint chips with a high efficiency particulate air (HEPA) filter.
7. Collect, segregate, and profile waste for disposal determination.
8. Properly dispose of all waste.

**Mitigation Measure HAZ-1e:** If the assessment required by Mitigation Measure HAZ-1a

finds presence of PCBs, the project applicant shall ensure that PCB abatement in compliance with applicable regulations is conducted prior to building demolition or renovation. PCBs shall be removed by a qualified contractor and transported in accordance with Caltrans requirements.

**O. Impact HAZ-2: Construction at the project site could potentially disturb soil and groundwater impacted by historical hazardous material use, which could expose construction workers, the public, or the environment to adverse conditions related to the transport, use, or disposal of hazardous materials and waste.**

The Final EIR finds that construction activities would include demolition of some existing buildings, excavation and trenching, which could potentially intercept and/or disturb or uncover impacted soil and/or groundwater. To reduce worker health risks associated with potentially contaminated soil, a detailed Site-Specific Environmental Health and Safety Plan (HASP) would be prepared by the selected site contractor as required by Mitigation Measure HAZ-2a. To reduce environmental risks associated with encountering contaminated soil discovered during grading and construction, the Site Management Plan (SMP), as required by Mitigation Measure HAZ-2b, would include protocols to isolate any suspected contaminated soil, notify the appropriate regulatory overseeing agency, sample for hazardous material content, and manage it in accordance with all applicable state, federal, and local laws and regulations. Implementation of Mitigation Measures HAZ-2a and HAZ-2b, set forth below, which are hereby adopted and incorporated into the Project, would reduce impacts to less than significant levels.

**Mitigation Measure HAZ-2a:** Prior to issuance of any demolition permit, the project applicant shall submit to the City a Site-Specific Environmental Health and Safety Plan (HASP). The HASP shall be consistent with State and federal OSHA standards for hazardous waste operations (California Code of Regulations, Title 8, Section 5192 and 29 Code of Federal Regulations 1910.120, respectively) and any other applicable health and safety standards. The HASP shall include descriptions of health and safety training requirements for onsite personnel and levels of personal protective equipment to be used, and any other applicable precautions to be undertaken to minimize direct contact with soil and to a lesser degree, groundwater if is encountered. The HASP shall be adhered to during construction and excavation activities. All workers onsite should read and understand the HASP and copies shall be maintained onsite during construction and excavation at all times.

**Mitigation Measure HAZ-2b:** Prior to issuance of a building or grading permit for any ground breaking activities within the Project site, the project applicant shall prepare a Site Management Plan (SMP) consistent with US EPA, DTSC, and Water Board standards for incorporation into construction specifications. The SMP shall be present on site at all times and readily available to site workers. The SMP shall specify protocols and requirements for excavation, stockpiling, and transport of soil and for disturbance of groundwater. At a minimum the SMP shall include the following components:

1. **Dust control measures:** Dust generation shall be minimized by any or all appropriate measures. These measures may include:
  - a. Misting or spraying water while performing excavation activities and loading transportation vehicles;
  - b. Limiting vehicle speeds onsite to 5 miles per hour;

- c. Controlling excavation activities to minimize the generation of dust;
  - d. Minimizing drop heights while loading transportation vehicles; and
  - e. Covering any soil stockpiles generated as a result of excavating soil potentially impacted by contaminants of concern with plastic sheeting or tarps.
2. **Decontamination measures:** Decontamination methods shall include scraping, brushing, and/or vacuuming to remove dirt on vehicle exteriors and wheels. In the event that these dry decontamination methods are not adequate, methods such as steam cleaning, high-pressure washing, and cleaning solutions shall be used, as necessary, to thoroughly remove accumulated dirt and other materials. Wash water resulting from decontamination activities shall be collected and managed in accordance with all applicable laws and regulations.
  3. **Stormwater pollution control measures:** Should rainfall occur during construction on exposed soils at the site stormwater pollution controls shall be implemented to minimize stormwater runoff from exposed soil containing contaminants of concern at the site and to prevent sediment from leaving the site, in accordance with all laws and regulations. Stormwater pollution controls shall be based on BMPs to comply with State and local regulations. Sediment and erosion protection controls may include but are not limited to:
    - a. Constructing berms or erecting silt fences at entrances to the project site;
    - b. Placing straw bale barriers around catch basins and other entrances to the storm drains;
    - c. During significant rainfall events, covering with plastic sheeting or tarps any soil stockpiles generated as a result of excavating soil potentially impacted by contaminants of concern.
  4. **Field screening of potential contaminated soil and suspect contamination discovery:** Potentially contaminated soil shall be either direct loaded using the profile data associated with Stellar Environmental Solutions' October 2015 report or stockpiled for additional sampling and analyses to define the contamination fate after the excavation stage. If more the one year elapses between the soil profiling and the excavation stage stockpiling, sampling may be required by a regulated landfill. Trained (with 40-hour hazwopper and associated updates) environmental personnel shall be onsite to do the stockpile sampling and be on-call to deal with any suspect contamination discovery. Personnel will monitor for potentially contaminated soils by visual screening, noting any contaminant odors, and utilizing a photoionization detector (PID) to field measure any VOCs during the excavation activity. Monitoring parameters shall be recorded at intervals of approximately 1 hour or less.

**P. Impact HAZ-5: Development of the project would be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and could result in a safety hazard to the public or environment through exposure to previous contamination of soil or groundwater.**

The Final EIR finds that the Project site has a history of maritime industrial use, and that releases of hazardous materials at the site have been well documented. Contamination of subsurface soils and groundwater can potentially expose workers, the public, or future occupants to legacy contaminants through direct exposure, from contact with contaminated soils through excavation or other ground disturbing activities. With implementation of Mitigation Measure HAZ-3 (Remedial Risk Management Plan), set forth below, which is hereby adopted and incorporated into the Project, the potential impact would be less than

significant.

**Mitigation Measure HAZ-3:** Prior to issuance of a building or grading permit for any ground breaking activities within the project site, the project applicant shall prepare a Remedial Risk Management Plan (RRMP). The RRMP shall be developed and followed by current and future owners, tenants, and operators. The RRMP shall include the implementation of any needed corrective action remedies and engineering design.

**Q. Impact HYD-4: Development of the proposed project would not substantially contribute to runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.**

The Final EIR finds that the proposed Project would include new landscaping as part of the 4.25 acres of parks and open space, which maintenance would require the use of fertilizers and pesticides. The Alameda Countywide Clean Water Program National Pollutant Discharge Elimination System (ACCWP NPDES) permit will require the City of Alameda as a permittee, to address pesticides, which have been found by the RWQCB to have a reasonable potential to cause or contribute to exceedances of water quality standards. Application of such chemicals as pesticides and fertilizers would require a management approach outlined in Mitigation Measure HYD-1, set forth below, which is hereby adopted and incorporated into the Project, which would reduce the impact to a less than significant level.

The proposed Project would install a newly designed stormwater system, which incorporates water treatment measures throughout the Project site. Compliance with the existing water quality protection requirements of the RWQCB and Alameda County, in addition to implementation of Mitigation Measure HYD-1, set forth below, which is hereby adopted and incorporated into the Project, would effectively reduce surface water pollutants and the potential water quality impact to a less-than-significant level.

**Mitigation Measure HYD-1:** The City shall ensure that future project applicants implement Integrated Pest Management measures to reduce fertilizer and pesticide contamination of receiving waters, as follows:

- Prepare and Implement an Integrated Pest Management Plan (IPM) for all common landscaped areas. The IPM shall be prepared by a qualified professional and shall recommend methods of pest prevention and turf grass management that use pesticides as a last resort in pest control. Types and rates of fertilizer and pesticide application shall be specified.
- The IPM shall specify methods of avoiding runoff of pesticides and nitrates into receiving storm drains and surface waters or leaching into the shallow groundwater table. Pesticides shall be used only in response to a persistent pest problem that cannot be resolved by non-pesticide measures. Preventative chemical use shall not be employed.
- The IPM shall fully integrate considerations for cultural and biological resources into the IPM with an emphasis toward reducing pesticide application.

**R. Impact NOI-1: Construction of proposed project elements could expose persons to or generate noise levels in excess of the City noise standards or result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.**

The Final EIR finds that construction noise would be temporarily elevate ambient noise levels in and around the Project area. The loudest source of noise during Project construction would be generated through use of an impact pile driver, which could be required for foundations proposed in the northern portion of the site based on a preliminary geotechnical investigation. In addition, the Project would result in a violation of the City's noise standards if construction activity would occur outside of the allowable daytime hours specified by the City noise ordinance. Implementation of Mitigation Measures NOISE-1a and NOISE-1b, set forth below, which are hereby adopted and incorporated into the Project, would reduce these impacts to less-than-significant levels.

**Mitigation Measure NOISE-1a:** The applicant shall create and implement development-specific noise and vibration reduction plans, which shall be enforced via contract specifications. Contractors may elect any combination of legal, non-polluting methods to maintain or reduce noise and vibration to threshold levels or lower, as long as those methods do not result in other significant environmental impacts or create a substantial public nuisance. In addition, the applicant shall require contractors to limit construction activities to daytime hours between 7:00 am and 7:00 pm Monday through Friday and 8:00 am to 5:00 pm on Saturdays. The plan for attenuating construction-related noises shall be implemented prior to the initiation of any work that triggers the need for such a plan.

**Mitigation Measure NOISE-1b:** To reduce pile driving noise, "vibratory" pile driving or drilled and cast-in-place piles should be used wherever feasible. The vibratory pile driving technique, despite its name, does not generate vibration levels higher than the standard pile driving technique. It does, however, generate lower, less-intrusive noise levels.

**S. Impact NOI-3: Traffic and equipment operations facilitated by the proposed project could result in a substantial permanent increase in ambient noise levels in the vicinity or above levels existing without the project.**

The Final EIR finds that non-transportation noise associated with the Project operations would include stationary sources (such as HVAC units), loading docks, etc. Implementation of Mitigation Measures NOISE-2a and NOISE-2b, set forth below, which are hereby adopted and incorporated into the Project, would reduce the impact to a less-than-significant level and would ensure that Project-related non-transportation sources of noise would comply with the City of Alameda Noise Ordinance and General Plan standards.

Most of the noise generated by the development facilitated by the proposed Project would be traffic-generated noise. All roadways analyzed are predicted to experience a traffic noise increase of less than 4 dBA. Therefore, the Project-level increase in traffic would be a less than significant impact.

The southern portion of the Project site area has an existing ambient noise environment greater than 60 dBA CNEL. Furthermore, traffic generated by the proposed Project on adjacent streets would result in greater noise exposure in the future than traffic under existing conditions, potentially exacerbating this existing condition. An exterior noise exposure of 60 dBA or greater is

designated as “conditionally acceptable” for residential land uses and could result in potentially incompatible interior noise for new residential land uses. Implementation of Mitigation Measures NOISE-2a, NOISE-2b, and NOISE-3 would ensure compliance with the applicable noise insulation standards for residential uses and would reduce this impact to less than significant.

**Mitigation Measure NOISE-2a:** Acoustical studies, describing how the exterior and interior noise standards will be met, shall be required for all new residential or noise sensitive developments exposed to environmental noise greater than CNEL 60 dBA, or one-family dwellings not constructed as part of a subdivision requiring a final map exposed to environmental noise greater than CNEL 65 dBA. The studies should also satisfy the requirements set forth in Title 24, part 2, of the California Administrative Code, Noise Insulation Standards, for multiple-family uses, regulated by Title 24.

**Mitigation Measure NOISE-2b:** The applicant shall demonstrate through its acoustical studies that the proposed project will comply with maximum noise levels outlined in the City’s Noise Ordinance and the average sound level goals outlined in the City’s General Plan.

