

# ENCINAL TERMINALS MASTER PLAN

Final Focused Supplemental Environmental Impact Report  
SCH # 2016042076

Prepared for:

June 2017

City of Alameda

Prepared by:  
ESA





# Encinal Terminals Master Plan

## Final Focused Supplemental Environmental Impact Report SCH # 201042076

Prepared for:

June 2017

City of Alameda  
Planning and Building Department  
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# CHAPTER 1

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## Introduction and List of Commenters

### 1.1 Purpose of this Document

This Final Supplemental Focused Environmental Impact Report (Final SFEIR) document includes all agency and public comments received on the Draft Supplemental Focused Environmental Impact Report (Draft SFEIR, SCH #2016042076) for the Encinal Terminals Master Plan project (proposed project). Written comments were received by the City of Alameda during the public comment period from February 8, 2017 through March 24, 2017. This document includes written responses to each comment received on the Draft SFEIR. The responses correct, clarify, and amplify text in the Draft SFEIR, as appropriate, and these text changes are included in Chapter 3 of this document. These changes do not alter the conclusions of the Draft SFEIR.

This Final SFEIR document has been prepared in accordance with the California Environmental Quality Act (CEQA) and together with the Draft SFEIR (and Appendices) constitutes the EIR for the proposed project that will be used by the decision-makers during project hearings.

### 1.2 Summary of Proposed Project

The project sponsor, North Waterfront Cove LLC, is proposing a Master Plan and Density Bonus Application for Encinal Terminals, a new residential mixed use waterfront community on both land and water. Overall, the proposed project would demolish existing warehouse and industrial structures on the project site and allow for development of up to 589 new housing units, a marina with up to 160 boat slips and a harbormaster's office, between 30,000 and 50,000 square feet of commercial/office and restaurant uses, and over three acres of waterfront-related public open space and parks. Three existing wooden wharves and two concrete wharves on the site would be rehabilitated and/or replaced as part of development of the proposed waterfront open space uses, through a combination of demolition, rehabilitation, modification, and/or retrofit activities. The residential unit types proposed include condominiums, townhomes, lofts, stacked flats, live-work units, and high-rise view residences. Other proposed improvements include establishing locations for launching kayaks and other small watercraft, provisions for future public water taxi/water shuttle or ferry terminal facilities, a new internal roadway system and utility infrastructure, and parking throughout the site.

## Project Actions

The proposed project would require a number of actions and approvals, as summarized below in **Table 1-1**.

**TABLE 1-1  
MAJOR PROJECT APPROVALS REQUIRED**

| <b>Lead Agency</b>  |  |
|---|--|
| City of Alameda   | <ul style="list-style-type: none"> <li>General Plan Amendment to allow buildings over 60 feet in height</li> <li>Approval of the Master Plan and Subdivision Approvals (e.g., large lot tentative tract map)</li> <li>Development Plan and Design Review approvals for individual buildings</li> <li>Affordable Housing Plan approval</li> <li>Approval of a Density Bonus Application pursuant to State of California Section 65915 and AMC Section 30-17 Affordable Housing Density Bonus and a Waiver for Height pursuant to AMC Section 30-17</li> <li>Development Agreement</li> <li>Ministerial Permits (including demolition, construction, building or grading permits)</li> </ul> |
| <b>Responsible Agencies</b>   |  |
| State Lands Commission  | <ul style="list-style-type: none"> <li>Agreement on the proposed land exchange involving the parcel leased from CSLC and the proposed publicly accessible promenade on the Alaska Basin and northern sides of the project site</li> </ul>  |
| San Francisco Bay Conservation and Development Commission (BCDC)                  | <ul style="list-style-type: none"> <li>Permit jurisdiction over shoreline areas subject to tidal action up to the mean high tide line including all sloughs, tidelands, submerged lands, and marshlands lying between the mean high tide and 5 feet above mean sea level, and approval of development in the land lying between the Bay shoreline and a line drawn parallel to and 100 feet landward from the Bay shoreline.</li> </ul>  |
| Alameda Municipal Power   | <ul style="list-style-type: none"> <li>Approval of electricity hookup and review of electricity needs</li> </ul>   |
| East Bay Municipal Utility District (EBMUD)                                       | <ul style="list-style-type: none"> <li>Approval of water line, water hookups and review of water needs</li> <li>Approval for sewer treatment capacity</li> </ul>   |
| California Regional Water Quality Control Board, San Francisco Bay Region (RWQCB) | <ul style="list-style-type: none"> <li>National Pollutant Discharge Elimination System (NPDES) General Construction Permit and Storm Water Pollution Prevention Plan</li> <li>RWQCB Permits</li> <li>Potential Clean Water Act Section 401 Certification/Waste Discharge Requirements (WDR's)</li> </ul>   |
| California Department of Toxic Substances Control (DTSC)                          | <ul style="list-style-type: none"> <li>Approval and oversight of hazardous materials remediation if needed</li> </ul>  |
| Bay Area Air Quality Management District (BAAQMD)                                 | <ul style="list-style-type: none"> <li>Applicable permits, if needed</li> </ul>  |
| <b>Federal and State Agencies</b>   |  |
| US Army Corps of Engineers  | <ul style="list-style-type: none"> <li>Clean Water Act Section 404 Authorization, if needed</li> </ul>   |
| US Fish and Wildlife Service  | <ul style="list-style-type: none"> <li>Applicable permits, if needed</li> </ul>  |
| California Department of Fish and Wildlife  | <ul style="list-style-type: none"> <li>Applicable permits, if needed</li> </ul>  |
| National Marine Fisheries Service   | <ul style="list-style-type: none"> <li>Applicable permits, if needed</li> </ul>  |