**T. Impact C-NOI-1: The proposed project would result in exposure of people to cumulative increases in construction noise levels.**

The Final EIR finds that the proposed Project may be constructed during the same time and duration as other cumulative projects that could contribute to construction noise levels in the Project’s vicinity. However, with implementation of Mitigation Measures NOISE-1a and NOISE-1b, noise levels generated during the construction would be reduced by requiring the applicant to adhere to the City’s allowed construction hours and create and implement a development-specific noise reduction plan.

**Implement Mitigation Measures NOISE-1a and -1b.**

**U. Impact C-NOI-2: The proposed project would contribute to cumulative construction that could expose buildings and persons within the project vicinity to significant vibration impacts.**

The Final EIR finds that if Project-related activities were to coincide with another development in close physical proximity, the combined effect could result in the exposure of sensitive land uses or buildings to higher vibration levels than what was predicted for the proposed Project due to the use of impact pile drivers. However, with implementation of Mitigation Measures NOISE-1a and NOISE-1b, noise levels generated during the construction would be reduced by requiring the applicant to create and implement a development-specific noise and vibration reduction plan.

**Implement Mitigation Measures NOISE-1a and -1b.**

**V. Impact TRA-1: The proposed project would not exceed the regional VMT per capita minus 15 percent.**

The Final EIR finds that the VMT per capita for the Project is estimated to be less than the region and citywide average VMT. However, the VMT per capita for the Project would exceed both the citywide VMT per capita minus 15 percent and the regional VMT per capita



minus 15 percent. Therefore, the Project would have a significant impact on VMT. Implementation of Mitigation Measure TRA-1, set forth above, is hereby adopted and incorporated into the Project, and would reduce the impact to a less than significant level.

**Mitigation Measure TRA-1: see discussion above.**

**W. Impact TRA-10: Development facilitated by the proposed project could potentially be inconsistent with adopted policies, plans, and programs supporting alternative transportation.**

The Final EIR finds that the proposed Project would not modify existing pedestrian or bicycle facilities in the surrounding areas and would not adversely affect installation of most future facilities. However, the proposed Project does not include implementation of the Class I path along the Alameda Estuary waterfront and connections to the existing segments of the path, consistent with the City's Bicycle Master Plan. Implementation of Mitigation Measure TRA-4, set forth below, is hereby adopted and incorporated into the Project.

**Mitigation Measure TRA-4:** The project shall, consistent with the City of Alameda Bicycle Master Plan, provide a Class I bicycle path along the northern waterfront of the project site and ensure that the path would connect to adjacent future bicycle facilities.

**VII. LESS THAN SIGNIFICANT IMPACTS FOR WHICH MITIGATION MEASURES, THOUGH NOT REQUIRED, WILL BE INCORPORATED AS PART OF THE PROJECT**

NONE.

**VIII. GROWTH INDUCING IMPACTS**

The CEQA Guidelines require that an EIR evaluate the growth-inducing impacts of a proposed action (Section 15126.2[d]). A growth-inducing impact is defined by CEQA Guidelines Section 15126.2(d) as:

*[T]he ways in which the Project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth.... It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.*

A project can have direct and/or indirect growth-inducement potential. Direct growth inducement would result if a project involved construction of new housing that would result in new residents moving to the area. A project can have indirect growth-inducement potential if it would establish substantial new permanent employment opportunities (e.g., commercial, industrial or governmental enterprises) or if it would involve a substantial construction effort with substantial short-term employment opportunities and indirectly stimulate the need for additional housing and services to support the new employment demand. Similarly, under CEQA, a project would indirectly induce growth if it would remove an obstacle to additional growth and development, such as removing a constraint on a required public service. Increases in population could tax existing community service facilities, requiring construction of new

facilities that could cause significant environmental effects. The CEQA Guidelines also require analysis of the characteristics of projects that may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

The timing, magnitude, and location of land development and population growth are based on various interrelated land use and economic variables. Key variables include regional economic trends, market demand for residential and non-residential uses, land availability and cost, the availability and quality of transportation facilities and public services, proximity to employment centers, the supply and cost of housing, and regulatory policies or conditions. Because city and county general plans define the location, type and intensity of growth, they are the primary means of regulating development and growth in California.

Both the Alameda General Plan and the Bay Area's Sustainable Communities Strategies (Plan Bay Area), anticipate growth at Alameda Marina of essentially the same nature and density as the Project. Hence, the development of the Project has been anticipated by the City in its long-range planning as well as in the regionally forecast growth of the Bay Area. Thus, while the Project would not result in unplanned growth, it would accommodate an increase in both population and employment growth in Alameda as compared to the existing condition.

Under CEQA, a project is generally considered to be growth-inducing if it results in any one of the following:

**1. Extension of urban services or infrastructure into a previously unserved area.**

Although onsite infrastructure improvements would occur as part of the proposed Project, the site is within an urban setting, and the Project infrastructure would connect to existing City infrastructure and not require any major expansions of infrastructure other than on the site itself. The Project would not extend infrastructure to any other undeveloped areas. The Project would be infill and redevelopment of the site rather than a growth-inducing development.

**2. Extension of a transportation corridor into an area that may be subsequently developed.**

The proposed Project is surrounded by urban development and an adjacent street system. As an infill development, the Project would not extend transportation corridors into undeveloped areas resulting in growth inducing impacts.

**3. Removal of obstacles to population growth (such as provision of major new public services to an area where those services are not currently available).**

The Project involves the approval of a Master Plan, and other development approvals, for the Project site to accommodate the proposed development. These approvals would remove "obstacles to population growth" only for the Project site. The approvals would not facilitate population growth on any other property in the City or surrounding area.

While the proposed Project would improve infrastructure that serves the site, these improvements would allow for growth to occur only on the Project site and would not facilitate population growth on any other property.

The proposed Project would result in the development of up to 779 residential dwelling units, which could result in an increase in residential population of about 1,932 people. The population growth resulting from the proposed Project is generally consistent with the population growth projections in the City's General Plan Housing Element, which are based on estimates provided by the Association of Bay Area Governments (ABAG)'s Regional Housing Needs Assessment. Therefore, the growth in housing units proposed by the Project, and thus population growth generated by the proposed Project, would be within the ABAG projections for the City of Alameda.

Further, because the Project site is included in *Plan Bay Area* within the Northern Waterfront Priority Development Area (PDA), from a regional standpoint, the Project is part of a coordinated strategy for managing land use patterns and transportation investments to accommodate projected population growth while also reducing emissions of greenhouse gases, consistent with the direction in SB 375. As Plan Bay Area's transportation projects are tied to the proposed land use development pattern and the region's population projections, they are inherently designed to focus growth primarily in PDAs, as opposed to other locations in the region. That is, the transportation projects in Plan Bay Area were selected to complement a certain type of land development (balanced and compact) and discourage imbalanced, sprawling, and greenfield development. As such, by specifically being included in the Plan Bay Area, the proposed Project is promoting focused infill growth rather than growth beyond targeted areas. By accommodating growth in a targeted urban area, the proposed Project would regionally contribute to reduced vehicle miles travels and greenhouse gas emissions, as required by SB 375 (see the *Land Use* discussion in Section 4.8 of the Draft EIR for further discussion of SB 375 and Plan Bay Area).

## **IX. ALTERNATIVES**

The Final EIR analyzed four alternatives to the Project, examining the environmental impacts and feasibility of each alternative, as well as the ability of the alternatives to meet project objectives. The Project and the project objectives are described in detail in the Final EIR Chapter 3, Project Description, and the potential environmental effects of implementing the Project are analyzed in Chapter 4, Environmental Setting, Impacts, and Mitigation Measures, including discussion of significant impacts resulting from the Project and mitigation measures recommended to avoid these impacts.

Brief summaries of the alternatives, including the Environmentally Superior Alternative, are provided below. As explained in Section X, below, the findings in this Section are based on the Final EIR, the discussion and analysis in which is hereby incorporated in full by this reference. The City further finds that each of the reasons given for rejecting an alternative discussed below is a separate and independent basis for rejecting that alternative.

### **A. Preservation Alternative**

Under this alternative, the Project site would be developed in such a manner as to not impact existing structures on the site that have been determined by the City's Historic Advisory Board (HAB) to be contributing elements to the HAB-designated Alameda Marina Historic District. As the HAB also designated a cultural landscape boundary for the district, the alternative assumes that any new development would occur at both ends of the Project site, generally in the U-shaped area around the graving dock in the eastern quarter of the Project site, and in the existing parking/dry storage area in the western quarter. The central

half of the Project site, as well as much of the frontage on Clement Avenue, would generally remain in its current state. Approximately 475 housing units would be built under the Preservation Alternative, and the commercial/industrial square-footage on the site would remain roughly the same.

The Preservation Alternative would result in less-than-significant aesthetics impacts similar to the proposed Project, but would not realize all of the aesthetic enhancements as the proposed Project. The Preservation Alternative would also have less-than-significant construction and operational impacts for air quality (with mitigation); biological resources impacts (with mitigation); geology, soils, and paleontological impacts (no mitigation required); hazards and hazardous materials impacts (with mitigation); hydrology and water quality impacts (with mitigation); land use and planning impacts (no mitigation required); construction and operational noise impacts (with mitigation); population, housing and employment (no mitigation required); public services and recreation (no mitigation required); utilities and service systems (with mitigation); all of which would be similar or the same as the proposed Project.

While the Preservation Alternative would also result in significant and unavoidable impacts to cultural resources, those impacts would be less severe than the proposed Project because the Preservation Alternative would retain all of the contributing buildings within the designated Alameda Marina Historic District and impacts to those structures would be fully avoided. However, impacts within the larger City-designated cultural landscape would still occur, as development would still be allowed to occur within the defined landscape boundaries. As with the proposed Project, this impact would remain significant and unavoidable.

Similar to the proposed Project, the Preservation Alternative would also result in significant and unavoidable impacts for transportation and traffic impacts, although the Preservation Alternative would have less development. [VMT per capita under both scenarios would still be estimated to be less than the region and citywide average VMT; however, the VMT per capita under both scenarios would exceed both the citywide VMT per capita minus 15 percent and the regional VMT per capita minus 15 percent thresholds. Therefore, the Preservation Alternative would have a significant and unavoidable impact on per capita VMT.] Impacts to area intersections identified for the proposed Project would be less severe under the Preservation Alternative, but would not result in a change to the significant and unavoidable impacts at the Park Street/Blanding Avenue intersection (both peak hours) nor the Park Street/Clement Avenue intersection (PM peak hour). With respect to Impact TRA-3, the uncertainty concerning the ultimate extension of Clement Avenue would remain regardless of which alternative was selected, and would remain significant and unavoidable.

Although the Preservation Alternative would achieve more of the project objectives than the No Project Alternative, it would not achieve the project objectives as well as the proposed Project because it would not generate as many housing opportunities and would be less effective than the proposed Project with regard to fulfilling the goals of the City's Housing Element and helping to meet the City's Regional Housing Needs Allocation (RHNA). The State's Housing Accountability Act (HAA) applies to the Alameda Marina Master Plan and restricts the City's ability to deny, reduce the density of, or make infeasible the project when it is consistent with objective development standards, putting the burden

of proof on the City to justify any action to deny, reduce the density of, or make such a housing project infeasible. Government Code § 65589.5(j)(1). From a regional perspective, limiting development of the property to 475 new housing units would increase pressures to allow future development to locate further from the urban centers, which would result in longer Bay Area commutes and increased greenhouse emissions from vehicles. The Preservation Alternative also would limit private reinvestment and redevelopment, and is less likely to attract sufficient private capital to fund the necessary public infrastructure improvements, build the planned open spaces, and rehabilitate the shoreline and marina infrastructure.

The Preservation Alternative would also prohibit the development of an aesthetically pleasing, cohesive and pedestrian-oriented development that would activate and reconnect the community to the waterfront because more than half the Project site would have to retain its historic commercial and industrial configuration. Existing spacing between the buildings, the size of the streets, and the orientation of the buildings do not allow the opportunity to create public amenities and opportunities for gathering spaces, or allow for the development of new open space areas for the public to access the shoreline edge. The Preservation Alternative would therefore be unable to meet the project objective of fulfilling the project sponsor's obligations under the Tidelands Lease, which requires the development of a new higher-value project, and expressly allows for the demolition of potentially all existing improvements on the project site. The City finds that the proposed Project would not result in a specific, adverse impact on public health and safety that cannot be mitigated in any other way.

## **B. Extensive Adapted Reuse Alternative**

The Extensive Adapted Reuse Alternative would provide for retention of some of the existing contributing structures of the Alameda Marina Historic District, and new development within the eastern and western quarters of the Project site, similar to that of the Preservation Alternative. The Extensive Adapted Reuse Alternative differs from the Preservation Alternative because it would allow for adaptive reuse of the existing historic structures on the site instead of utilizing them solely in their current commercial/industrial use. Under the Extensive Adapted Reuse Alternative, about 40 percent (100,000 square feet) of the existing structures in the central half of the site would be converted to residential uses, with about 60 percent (150,000 square feet) being retained in their existing commercial/industrial configuration. Such an alternative would provide a similar quantity of commercial/industrial uses as that provided under the proposed Project, while also providing for some expansion of residential uses within the historic core of the site, allowing for the construction of approximately 550 total residential units.

The Extensive Adapted Reuse Alternative would result in less-than-significant aesthetics impacts similar to the proposed Project, but would not realize all of the aesthetic enhancements as the proposed Project. The Extensive Adaptive Reuse Alternative would also have less-than-significant construction and operational impacts for air quality (with mitigation); biological resources impacts (with mitigation); geology, soils, and paleontological impacts (no mitigation required); hazards and hazardous materials impacts (with mitigation); hydrology and water quality impacts (with mitigation); land use and planning impacts (no mitigation required); construction and operational noise impacts (with mitigation); population, housing and employment (no mitigation required); public services

and recreation (no mitigation required); utilities and service systems (with mitigation); all of which would be similar or the same as the proposed Project.

The Extensive Adapted Reuse Alternative would also result in fewer or less severe significant and unavoidable impacts to cultural resources than the proposed Project. The Extensive Adapted Reuse Alternative would demolish some of the contributing buildings within the designated Alameda Marina Historic District, and impacts within the larger City-designated cultural landscape would still occur, as development would still be allowed to occur within the defined landscape boundaries. As with the proposed Project, this impact would remain significant and unavoidable.

Similar to the proposed Project, the Extensive Adapted Reuse Alternative would also result in significant and unavoidable impacts for transportation and traffic impacts, although the alternative would have less development. VMT per capita under both scenarios would still be estimated to be less than the region and citywide average VMT; however, the VMT per capita under both scenarios would exceed both the citywide VMT per capita minus 15 percent and the regional VMT per capita minus 15 percent thresholds. Therefore, the Extensive Adapted Reuse Alternative would have a significant and unavoidable impact on per capita VMT. Impacts to area intersections identified for the proposed Project would be less severe under the Extensive Adapted Reuse Alternative, but would not result in a change to the significant and unavoidable impacts at the Park Street/Blanding Avenue intersection (both peak hours) nor the Park Street/Clement Avenue intersection (PM peak hour). With respect to Impact TRA-3, the uncertainty concerning the ultimate extension of Clement Avenue would remain regardless of which alternative was selected, and would remain significant and unavoidable.

Similar to the Preservation Alternative, the Extensive Adapted Reuse Alternative would be able to achieve more of the project objectives than the No Project Alternative, but it would not achieve the project objectives as well as the proposed Project. The Extensive Adapted Reuse Alternative would still not generate as many housing opportunities as the proposed Project and would be less effective than the proposed Project in fulfilling the goals of the City's Housing Element and helping to meet the City's RHNA. The State's HAA applies to the Alameda Marina Master Plan and restricts the City's ability to deny, reduce the density of, or make infeasible the project when it is consistent with objective development standards, putting the burden of proof on the City to justify any action to deny, reduce the density of, or make such a housing project infeasible. Government Code § 65589.5(j)(1). One of the principal constraints associated with the Extensive Adapted Reuse Alternative is the lack of suitability of many of the existing historic structures for adaptive reuse, most of which are at the end of their useable lives. Rehabilitation of these structures would be cost prohibitive, as these additional costs would curtail the amount of private capital available to fund the necessary public infrastructure improvements, build the planned open spaces, and rehabilitate the deteriorated shoreline and marina infrastructure. It would also curtail the project sponsor's ability to meet its obligations under the Tidelands and Marina Lease to develop a higher and better use for the Project site. The City finds that the proposed Project would not result in a specific, adverse impact on public health and safety that cannot be mitigated in any other way.

### **C. Reduced Project Alternative**

The Reduced Project Alternative assumes a mix of development across the Project site at a lower density than that of the proposed Project. Rather than a mix of multi-family structures and townhomes, this alternative would include a mix of townhomes and detached, single-family residences. The development of new residential uses could occur throughout the site, and would not necessarily preclude the demolition of existing historic structures to make room for new residential uses. Approximately 100 townhomes would be constructed, and 80 detached single-family residences. Approximately 150,000 square feet of commercial and industrial uses would remain at the site.

The Reduced Project Alternative would result in less-than-significant aesthetics impacts (no mitigation required); construction and operational impacts for air quality (with mitigation); biological resources impacts (with mitigation); geology, soils, and paleontological impacts (no mitigation required); hazards and hazardous materials impacts (with mitigation); hydrology and water quality impacts (with mitigation); land use and planning impacts (no mitigation required); construction and operational noise impacts (with mitigation); population, housing and employment (no mitigation required); public services and recreation (no mitigation required); utilities and service systems (with mitigation); all of which would be similar or the same as the proposed Project.

Similar to the proposed Project, the Reduced Project Alternative would also result in significant and unavoidable impacts to cultural resources. The Reduced Project Alternative would demolish most of the contributing buildings within the designated Alameda Marina Historic District, and impacts within the larger City-designated cultural landscape would still occur, as development would still be allowed to occur within the defined landscape boundaries. As with the proposed Project, this impact would remain significant and unavoidable.

The Reduced Project Alternative would result in a significant and unavoidable (with mitigation) transportation and traffic impacts, but with fewer impacts than identified with the proposed Project. Since the alternative would have less development, it would generate fewer trips and therefore not result in significant impacts at two intersections. However, the Reduced Project Alternative would have a significant and unavoidable impact on per capita VMT. With respect to Impact TRA-3, the uncertainty concerning the ultimate extension of Clement Avenue would remain regardless of which alternative was selected, and would remain significant and unavoidable.

The Reduced Project Alternative would not meet the project's objective to fulfill the goals of the City's Housing Element and meet the City's RHNA for the site. The State's HAA applies to the Alameda Marina Master Plan and restricts the City's ability to deny, reduce the density of, or make infeasible the project when it is consistent with objective development standards, putting the burden of proof on the City to justify any action to deny, reduce the density of, or make such a housing project infeasible. Government Code § 65589.5(j)(1). The project sponsor has proposed to include the maximum residential density allowed by the City's zoning ordinance and the General Plan in order to comply with the stated policies and goals of the HAA, and to address the social factors relating to California's housing crisis. The City finds that the proposed Project would not result in a specific, adverse impact on public health and safety that cannot be mitigated in any other way.

## **D. No Project/No Development Alternative**

CEQA requires consideration of a no project alternative. Consistent with State CEQA Guideline Section 15126.6(e), the No Project/No New Development Alternative assumes that the site would generally remain in its existing condition. Under the No Project/No Development Alternative, the Project would not be constructed, and the site would remain in the same state as its current condition, with the existing structures, parking areas, and existing marina and shoreline infrastructure remaining in place. Residential units would not be constructed at the site, the commercial core element would not be constructed, the proposed open space would not be developed, and the new portion of the Bay Trail would not be constructed.

The No Project/No Development Alternative would not meet any of the objectives of the proposed Project: it would not transform the site into a new waterfront residential community with open space and public access improvements, nor would it help fulfill the City's planning goals and vision for the site. The site would not contribute to fulfilling the goals of the City's Housing Element or help meet the City's RHNA. This alternative also would not generate any capital investment in the aging marina and shoreline infrastructure; those facilities would continue to deteriorate, and without the injection of substantial funds from some other source, those facilities would eventually become unsafe and unusable. This alternative would, however, avoid all of the Project's impacts as identified in Chapter 4 of the EIR.

Under the No Project Alternative, there would no impacts to aesthetics, air quality and greenhouse gas emissions, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, population and housing, public services and recreation, transportation and traffic, and utilities and services. The No Project Alternative would also have no impact to land use, but it would not support the City's Regional Housing Needs Allocation or the City of Alameda's General Plan Housing Element goals and policies.

The Final EIR found that the environmentally superior alternative would be the No Project Alternative. The No Project Alternative would avoid most of the environmental impacts associated with the proposed Project, but would not meet any of the project objectives. As required by CEQA Guidelines Section 15126.6(e)(2), because the environmentally superior alternative is the No Project Alternative, this EIR identifies an environmentally superior alternative from among the other alternatives. Therefore, the Preservation Alternative would be the Environmentally Superior Alternative for the purpose of this analysis, even though it would still result in some of the significant and unavoidable impacts associated with the proposed Project.

## **X. INCORPORATION BY REFERENCE**

These findings incorporate the text of the Final EIR for the Project, the Mitigation Monitoring and Reporting Program, City Staff Reports relating to the Project, and other documents relating to public hearing on the Project, by reference, in their entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, Project and cumulative impacts, the basis for determining the significance of impacts, the comparison of the alternatives to the Project, the determination of the environmentally superior alternative, and the reasons for approving the Project.



## **XI. RECORD OF PROCEEDINGS**

Various documents and other materials constitute the record of proceedings upon which the City bases its findings contained herein. The record of proceedings is located in the offices of the custodian for these documents and materials, which is the Office of the City Clerk of the City of Alameda, 2263 Santa Clara Avenue, Room 380, Alameda, CA, 94501

## **XII. RECIRCULATION NOT REQUIRED**

State CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when “significant new information” is added to the EIR after public notice is given of the availability of the Draft EIR but before certification. Recirculation of the EIR is not required because no significant new information has been received which disclosed that a new significant environmental impact would result from the Project or from a new mitigation measure proposed to be implemented, that a substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance, that a feasible mitigation measure or alternative considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the Project but the City declines to adopt it, or that the Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

## **XIII. STATEMENT OF OVERRIDING CONSIDERATIONS**

Pursuant to CEQA Guideline Section 15093, the City has balanced the economic, legal, social, technological or other benefits of the Project, including region-wide or statewide environmental benefits, against its significant and unavoidable environmental impacts. The City finds that the Project’s benefits outweigh its unavoidable adverse environmental effects, and that the adverse environmental effects are therefore acceptable.

The following statement identifies the reasons why, in the City’s judgment, specific benefits of the Project outweigh the significant and unavoidable effects. The substantial evidence supporting the benefits of the Project can be found in the preceding sections of these Findings, in the Project itself, and in the record of proceedings as defined in Section XI, above. The City further finds that each of the Project benefits discussed below is a separate and independent basis for these findings. The reasons set forth below are based on the Final EIR and other information in the administrative record.

- A. Strengthen and Reconnect the Community to the Waterfront:** The Project will reconnect the community to the waterfront by extending the existing city grid into the Project site, and allow the public to access the shoreline edge by developing new open space areas and the Bay Trail.
- B. Improve and Enhance the Maritime Commercial Marina:** The Project will maintain Alameda Marina as a working waterfront and create a maritime and commercial use of approximately 250,000 square feet, which will help retain existing jobs and generate new jobs on the Project site. The Project will upgrade and rehabilitate existing facilities and some of the unique historic buildings to provide square footage for existing maritime businesses, boat berthing and

maintenance, and other waterfront commercial recreational activities. Additional dry boat storage will also be provided on the Project site. The Project will also provide sea level rise protection and other infrastructure upgrades to the site.

- C. Reinvest in Infrastructure:** The Project will reinvest funds into improving the shoreline infrastructure, which includes upgrading utilities to support the existing marina, marina dredging with the seawall construction and operation of the marina, sub surface debris removal associated with the prior history of the site, and repairs to the graving dock. The Project will also provide additional horizontal off-site and on-site infrastructure improvements that includes improvements to Clement Avenue, and upgrades to utility connections between Clement Avenue and the water's edge. The Project site will be developed into an integrated, mixed-use community with an integrated network of public open spaces and streets.
- D. Increase Supply of a Range of Housing Types:** The Project will increase the City's housing supply, including affordable housing, for Alameda and the region. It will construct up to 779 residential units, including a mix of townhomes, stacked flats and low and midrise multifamily housing for a mix of household types and incomes. The Project will provide a diversity of housing types and pricing that attract the market segments most likely to use alternatives to the automobile, such as self-selective transit commuters and households with zero to low-automobile ownership.
- E. Promote Sustainable Development:** The Project will protect the local, regional, and global environment and facilitate sustainable reuse and redevelopment of Alameda Marina by creating opportunities for transit-oriented development consistent with SB 375 and the regional Sustainable Communities Strategy: Plan Bay Area. The Project will invest in improvements to adapt to sea-level rise and climate change over time, and the replacement and rehabilitation of substandard infrastructure systems that may contribute to regional water quality impacts. It will apply sustainability principles in the design and development of open spaces, recreation facilities, buildings, and infrastructure, including wastewater, storm water, electrical and transportation systems.
- F. Provide Transit-Oriented, Mixed-Use Development Opportunities:** The Project will provide transit-oriented, mixed-use development opportunities by ensuring that the site design reflects the established transit-oriented and mixed-use goals, policies, and objectives of the City of Alameda General Plan, as a whole. It will provide for mixed-use development within close proximity to existing and planned transit services and encourage the types of non-residential uses that serve the everyday needs of future Alameda Marina and existing nearby residents and employees and reduce the need to use an automobile to obtain goods and services. The Project will promote use of alternative modes of transportation through preparation and implementation of a Transportation Demand Management (TDM) Program.
- G. Provide Open Space and Other Community Benefits:** The Project will produce tangible community benefits for the Alameda community as a whole by creating new waterfront amenities, including a promenade, plazas and parks, that will offer

both passive and active recreational uses. The Project will enhance views of water and public access to the waterfront and creatively encourage the usage of the waterfront by providing a waterfront promenade, open space, and other public amenities, including an extension of the Bay Trail and the redevelopment of the graving dock as a public access amenity. It will create human-scale, tree-lined walkable streets and bicycle routes around the Project site and extend the street grid street pattern that is characteristic of the existing city neighborhoods.

- H. **Ensure Predictable and Fiscally Sound Development Process:** The Project will provide for clear and orderly phasing, sizing, and financing of site infrastructure for both the circulation and utility network and provide for a predictable development process. It will address the impact of the site development on the City's operating budget to comply with City Council Policies adopted by Resolution 13643 related to fiscal neutrality.
- I. **Provision of Jobs:** The Project will create thousands of hours of construction work and accommodate hundreds of permanent full-time jobs on completion.

Based on the entire record, including the Final EIR, the specific economic, social, and environmental benefits of the Project, as stated above, outweigh and override any significant unavoidable environmental effects that would result from future Project implementation. The Council has determined that any significant environmental effects caused by the Alameda Marina Project have been mitigated to the extent feasible through the mitigation measures identified herein and adopted and incorporated into the Project, and, where mitigation is not feasible, have been outweighed and counterbalanced by the economic, legal, social, technological and other benefits of the Project, including region-wide or statewide environmental benefits.

#### **XIV. SUMMARY**

- A. Based on the foregoing Findings and the information contained in the record, the City has made one or more of the following Findings with respect to each of the significant environmental effects of the Project:
  - 1. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects identified in the Final EIR.
  - 2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
  - 3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the alternatives identified in the environmental impact report.
- B. Based on the foregoing Findings and the information contained in the record, it is determined that:

1. All significant effects on the environment due to the approval of the Project have been eliminated or substantially lessened where feasible.
2. Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations in Section XIII, above.

# Exhibit B

**TABLE 4-1  
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM**

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
<b>Air Quality and Climate Change</b>					
<b>Impact AQ/CC-1:</b> The proposed project would not result in localized construction dust-related air quality impacts; generate construction emissions that would result in a substantial increase of criteria pollutants and precursors for which the air basin is in nonattainment under an applicable federal or state ambient air quality standard; or expose sensitive receptors to substantial concentrations of toxic air contaminants or respirable particulate matter (PM2.5).	<b>Mitigation Measure AQ/CC-1:</b> <b>Implementation of Dust Abatement Programs.</b> The project applicant shall be required to demonstrate compliance with all applicable City regulations and operating procedures prior to issuance of building or grading permits, including standard dust control measures. The effective implementation of dust abatement programs, incorporating all of the following dust control measures, would reduce the temporary air quality impact associated with construction dust. <ul style="list-style-type: none"> <li>All active construction areas shall be watered two times daily using equipment and staff provided by the project applicant or prime contractor, as needed, to avoid visible dust plumes. Appropriate non-toxic dust palliative or suppressant, added to water before application, may be used.</li> <li>All trucks hauling soil, sand and other loose materials shall be covered.</li> <li>All unpaved access roads, parking areas and construction staging areas shall be either paved, watered as necessary to avoid visible dust plumes, or subject to the application of (non-toxic) soil stabilizers.</li> <li>All paved access roads, parking areas and staging areas at the construction site shall be swept daily with water sweepers. The use of dry power sweeping is prohibited.</li> <li>If visible soil material is carried onto adjacent public streets, these streets shall be swept daily with water sweepers. The use of dry power sweeping is prohibited.</li> <li>All stockpiles of debris, soil, sand or other materials that can be blown by the wind shall either be covered or watered as necessary to avoid visible dust plumes.</li> <li>An off-pavement speed limit of 15 miles per hour for all construction vehicles shall be incorporated into the construction contract and enforced by the prime contractor.</li> <li>All inactive portions of the project site (those areas which have been previously graded, but inactive for a period of ten days or more) shall be watered with an appropriate dust suppressant, covered or seeded.</li> <li>All earth-moving or other dust-producing activities shall be suspended when the above dust control measures prove ineffective in avoiding visible dust plumes during periods of high winds. The wind speed at which this suspension of activity will be required may vary, depending on the moisture conditions at the project site, but suspension of such activities shall be required in any case when the wind speed exceeds 25 miles per hour.</li> <li>All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</li> <li>Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</li> <li>All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</li> <li>Post a publicly visible sign with the telephone number and person to contact at the City of Alameda regarding dust complaints. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.</li> </ul>	Provide Dust Abatement Plan that meets the requirements of the mitigation measure to the City Building Division for review and approval.	Project applicant or designee	Prior to issuance of demolition and/or building permits.	City of Alameda
	<b>Mitigation Measure AQ/CC-2:</b> The project applicant shall ensure that construction contract specifications include a requirement that all off-road diesel-powered construction equipment used for project improvements shall be equipped with a Level 3 Verified Diesel Emissions Control (VDEC), which would reduce diesel particulate emissions by at least 85 percent.	Provide construction specifications to City Building Division for review and approval.	Project applicant or designee	Prior to issuance of construction contracts and/or construction bid materials.	City of Alameda

**TABLE 4-1 (CONTINUED)  
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM**

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
<p><b>Impact AQ/CC-5:</b> The proposed project would not conflict with or obstruct the implementation of the applicable air quality plan.</p>	<p><b>Mitigation Measure AQ/CC-3:</b></p> <p>The City shall require that the following measures be implemented, either by the City or the project applicant, or both in combination, to encourage the use of low- and zero-emission vehicles in travel to and from the project site and construction meeting LEED Silver or equivalent sustainable design standards:</p> <ul style="list-style-type: none"> <li>Promote use of clean fuel-efficient vehicles through preferential parking and/or installation of charging stations.</li> <li>Require LEED Silver certification or equivalent for all new residential structures.</li> <li>Promote zero-emission vehicles by providing a neighborhood electric vehicle program to reduce the need to have a car or second car as an element of the TDM program.</li> </ul>	<p>Provide design and construction specifications to City Building Division for review and approval.</p>	<p>Project applicant or designee</p>	<p>Prior to issuance of construction contracts and/or construction bid materials.</p>	<p>City of Alameda</p>
<p><b>Biological Resources</b></p>					
<p><b>Impact BIO-1:</b> The proposed project would not have a substantial adverse effect, either directly or through habitat modifications, on species identified as candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or the United States Fish and Wildlife Service.</p>	<p><b>Mitigation Measure BIO-1a:</b></p> <p>Prior to the start of in-water construction and maintenance that would require pile driving, the project applicant shall prepare a NMFS-approved sound attenuation monitoring plan to protect fish and marine mammals, if impact pile driving is required for project implementation. This plan shall provide detail on the sound attenuation system, detail methods used to monitor and verify sound levels during pile driving activities, and describe management practices to be taken to reduce impact hammer pile-driving sound in the marine environment to an intensity level of less than 183 dB. The sound monitoring results shall be made available to the NMFS. The plan shall incorporate one or more of the following best management practices (BMPs) to meet the 183 dB performance standard):</p> <ul style="list-style-type: none"> <li>To the extent feasible, all pilings shall be installed and removed with vibratory pile drivers only. If feasible, vibratory pile driving shall be conducted following the Corps' "Proposed Procedures for Permitting Projects that will Not Adversely Affect Selected Listed Species in California". USFWS and NOAA completed Section 7 consultation on this document, which establishes general procedures for minimizing impacts to natural resources associated with projects in or adjacent to jurisdictional waters.</li> <li>An impact pile driver may only be used where necessary to complete installation of larger steel pilings in accordance with seismic safety or other engineering criteria</li> <li>If necessary, the hammer shall be cushioned using a 12-inch thick wood cushion block during all impact hammer pile driving operations.</li> <li>All piling installation using impact hammers shall be conducted between June 1 and November 30, when the likelihood of sensitive fish species being present in the work area is minimal.</li> <li>If pile installation using impact hammers must occur at times other than the approved work window, the project applicant shall obtain incidental take authorization from NMFS and CDFW, as necessary, to address potential impacts on steelhead trout, chinook salmon, and Pacific herring and implement all requested actions to avoid impacts.</li> <li>The project applicant shall monitor and verify sound levels during pile driving activities. The sound monitoring results will be made available to NMFS and the City.</li> <li>In the event that exceedance of noise thresholds established and approved by NMFS occurs, a contingency plan involving the use of bubble curtains or air barrier shall be implemented to attenuate sound levels to below threshold levels.</li> </ul>	<p><b>Pre-construction:</b> Provide NMFS-approved sound attenuation and monitoring plan to the City Planning Division. <b>During construction:</b> Provide monitoring reports as specified in agreement with NMFS.</p>	<p>Project applicant or designee</p>	<p><b>Pre-construction:</b> Prior to issuance of demolition/building permits in affected areas. <b>During construction:</b> Ongoing per terms of agreement with NMFS.</p>	<p>City of Alameda</p>
	<p><b>Mitigation Measure BIO-1b:</b></p> <p>During the project permitting phase, any activities requiring in-water work will either proceed under one of the programmatic consultations for federally listed species described above or a project-level BO would be required. Alternatively, the project will obtain Incidental Harassment Authorization (IHA) for marine mammals for dredging or pile driving activities. The project applicant shall also consult with CDFW regarding project impacts on State listed special-status fish species and the potential need for an incidental take permit (ITP). The project applicant shall submit to the City copies of any IHA and/or ITP received or, alternatively, copies of correspondence confirming that an IHA and/or ITP is not required for the project in question.</p>	<p>Provide evidence of regulatory compliance to the City Building Division and/or the City Planning Division as specified in the measure.</p>	<p>Project applicant or designee</p>	<p>Prior to issuance of demolition/building permits in affected areas.</p>	<p>City of Alameda</p>
	<p><b>Mitigation Measure BIO-1c:</b></p> <p>As part of the NMFS-approved sound attenuation monitoring plan required for pile driving in</p>	<p><b>Pre-construction:</b> Provide NMFS-approved sound attenuation and monitoring plan to the City Planning Division. <b>During construction:</b> Provide</p>	<p>Project applicant or designee</p>	<p>Prior to issuance of demolition/building permits in affected areas.</p>	<p>City of Alameda</p>

**TABLE 4-1 (CONTINUED)**  
**ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM**

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
	<p>Mitigation Measure BIO-1a, the City shall ensure that the project applicant implements these additional actions to reduce the effect of underwater noise transmission on marine mammals. These actions shall include at a minimum:</p> <ul style="list-style-type: none"> <li>Establishment of a 1,600-foot (500-meter) safety zone that shall be maintained around the sound source, for the protection of marine mammals in the event that sound levels are unknown or cannot be adequately predicted.</li> <li>Work activities shall be halted when a marine mammal enters the 1,600-foot (500-meter) safety zone and resume only after the animal has been gone from the area for a minimum of 15 minutes.</li> <li>A “soft start” technique shall be employed in all pile driving to give marine mammals an opportunity to vacate the area.</li> <li>Maintain in-air sound levels at the noise source below 90 dBA when pinnipeds (seals and sea lions) are present.</li> <li>A NMFS-approved biological monitor will conduct daily surveys before and during impact hammer pile driving to inspect the work zone and adjacent Bay waters for marine mammals. The monitor will be present as specified by NMFS during the impact pile-driving phases of construction.</li> </ul>	<p>monitoring reports as specified in agreement with NMFS.</p>			
	<p><b>Mitigation Measure BIO-1d:</b></p> <p>Through the Design Review application process, the City shall ensure that the project applicant installs dock lighting on all floating docks and adjacent areas that minimizes artificial lighting of Bay waters by using shielded, low-mounted, and low light-intensity fixtures and bulbs.</p>	<p><b>Pre-construction:</b> Provide lighting plans to City Building Division for review and approval showing compliance with measure. <b>Post-construction:</b> Demonstrate compliance with measure to satisfaction of the City Building Division.</p>	<p>Project applicant or designee</p>	<p><b>Pre-construction:</b> Prior to issuance of building permits for affected water-side areas. <b>Post-construction:</b> Prior to issuance of occupancy permits.</p>	<p>City of Alameda</p>
	<p><b>Mitigation Measure BIO-1e:</b></p> <p>To the extent practicable, construction activities including building renovation, demolition, vegetation and tree removal, and new site construction shall be performed between September 1 and January 31 in order to avoid breeding and nesting season for birds. If these activities cannot be performed during this period, a preconstruction survey for nesting birds shall be conducted by a qualified biologist.</p> <p>In coordination with the City, surveys shall be performed during breeding bird season (February 1 – August 31) no more than 14 days prior to construction activities listed above in order to locate any active passerine nests within 250 feet of the project site and any active raptor nests within 500 feet of the project site. Building renovation, demolition, tree and vegetation removal, and new construction activities performed between September 1 and January 31 avoid the general nesting period for birds and therefore would not require pre-construction surveys.</p> <p>If active nests are found on either the proposed construction site or within the 500-foot survey buffer surrounding the proposed construction site, no-work buffer zones shall be established around the nests in coordination with CDFW. No renovation, demolition, vegetation removal, or ground-disturbing activities shall occur within a buffer zone until young have fledged or the nest is otherwise abandoned as determined by the qualified biologist. If work during the nesting season stops for 14 days or more and then resumes, then nesting bird surveys shall be repeated, to ensure that no new birds have begun nesting in the area.</p>	<p>Conduct pre-construction surveys for nesting birds if construction is proposed during specified times; provide results of surveys to City Building Division and/or City Planning Division; conduct construction activities according to the protocol described in the mitigation measure.</p>	<p>Project applicant or designee</p>	<p>Prior to issuance of demolition/building permits.</p>	<p>City of Alameda</p>
<p><b>Impact BIO-2:</b> Development facilitated by the proposed project would not have a substantial adverse effect on riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.</p>	<p><b>Mitigation Measure BIO-2a:</b></p> <p>Prior to in-water work, the City shall ensure that the project applicant conducts a pre-construction survey to determine if native oysters, mussels, and eelgrass are present in the Oakland-Alameda Estuary to be affected by the project.</p> <ul style="list-style-type: none"> <li>The eelgrass survey shall be conducted according to the methods contained in the California Eelgrass Mitigation Policy and Implementing Guidelines (NMFS, 2014), with the exception that the survey shall be conducted within 120 days (rather than 60 days, as recommended in the CDEMP) prior to the desired construction start date, to allow sufficient time for modification of project plans (if feasible) and agency consultation.</li> <li>If eelgrass beds or native oysters are found within or immediately adjacent to the construction footprint, the project applicant shall first determine whether avoidance of the beds is feasible. If feasible, impacts to the oyster or eelgrass bed shall be avoided. If complete avoidance is not feasible, the applicant shall request guidance from the National Marine Fisheries Service (or other applicable agency) as to the need and/or feasibility to move affected beds. Any translocation of eelgrass beds shall be conducted consistent with the methods described in the</li> </ul>	<p>Conduct preconstruction surveys for native oysters, mussels, and eelgrass as specified in the mitigation measure; provide results of surveys to City Building Division and/or City Planning Division; follow avoidance and monitoring protocols as directed by NMFS and as specified in the mitigation measure; provide compensatory mitigation if required.</p>	<p>Project applicant or designee</p>	<p>Prior to issuance of building permits for the affected in-water areas.</p>	<p>City of Alameda</p>

**TABLE 4-1 (CONTINUED)  
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM**

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
	<p>CDEMP and/or those described in Eelgrass Conservation in San Francisco Bay: Opportunities and Constraints (Boyer and Wyllie-Echeverria, 2010). Translocation of oyster beds shall be consistent with methods and recommendations presented in Shellfish Conservation and Restoration in San Francisco Bay: Opportunities and Constraints (Zabin et al., 2010).</p> <ul style="list-style-type: none"> <li>If it is not possible to translocate oyster or eelgrass beds, then the City shall ensure that the project applicant provides compensatory mitigation consistent with the CDEMP for eelgrass (a ratio of 3.01:1 [transplant area to impact area]) and a minimum 1:1 ratio for oyster beds.</li> <li>The relocation or compensatory mitigation site for eelgrass or oyster beds shall be within San Francisco Bay.</li> </ul>				
	<p><b>Mitigation Measure BIO-2b:</b></p> <p>The Marina operators shall prepare educational information regarding sensitive biological resources in the project vicinity and within Bay waters. This information shall be disseminated to all boaters using the marina and shall include, but not be limited to, information educating boat owner/operators about sensitive habitats and species in the Bay and actions they are required to implement to avoid impacts to marine resources.</p> <p>The educational information will be disseminated to visiting boaters through multiple methods including, but not limited to, brochures or pamphlets; marina and/or City websites; boating, cruising, and newspaper periodicals; and social media. The information shall be prepared soliciting input from, and in cooperation with, the National Marine Fisheries Service (NMFS), U.S. Coast Guard (USCG), California State Lands Commission, National Park Service (NPS), California Department of Parks and Recreation (CDPR), Bay Conservation and Development Commission (BCDC), and local organizations active in protecting Bay marine resources, as appropriate.</p>	<p>Prepare educational materials as specified in the mitigation measure; present materials to the City and cooperating agencies for review and approval.</p>	<p>Project applicant or designee</p>	<p>Prior to issuance of occupancy permits.</p>	<p>City of Alameda</p>
	<p><b>Mitigation Measure BIO-2c:</b></p> <p>The City shall require that the project applicant develop and implement a Marine Invasive Species Control Plan prior to commencement of any in-water work including, but not limited to, construction of wharves and seawalls, dredging, pile driving, and construction of new stormwater outfalls. The plan shall be prepared in consultation with the United States Coast Guard (USCG), RWQCB, and other relevant state agencies. Provisions of the plan shall include but not be limited to the following:</p> <ul style="list-style-type: none"> <li>Environmental training of construction personnel involved in in-water work.</li> <li>Actions to be taken to prevent the release and spread of marine invasive species, especially algal species such as Undaria and Sargasso.</li> <li>Procedures for the safe removal and disposal of any invasive taxa observed on the removed structures prior to disposal or reuse of pilings, docks, wave attenuators, and other features.</li> <li>The onsite presence of a qualified marine biologist to assist the contractor in the identification and proper handling of any invasive species on removed equipment or materials.</li> <li>A post-construction report identifying which, if any, invasive species were discovered attached to equipment and materials following removal from the water, and describing the treatment/handling of identified invasive species. Reports shall be submitted to the City, as well as the USCG and the RWQCB if requested by the agencies.</li> </ul>	<p>Prepare Marine Invasive Species Control Plan with cooperation and oversight from relevant agencies as specified in the mitigation measure; implement the plan as specified in the mitigation measure; conduct technical assistance activities as specified in the mitigation measure; prepare and submit a post-construction report to the City of Alameda and applicable agencies.</p>	<p>Project applicant or designee</p>	<p><b>Pre-construction:</b> Prior to issuance of demolition/building permits within the affected in-water areas. <b>Post-construction:</b> Prior to final inspection of completed in-water structures within the affected area(s).</p>	<p>City of Alameda</p>
<p><b>Impact BIO-3:</b> Development facilitated by the proposed project would not have a substantial adverse effect on federally protected wetlands, 'other waters', and navigable waters as defined by Sections 404 and 10 of the Clean Water Act and waters of the State through direct removal, filling, hydrological interruption, or other means.</p>	<p><b>Mitigation Measure BIO-3a:</b></p> <p>All dredging and in-water construction activities shall be consistent with the standards and procedures set forth in the Long Term Management Strategy for dredging in the San Francisco Bay waters, a program developed by the U.S. Army Corps of Engineers (USACE), the Bay Conservation and Development Commission (BCDC), the Regional Water Quality Control Board (RWQCB), the U.S. Environmental Protection Agency, (EPA), and other agencies, to guide the disposal of dredge materials in an environmentally sound manner.</p>	<p>Submit to the City an approved plan and/or required regulatory permits showing compliance with applicable requirements as specified in the mitigation measure.</p>	<p>Project applicant or designee</p>	<p>Prior to issuance of dredging and construction permits within the affected in-water areas.</p>	<p>City of Alameda</p>
	<p><b>Mitigation Measure BIO-3b:</b></p> <p>During project construction, best management practices (BMPs) would be applied to prevent potential pollutants from entering the storm drain system directly, reducing sediment or potentially hazardous runoff from entering receiving waters. Examples of these measures include covering trash receptacles and car wash areas, regular sweeping of paved surfaces, stenciling of storm drain inlets, and installation of full trash capture devices.</p>	<p>Provide construction specifications to City Building Division for review and approval.</p>	<p>Project applicant or designee</p>	<p>Prior to issuance of construction contracts and/or construction bid materials.</p>	<p>City of Alameda</p>



**TABLE 4-1 (CONTINUED)  
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM**

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
<p><b>Impact BIO-4:</b> Development facilitated by the proposed project would not interfere with the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.</p>	<p><b>Mitigation Measure BIO-4:</b></p> <p>The City shall require that the project applicant retain a qualified biologist experienced with bird strike issues to review and approve the design of the building to ensure that it sufficiently minimizes the potential for bird strikes. The City may also consult with resource agencies such as the California Department of Fish and Wildlife, U.S. Fish and Wildlife Service, or others, as it determines to be appropriate during this review.</p> <p>The project applicant shall provide to the City a written description of the measures and features of the building design that are intended to address potential impacts on birds. The design shall include some of the following measures or measures that are equivalent to, but not necessarily identical to, those listed below, as new, more effective technology for addressing bird strikes may become available in the future:</p> <ul style="list-style-type: none"> <li>• Employ design techniques that create "visual noise" via cladding or other design features that make it easy for birds to identify buildings as such and not mistake buildings for open sky or trees;</li> <li>• Decrease continuity of reflective surfaces using "visual marker" design techniques, which techniques may include: <ul style="list-style-type: none"> <li>— Patterned or fritted glass, with patterns at most 28 centimeters apart,</li> <li>— One-way films installed on glass, with any picture or pattern or arrangement that can be seen from the outside by birds but appear transparent from the inside,</li> <li>— Geometric fenestration patterns that effectively divide a window into smaller panes of at most 28 centimeters, and/or</li> <li>— Decals with patterned or abstract designs, with the maximum clear spaces at most 28 centimeters square.</li> </ul> </li> <li>• Up to 60 feet high on building facades facing the shoreline, decrease reflectivity of glass, using design techniques such as plastic or metal screens, light-colored blinds or curtains, frosting of glass, angling glass towards the ground, UV-A glass, or awnings and overhangs;</li> <li>• Eliminate the use of clear glass on opposing or immediately adjacent faces of the building without intervening interior obstacles such that a bird could perceive its flight path through the glass to be unobstructed;</li> <li>• Mute reflections in glass using strategies such as angled glass, shades, internal screens, and overhangs; and</li> <li>• Place new vegetation sufficiently away from glazed building facades so that no reflection occurs. Alternatively, if planting of landscapes near a glazed building façade is desirable, situate trees and shrubs immediately adjacent to the exterior glass walls, at a distance of less than three feet from the glass. Such close proximity will obscure habitat reflections and will minimize fatal collisions by reducing birds' flight momentum.</li> </ul> <p><b>Lighting.</b> The project applicant shall ensure that the design and specifications for buildings implement design elements to reduce lighting usage, change light direction, and contain light. These include, but are not limited to, the following general considerations that should be applied wherever feasible throughout the proposed project to reduce night lighting impacts on avian species:</p> <ul style="list-style-type: none"> <li>• Avoid installation of lighting in areas where not required for public safety</li> <li>• Examine and adopt alternatives to bright, all-night, floor-wide lighting when interior lights would be visible from the exterior or exterior lights must be left on at night, including: <ul style="list-style-type: none"> <li>— Installing motion-sensitive lighting</li> <li>— Installing task lighting</li> <li>— Installing programmable timers</li> <li>— Installing fixtures that use lower-wattage, sodium, and yellow-red spectrum lighting.</li> </ul> </li> <li>• Install strobe or flashing lights in place of continuously burning lights for any obstruction lighting.</li> <li>• Where exterior lights are to be left on at night, install fully shielded lights to contain and direct light away from the sky.</li> </ul>	<p>Submittal of building, lighting, and structural plans to the City Building Division that meet the requirements of the bird-strike avoidance specifications as specified in the mitigation measure; preparation of education materials for future building occupants; peer review and approval of all of the above by a qualified biologist with appropriate expertise, with oversight by City staff; documentation of all of the above as specified in the mitigation measure.</p>	<p>Project applicant or designee</p>	<p><b>Pre-construction:</b> Prior to issuance of building permits for each project phase. <b>Post-construction documentation:</b> Prior to issuance of building permits for each project phase.</p>	<p>City of Alameda</p>

**TABLE 4-1 (CONTINUED)  
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM**

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
	<p><b>Antennae, Monopole Structures, and Rooftop Elements.</b> The City shall ensure, as a condition of approval for every building permit, that buildings minimize the number of and co-locate rooftop-antennas and other rooftop equipment, and that monopole structures or antennas on buildings, in open areas, and at sports and playing fields and facilities do not include guy wires.</p> <p><b>Educating Residents and Occupants.</b> The City shall ensure, as a condition of approval for every building permit, that the project applicant agrees to provide educational materials to building tenants, occupants, and residents encouraging them to minimize light transmission from windows, especially during peak spring and fall migratory periods, by turning off unnecessary lighting and/or closing window coverings at night. The City shall review and approve the educational materials prior to building occupancy.</p> <p><b>Documentation.</b> The project applicant and/or City shall document undertaking the activities described in this mitigation measure and maintain records that include, among others, the written descriptions provided by the building developer of the measures and features of the design for each building that are intended to address potential impacts on birds, and the recommendations and memoranda prepared by the qualified biologist experienced with bird strikes who reviews and approves the design of any proposed projects to ensure that they sufficiently minimize the potential for bird strikes.</p>				
<b>Cultural Resources</b>					
<p><b>Impact CUL-1:</b> Project implementation would cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5.</p>	<p><b>Mitigation Measure CUL-1a:</b></p> <p><b>Treatment of Historic Properties (Buildings 16 19 and 27).</b> Alterations, to the exteriors of Buildings 16, 19 and 27, shall conform to the Secretary of the Interior’s Standards for the Treatment of Historic Properties and Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, if feasible (NPS, 1995) and PRC 5024.5.</p>	<p>Placement of specified mitigation requirements within the project plans for each phase of project development; provide construction specifications to City Building Division for review prior to construction bid solicitation and/or contract finalization.</p>	<p>Project applicant or designee</p>	<p>Prior to issuance of construction contracts and/or construction bid solicitation.</p>	<p>City of Alameda</p>
	<p><b>Mitigation Measure CUL-1b:</b></p> <p><b>Documentation.</b> The project proponent shall prepare a treatment plan including but not limited to photo documentation and public interpretation of the Alameda Marina Historic District (Buildings 1, 4, 6, 12, 15, 16, 17, 19, 21, 22, 27, 28, 29, 31, 32, 33, 34, and the graving dock). Photo documentation will be overseen by a Secretary of the Interior–qualified architectural historian, documenting the affected historical resource. in accordance with the National Park Service’s Historic American Buildings Survey (HABS) and/or Historic American Engineering Record (HAER) standards. Such standards typically include large-format photography using (4x5) negatives, written data, and copies of original plans if available. The HABS/HAER documentation packages will be archived at local libraries and historical repositories, as well as the Northwest Information Center of the California Historical Resources Information System.</p>	<p>Submit to the City a treatment plan for approval that meets the requirements of the mitigation; carry out the requirements of the approved plan; provide evidence of completion.</p>	<p>Project applicant or designee</p>	<p>Prior to issuance of demolition permits for affected areas.</p>	<p>City of Alameda</p>
	<p><b>Mitigation Measure CUL-1c:</b></p> <p><b>Interpretive Display.</b> Public interpretation of historical resources shall be provided and could include a plaque, kiosk, or other method of describing the Alameda Marina Historic District’s historic or architectural importance to the general public. The design and placement of the display(s) shall be reviewed and approved by the City of Alameda Historic Advisory Board.</p>	<p>Submit to the City for approval an interpretive plan that meets the requirements of the mitigation; submit designs for interpretive displays for approval; provide evidence of completion.</p>	<p>Project applicant or designee</p>	<p><b>Pre-construction:</b> Prior to issuance of building permits for each project phase. <b>Post-construction documentation:</b> Prior to issuance of building permits for each project phase.</p>	<p>City of Alameda</p>

**TABLE 4-1 (CONTINUED)**  
**ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM**

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
<p><b>Impact CUL-2:</b> Project construction could cause a substantial adverse change in the significance of an archaeological resource, including those determined to be a historical resource defined in Section 15064.5 or a unique archaeological resource defined in PRC 21083.2.</p>	<p><b>Mitigation Measure CUL-2a:</b></p> <p><b>Archaeological Resources Management Plan.</b> During the preliminary design for development within the project area, and prior to submittal of a building permit or grading application to the City of Alameda, the project applicant shall undertake the following:</p> <ul style="list-style-type: none"> <li>• <b>Preservation in Place.</b> A qualified archaeologist, in consultation with the City of Alameda, the project applicant, and the appropriate Native American representative(s) shall determine whether preservation in place of site CA-ALA-11 is feasible. Consistent with CEQA Guidelines Section 15126.4(b)(3), this may be accomplished through planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement.</li> </ul> <p>If it is determined that preservation in place is not feasible for the resource and another type of mitigation would better serve the interests protected by CEQA, mitigation shall include testing and data recovery through archaeological investigations and the project applicant shall undertake the following:</p> <ul style="list-style-type: none"> <li>• <b>Archaeological Resources Management Plan.</b> Because a significant archaeological resource (CA-ALA-11) has been previously identified in the project area, the project proponent shall retain a Secretary of the Interior-qualified archaeologist, in consultation with a Native American representative(s), to prepare and implement an Archaeological Resources Management Plan (ARMP). The ARMP shall include a preliminary testing program to identify the types of expected archaeological materials, the testing methods to be used to define site boundaries and constituents, and the locations recommended for testing. The purpose of the testing program will be to determine to the extent possible the presence or absence of archaeological materials in the proposed areas of disturbance for the project and to determine whether those materials contribute to the significance of site CA-ALA-11. If a significant contributing element to the site is in the project area, the project proponent shall conduct a data recovery program as outlined in the ARMP. The ARMP will include how the data recovery program would preserve the significant information the archaeological resource is expected to contain. Treatment would consist of (but would not be not limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim of targeting the recovery of important scientific data contained in the portion(s) of the significant resource to be impacted by the project. The ARMP shall include provisions for analysis of data in a regional context; reporting of results within a timely manner and subject to review and comments by the appropriate Native American representative, before being finalized; curation of artifacts and data at a local facility acceptable to the City and appropriate Native American representative; and dissemination of final confidential reports to the appropriate Native American representative, the Northwest Information Center of the California Historical Resources Information System and the City.</li> </ul>	<p>Submit plan for approval that meets the requirements of the mitigation measure.</p>	<p>Project applicant or designee</p>	<p>Prior to issuance of construction contracts and/or construction bid solicitation.</p>	<p>City of Alameda</p>
	<p><b>Mitigation Measure CUL-2b:</b></p> <p><b>Inadvertent Discovery of Archaeological Resources.</b> During construction outside of known archaeological site boundaries, if prehistoric or historic-era cultural materials are encountered, all construction activities within 100 feet shall halt and the City shall be notified. Prehistoric archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; artifact filled wells or privies; and deposits of metal, glass, and/or ceramic refuse.</p> <p>The project applicant shall ensure that a Secretary of the Interior-qualified archaeologist inspect the find within 24 hours of discovery. If the find is determined to be potentially significant, the archaeologist, shall follow the guidelines provided in Mitigation Measure CUL-2a above.</p>	<p>Submit for approval a plan for inadvertent discovery; incorporate requirements into the design and construction specifications; demonstrate retainment of qualified archaeologist to be available in the event of an inadvertent discovery; comply with terms of Mitigation Measure CUL-2a if a discovery is found to be potentially significant.</p>	<p>Project applicant or designee</p>	<p>Prior to issuance of construction contracts and/or construction bid materials.</p>	<p>City of Alameda</p>

**TABLE 4-1 (CONTINUED)  
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM**

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
<p><b>Impact CUL-3:</b> Project construction could disturb human remains, including those interred outside of formal cemeteries.</p>	<p><b>Mitigation Measure CUL-3:</b> <i>Inadvertent Discovery of Human Remains.</i> Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California, the project applicant shall ensure the following:</p> <ul style="list-style-type: none"> <li>Project construction personnel shall be informed of the potential of encountering human remains during construction, and the proper procedures to follow in the event of the discovery of human remains during construction.</li> <li>In the event of the discovery of human remains during construction, work shall stop in that area and within 100 feet of the find. The Alameda County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to their authority, they shall notify the Native American Heritage Commission who shall identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the project applicant shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further ground disturbance.</li> </ul>	<p>Incorporate requirements into the design and construction specifications; comply with mitigation if remains are found.</p>	<p>Project applicant or designee</p>	<p>Prior to issuance of construction contracts and/or construction bid materials.</p>	<p>City of Alameda</p>
<p><b>Impact CUL-4:</b> Project construction could cause a substantial adverse change in the significance of a Tribal Cultural Resource as defined in Public Resources Code Section 21074.</p>	<p><b>Mitigation Measure CUL-4:</b> <i>Tribal Cultural Resources Interpretive Program.</i> In consultation with the affiliated Native American tribal representatives, the proposed project shall be redesigned so as to avoid any adverse effect on the significant tribal cultural resource, if feasible. If preservation in place of the tribal cultural resource is not a sufficient or feasible option, the project applicant shall implement an interpretive program of the tribal cultural resource in consultation with affiliated tribal representatives. The plan shall identify, as appropriate, proposed locations for installations or displays, the proposed content and materials of those displays or installation, the producers or artists of the displays or installation, and a long term maintenance program. The interpretive program may include artist installations, preferably by local Native American artists, oral histories with local Native Americans, artifacts displays and interpretation, and educational panels or other informational displays.</p>	<p>Submit to the City for approval an interpretive plan that meets the requirements of the mitigation; submit designs for interpretive displays for approval; provide evidence of completion.</p>	<p>Project applicant or designee</p>	<p><b>Pre-construction:</b> Prior to issuance of building permits for each project phase. <b>Post-construction documentation:</b> Prior to issuance of building permits for each project phase.</p>	<p>City of Alameda</p>
<p><b>Hazards and Hazardous Materials</b></p>					
<p><b>Impact HAZ-1:</b> Demolition of the existing structures on the project site which likely contain hazardous building materials—such as lead-based paint, asbestos, and PCBs—could potentially expose workers, the public, or the environment to hazardous materials from the transport, use, or disposal of these hazardous materials and waste.</p>	<p><b>Mitigation Measure HAZ-1a:</b> Prior to issuance of any demolition permit, the project applicant shall submit to the Alameda County Department of Environmental Health a hazardous building material assessment prepared by qualified licensed contractors for any structure intended for demolition indicating whether ACMs, LBP or lead-based coatings, and/or PCB-containing equipment, are present.</p>	<p>Submit appropriate assessment, disposal plans and/or permits to the City Building Division.</p>	<p>Project applicant or designee</p>	<p>Prior to issuance of demolition permits.</p>	<p>City of Alameda</p>
	<p><b>Mitigation Measure HAZ-1b:</b> If the assessment required by Mitigation Measure HAZ-1a indicates the presence of ACMs, LBP, and/or PCBs, the project applicant shall create and implement a health and safety plan in accordance with local, state, and federal requirements to protect demolition and construction workers and the public from risks associated with such hazardous materials during demolition or renovation of affected structures.</p>	<p>Submit health and safety plan meeting the requirements of the mitigation measure for review and approval by the City Building Division.</p>	<p>Project applicant or designee</p>	<p>Prior to issuance of building permits.</p>	<p>City of Alameda</p>
	<p><b>Mitigation Measure HAZ-1c:</b> If the assessment required by Mitigation Measure HAZ-1a finds asbestos, the project applicant shall prepare an asbestos abatement plan and shall ensure that asbestos abatement is conducted by a licensed contractor prior to building demolition. Abatement of known or suspected ACMs shall occur prior to demolition or construction activities that would disturb those materials. Pursuant to an asbestos abatement plan developed by a state-certified asbestos consultant and approved by the City, all ACMs shall be removed and appropriately disposed of by a state certified asbestos contractor.</p>	<p>Submit appropriate disposal plans and/or permits to the satisfaction of the City Building Division. Submit remediation verification to the satisfaction of the City Building Division, in compliance with applicable laws and regulations.</p>	<p>Project applicant or designee</p>	<p><b>Pre-demolition:</b> Prior to issuance of demolition permits. <b>Post-demolition:</b> Prior to issuance of building permits.</p>	<p>City of Alameda</p>

**TABLE 4-1 (CONTINUED)**  
**ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM**

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
	<p><b>Mitigation Measure HAZ-1d:</b></p> <p>If the assessment required by Mitigation Measure HAZ-1a finds presence of LBP, the project applicant shall develop and implement a LBP removal plan. The plan shall specify, but not be limited to, the following elements for implementation:</p> <ol style="list-style-type: none"> <li>1. Develop a removal specification approved by a Certified Lead Project Designer.</li> <li>2. Ensure that all removal workers are properly trained.</li> <li>3. Contain all work areas to prohibit off-site migration of paint chip debris.</li> <li>4. Remove all peeling and stratified LBP on building and non-building surfaces to the degree necessary to safely and properly complete demolition activities according to recommendations of the survey. The demolition contractor shall be responsible for the proper containment and/or disposal of intact LBP on all materials to be cut and/or removed during the demolition.</li> <li>5. Provide on-site personnel and area air monitoring during all removal activities to ensure that workers and the environment are adequately protected by the control measures used.</li> <li>6. Clean up and/or vacuum paint chips with a high efficiency particulate air (HEPA) filter.</li> <li>7. Collect, segregate, and profile waste for disposal determination.</li> <li>8. Properly dispose of all waste.</li> </ol>	<p>Submit appropriate disposal plans and/or permits to the satisfaction of the City Building Division. Submit remediation verification to the satisfaction of the City Building Division, in compliance with applicable laws and regulations.</p>	<p>Project applicant or designee</p>	<p><b>Pre-demolition:</b> Prior to issuance of demolition permits.  <b>Post-demolition:</b> Prior to issuance of building permits.</p>	<p>City of Alameda</p>
	<p><b>Mitigation Measure HAZ-1e:</b></p> <p>If the assessment required by Mitigation Measure HAZ-1a finds presence of PCBs, the project applicant shall ensure that PCB abatement in compliance with applicable regulations is conducted prior to building demolition or renovation. PCBs shall be removed by a qualified contractor and transported in accordance with Caltrans requirements.</p>	<p>Submit appropriate disposal plans and/or permits to the satisfaction of the City Building Division. Submit remediation verification to the satisfaction of the City Building Division, in compliance with applicable laws and regulations.</p>	<p>Project applicant or designee</p>	<p><b>Pre-demolition:</b> Prior to issuance of demolition permits.  <b>Post-demolition:</b> Prior to issuance of building permits.</p>	<p>City of Alameda</p>
<p><b>Impact HAZ-2:</b> Construction at the project site could potentially disturb soil and groundwater impacted by historical hazardous material use, which could expose construction workers, the public, or the environment to adverse conditions related to the transport, use, or disposal of hazardous materials and waste.</p>	<p><b>Mitigation Measure HAZ-2a:</b></p> <p>Prior to issuance of any demolition permit, the project applicant shall submit to the City a Site-Specific Environmental Health and Safety Plan (HASP). The HASP shall be consistent with State and federal OSHA standards for hazardous waste operations (California Code of Regulations, Title 8, Section 5192 and 29 Code of Federal Regulations 1910.120, respectively) and any other applicable health and safety standards. The HASP shall include descriptions of health and safety training requirements for onsite personnel and levels of personal protective equipment to be used, and any other applicable precautions to be undertaken to minimize direct contact with soil and to a lesser degree, groundwater if is encountered. The HASP shall be adhered to during construction and excavation activities. All workers onsite should read and understand the HASP and copies shall be maintained onsite during construction and excavation at all times.</p>	<p>Submit health and safety plan meeting the requirements of the mitigation measure for review and approval by the City Building Division.</p>	<p>Project applicant or designee</p>	<p>Prior to issuance of demolition permits.</p>	<p>City of Alameda</p>

**TABLE 4-1 (CONTINUED)  
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM**

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
	<p><b>Mitigation Measure HAZ-2b:</b></p> <p>Prior to issuance of a building or grading permit for any ground breaking activities within the project site, the project applicant shall prepare a Site Management Plan (SMP) consistent with US EPA, DTSC, and Water Board standards for incorporation into construction specifications. The SMP shall be present on site at all times and readily available to site workers. The SMP shall specify protocols and requirements for excavation, stockpiling, and transport of soil and for disturbance of groundwater. At a minimum the SMP shall include the following components:</p> <ol style="list-style-type: none"> <li>1. <b>Dust control measures:</b> Dust generation shall be minimized by any or all appropriate measures. These measures may include:               <ol style="list-style-type: none"> <li>a. Misting or spraying water while performing excavation activities and loading transportation vehicles;</li> <li>b. Limiting vehicle speeds onsite to 5 miles per hour;</li> <li>c. Controlling excavation activities to minimize the generation of dust;</li> <li>d. Minimizing drop heights while loading transportation vehicles; and</li> <li>e. Covering any soil stockpiles generated as a result of excavating soil potentially impacted by contaminants of concern with plastic sheeting or tarps.</li> </ol> </li> <li>2. <b>Decontamination measures:</b> Decontamination methods shall include scraping, brushing, and/or vacuuming to remove dirt on vehicle exteriors and wheels. In the event that these dry decontamination methods are not adequate, methods such as steam cleaning, high-pressure washing, and cleaning solutions shall be used, as necessary, to thoroughly remove accumulated dirt and other materials. Wash water resulting from decontamination activities shall be collected and managed in accordance with all applicable laws and regulations.</li> <li>3. <b>Stormwater pollution control measures:</b> Should rainfall occur during construction on exposed soils at the site stormwater pollution controls shall be implemented to minimize stormwater runoff from exposed soil containing contaminants of concern at the site and to prevent sediment from leaving the site, in accordance with all laws and regulations. Stormwater pollution controls shall be based on BMPs to comply with State and local regulations. Sediment and erosion protection controls may include but are not limited to:               <ol style="list-style-type: none"> <li>a. Constructing berms or erecting silt fences at entrances to the project site;</li> <li>b. Placing straw bale barriers around catch basins and other entrances to the storm drains;</li> <li>c. During significant rainfall events, covering with plastic sheeting or tarps any soil stockpiles generated as a result of excavating soil potentially impacted by contaminants of concern.</li> </ol> </li> <li>4. <b>Field screening of potential contaminated soil and suspect contamination discovery:</b> Potentially contaminated soil shall be either direct loaded using the profile data associated with Stellar Environmental Solutions' October 2015 report or stockpiled for additional sampling and analyses to define the contamination fate after the excavation stage. If more the one year elapses between the soil profiling and the excavation stage stockpiling, sampling may be required by a regulated landfill. Trained (with 40-hour hazwopper and associated updates) environmental personnel shall be onsite to do the stockpile sampling and be on-call to deal with any suspect contamination discovery. Personnel will monitor for potentially contaminated soils by visual screening, noting any contaminant odors, and utilizing a photoionization detector (PID) to field measure any VOCs during the excavation activity. Monitoring parameters shall be recorded at intervals of approximately 1 hour or less.</li> </ol>	<p>Submit appropriate plans to the satisfaction of the City Building Division. Submit remediation verification to the satisfaction of the City Building Division, in compliance with applicable laws and regulations.</p>	<p>Project applicant or designee</p>	<p><b>Pre-demolition:</b> Prior to issuance of demolition permits. <b>Post-demolition:</b> Prior to issuance of building permits.</p>	<p>City of Alameda</p>
<p><b>Impact HAZ-5:</b> Development of the project would be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and could result in a safety hazard to the public or environment through exposure to previous contamination of soil or groundwater.</p>	<p><b>Mitigation Measure HAZ-3:</b></p> <p>Prior to issuance of a building or grading permit for any ground breaking activities within the project site, the project applicant shall prepare a Remedial Risk Management Plan (RRMP). The RRMP shall be developed and followed by current and future owners, tenants, and operators. The RRMP shall include the implementation of any needed corrective action remedies and engineering design.</p>	<p>Submit appropriate plans to the satisfaction of the City Building Division. Submit remediation verification to the satisfaction of the City Building Division, in compliance with applicable laws and regulations.</p>	<p>Project applicant or designee</p>	<p><b>Pre-demolition:</b> Prior to issuance of demolition permits. <b>Post-demolition:</b> Prior to issuance of building permits.</p>	<p>City of Alameda</p>
<b>Hydrology and Water Quality</b>					
<p><b>Impact HYD-4:</b> Development of the proposed project would not substantially contribute to runoff</p>	<p><b>Mitigation Measure HYD-1:</b></p>	<p>Submit appropriate plan meeting the requirements of the mitigation measure for review and approval</p>	<p>Project applicant or designee</p>	<p>Prior to issuance of building</p>	<p>City of Alameda</p>

**TABLE 4-1 (CONTINUED)**  
**ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM**

<b>Impact</b>	<b>Mitigation Measure</b>	<b>Action(s)</b>	<b>Implementing Party</b>	<b>Timing</b>	<b>Monitoring Party</b>
water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.	<p>The City shall ensure that future project applicants implement Integrated Pest Management measures to reduce fertilizer and pesticide contamination of receiving waters, as follows:</p> <ul style="list-style-type: none"> <li>Prepare and Implement an Integrated Pest Management Plan (IPM) for all common landscaped areas. The IPM shall be prepared by a qualified professional and shall recommend methods of pest prevention and turf grass management that use pesticides as a last resort in pest control. Types and rates of fertilizer and pesticide application shall be specified.</li> <li>The IPM shall specify methods of avoiding runoff of pesticides and nitrates into receiving storm drains and surface waters or leaching into the shallow groundwater table. Pesticides shall be used only in response to a persistent pest problem that cannot be resolved by non-pesticide measures. Preventative chemical use shall not be employed.</li> <li>The IPM shall fully integrate considerations for cultural and biological resources into the IPM with an emphasis toward reducing pesticide application.</li> </ul>	by the City Building Division.		permits.	
<b>Noise</b>					
<b>Impact NOI-1:</b> Construction of proposed project elements could expose persons to or generate noise levels in excess of the City noise standards or result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.	<p><b>Mitigation Measure NOISE-1a:</b></p> <p>The applicant shall create and implement development-specific noise and vibration reduction plans, which shall be enforced via contract specifications. Contractors may elect any combination of legal, non-polluting methods to maintain or reduce noise and vibration to threshold levels or lower, as long as those methods do not result in other significant environmental impacts or create a substantial public nuisance. In addition, the applicant shall require contractors to limit construction activities to daytime hours between 7:00 am and 7:00 pm Monday through Friday and 8:00 am to 5:00 pm on Saturdays. The plan for attenuating construction-related noises shall be implemented prior to the initiation of any work that triggers the need for such a plan.</p>	Submit construction noise and vibration management plan meeting the requirements of the mitigation measure to the City Building Division for review and approval; incorporate requirements thereof into the project plans, to the satisfaction of the City Building Division.	Project applicant or designee	Prior to issuance of construction contracts and/or construction bid solicitation materials.	City of Alameda
	<p><b>Mitigation Measure NOISE-1b:</b></p> <p>To reduce pile driving noise, "vibratory" pile driving or drilled and cast-in-place piles shall be used wherever feasible. The vibratory pile driving technique, despite its name, does not generate vibration levels higher than the standard pile driving technique. It does, however, generate lower, less-intrusive noise levels.</p>	Indicate specified requirements on project plans and requests for bids of preference for vibratory pile driving techniques, subject to review and approval by the City Building Division.	Project applicant or designee	Prior to issuance of construction contracts and/or construction bid solicitation materials.	City of Alameda
<b>Impact NOI-3:</b> Traffic and equipment operations associated with the proposed project could result in a substantial permanent increase in ambient noise levels in the vicinity or above levels existing without the project.	<p><b>Mitigation Measure NOISE-2a:</b></p> <p>Acoustical studies, describing how the exterior and interior noise standards will be met, shall be required for all new residential or noise sensitive developments exposed to environmental noise greater than CNEL 60 dBA, or one-family dwellings not constructed as part of a subdivision requiring a final map exposed to environmental noise greater than CNEL 65 dBA. The studies should also satisfy the requirements set forth in Title 24, Section 1207, of the California Building Code, Noise Insulation Standards, for multiple-family uses, regulated by Title 24.</p>	Submit indicated acoustical studies to City Building Division for review and approval, and demonstrated compliance with recommendations therein required to meet the specifications of the mitigation measure.	Project applicant or designee	Prior to issuance of building permits.	City of Alameda
	<p><b>Mitigation Measure NOISE-2b:</b></p> <p>The applicant shall demonstrate through its acoustical studies that the proposed project will comply with maximum noise levels outlined in the City's Noise Ordinance and the average sound level goals outlined in the City's General Plan.</p>	Submittal of acoustical studies to City Building Division for review and approval, wherein compliance with City's General Plan can be verified.	Project applicant or designee	Prior to issuance of building permits.	City of Alameda
<b>Transportation and Traffic</b>					
<b>Impact TRA-1:</b> The proposed project would not exceed the regional VMT per capita minus 15 percent.	<p><b>Mitigation Measure TRA-1:</b></p> <p>To reduce the amount of VMT generated by the project, as well as the number of automobile trips generated by the project and to reduce automobile LOS impacts, the project shall prepare a Transportation Demand Management (TDM) Plan and funding program for Planning Board review and approval. The TDM plan shall include the following measures to reduce VMT and vehicle trips, particularly single-occupant vehicle trips, by project residents, workers, and visitors.:</p> <ul style="list-style-type: none"> <li>All residents and employers at Alameda Marina will pay annual fees to support supplemental transit services and trip reduction services for the residents and employees.</li> <li>All residents and employees will be provided with AC Transit Easy Passes, which will provide access to all of AC Transit's services including the San Francisco express commuter buses. The cost of the passes will be included in the mandatory assessments on each unit, which dis-incentives future residents who prefer to drive alone and do not want to use transit.</li> <li>Residents of the non-townhome units, who wish to have cars, will be required to lease</li> </ul>	Submit Transportation Demand Management (TDM) Plan for review and approval by the City of Alameda; submit annual TDM monitoring plan for review and approval by the City of Alameda.	Project applicant or designee	<b>Initial submittal of TDM(s):</b> Prior to issuance of building permits for each project phase. <b>Submittal of TDM monitoring reports:</b> On an annual basis.	City of Alameda

**TABLE 4-1 (CONTINUED)  
ALAMEDA MARINA MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM**

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
	<p>parking spaces on a monthly basis in a shared parking lot or structure. The cost of the parking will be “unbundled” from the cost of the residential unit, which provides a financial incentive for residents to reduce car ownership and take advantage of the AC Transit passes, which are “bundled” into the cost of their residential units. (The 162 townhomes will have private parking.)</p> <ul style="list-style-type: none"> <li>The project residents will be members of the Alameda Transportation Management Agency, which will provide transportation information services to all of the residents through a TMA website and through annual surveys of resident transportation needs.</li> <li>The project will provide access to car share and guaranteed ride home services to make it easier for residents and employees to reduce their dependence on a private automobile and increase use of project-provided transit services.</li> <li>Resident annual assessments in the Northern Waterfront area currently fund supplemental commute hour service on the AC Transit Line 19, which provides direct service to Fruitvale and 12th Street BART stations. Future assessments received from project residents and employers will allow for additional transit services and future water shuttle services designed to serve the waterfront developments along the Estuary in Alameda and Oakland and connect the project sites to the regional ferry services provided from Jack London Square in Oakland and the Main Street Terminal in Alameda.</li> </ul>				
<p><b>Impact TRA-3:</b> In the event that the planned Clement Avenue extension is not completed prior to project opening, the proposed project could increase traffic volumes at intersections on Buena Vista Avenue such that traffic operations could deteriorate to substandard conditions.</p>	<p><b>Mitigation Measure TRA-3:</b></p> <p>The project shall pay a fair share contribution to the cost of the Clement Avenue extension from Atlantic Avenue to Grand Street. The fair share contribution shall be calculated based upon a traffic study to calculate the fair share contribution of each Northern Waterfront development project including the Del Monte Warehouse Project, the Encinal Terminals Project, the Wind River fifth building project, and Alameda Marina, which will contribute traffic trips to the Clement Avenue Extension. The City shall require all developers to contribute their fair share as determined by the traffic study. The Alameda Marina fair share contribution shall be paid on a pro-rata basis for each residential phase of the Alameda Marina project (number of units in phase divided by total number of units in project multiplied by the fair share contribution). Each portion of the fair share contribution shall be paid prior to issuance of the first building permit for the current residential phase if work on the Clement Avenue extension has been initiated by another developer of a Northern Waterfront development project. If the work has not been initiated by another developer prior to issuance of the first building permit for Alameda Marina, the contribution shall be made prior to issuance of the first residential Certificate of Occupancy on the property.</p>	<p>Pay fees per the requirements of the mitigation.</p>	<p><b>Traffic study:</b> City's traffic consultant. <b>Payment of fees:</b> Project applicant or designee</p>	<p>Per the terms of the mitigation.</p>	<p>City of Alameda</p>
<p><b>Impact TRA-10:</b> Development facilitated by the proposed project could potentially be inconsistent with adopted policies, plans, and programs supporting alternative transportation.</p>	<p><b>Mitigation Measure TRA-4:</b></p> <p>The project shall, consistent with the City of Alameda Bicycle Master Plan, provide a Class I bicycle path along the northern waterfront of the project site and ensure that the path would connect to adjacent future bicycle facilities.</p>	<p>Submit design and construction specifications for pathway; incorporate pathway into the project plans, to the satisfaction of the City Building Division.</p>	<p>Project applicant or designee</p>	<p>Prior to issuance of construction contracts and/or construction bid solicitation materials.</p>	<p>City of Alameda</p>
<p><b>Utilities and Service Systems</b></p>					
<p><b>Impact UTL-2:</b> The proposed project would not have wastewater service demands that would result in a determination by the service provider that it does not have adequate capacity to serve projected demand, necessitating the construction of new or expanded wastewater treatment facilities.</p>	<p><b>Mitigation Measure UTL-2:</b></p> <p><b>Sewer Design.</b> The project sponsors shall: 1) Replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines, to ensure that such systems and lines are free from defects or, alternatively, disconnected from the sanitary sewer system; and 2) Ensure any new wastewater collection systems, including new lateral lines, for the project are constructed to prevent infiltration and inflow (I&amp;I) to the maximum extent feasible while meeting all requirements contained in the Regional Private Sewer Lateral Ordinance and applicable municipal codes or City ordinances.</p>	<p>Comply with terms of the mitigation measure to the satisfaction of the City Department of Public Works and applicable utility providers.</p>	<p>Project applicant or designee</p>	<p>Prior to issuance of first occupancy permit.</p>	<p>City of Alameda</p>