## 1.3 Organization of the Final SFEIR

The Final SFEIR is organized as follows:

**Chapter 1 – Introduction and List of Commenters:** This chapter summarizes the project under consideration and describes the contents of the Final SFEIR. This chapter also contains a list of all of the agencies or persons who submitted comments on the Draft SFEIR during the public review period, presented in order by agency, organization, individual, and date received.

**Chapter 2 – Comments and Responses:** This chapter contains the comment letters received on the Draft SFEIR followed by responses to individual comments. Letters are grouped by agencies, organizations, and individuals. Each comment letter is presented with brackets indicating how the letter has been divided into individual comments. Each comment is given a binomial with the letter number appearing first, followed by the comment number. For example, comments in Letter A1 are numbered A1-1, A1-2, A1-3, and so on. Immediately following the letter are responses, each with binomials that correspond to the bracketed comments.

Some comments that were submitted to the City do not pertain to CEQA environmental issues or address the adequacy of the analysis contained in the Draft SFEIR. Responses to such comments, though not required under CEQA, are included to provide additional information. When a comment does not directly pertain to environmental issues analyzed in the Draft SFEIR, does not ask a question about the adequacy of the analysis contained in the Draft SFEIR, expresses an opinion related to the merits of the project, or does not question an element of or conclusion of the Draft SFEIR, the response notes the comment and may provide additional information where appropriate. The intent is to recognize the comment. Many comments express opinions about the merits or specific aspects of the proposed project and these are included in the Final SFEIR for consideration by the decision-makers.

**Chapter 3 – Revisions to the Draft SFEIR:** This chapter describes changes and refinements made to the proposed project since publication of the Draft SFEIR. These refinements are described as a narrative in the beginning of the chapter. Implementation of the refinements described in this chapter would not result in a change to the environmental analysis and conclusions presented in the Draft SFEIR. This chapter also summarizes text changes made to the Draft SFEIR in response to comments made on the Draft SFEIR and/or staff-initiated text changes. Changes to the text of the Draft SFEIR are shown by either a line through the text that has been deleted or double underlined where new text has been inserted. The revisions contain clarification, amplification, and corrections that have been identified since publication of the Draft SFEIR. The text revisions do not result in a change in the analysis and conclusions presented in the Draft SFEIR.

**Chapter 4 – Mitigation Monitoring and Reporting Program:** This chapter contains the Mitigation Monitoring and Reporting Program (MMRP) to aid the City in its implementation and monitoring of measures adopted in the EIR, and to comply with the requirements of Public Resources Code Section 21081.6(a).

## 1.4 Public Participation and Review

The City of Alameda has complied with all noticing and public review requirements of CEQA. This compliance included notification of all responsible and trustee agencies and interested groups, organizations, and individuals that the Draft SFEIR was available for review. The following list of actions took place during the preparation, distribution, and review of the Draft SFEIR:

- On April 27, 2016, the City sent a Notice of Preparation (NOP) to responsible, trustee, and federal agencies, as well as to organizations, and individuals potentially interested in the project. The NOP was filed with the State Clearinghouse (SCH) and was assigned a SCH Number of 2016042076. An Initial Study of the project was also made available for public review during the NOP comment period. 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.
- A public hearing on the proposed project was held on May 23, 2016 to determine the scope and content of the environmental information that the responsible or trustee agencies may require, and also to accept public comment. Comments received during the scoping meeting, as well as those received during the public comment period for the NOP, were considered during the preparation of the Draft SFEIR.
- A Notice of Completion (NOC) and copies of the Draft SFEIR were filed with the State Clearinghouse on February 8, 2017. An official 45-day public review period for the Draft SFEIR was established by the State Clearinghouse, ending on March 24, 2017. The Draft SFEIR was also published on the City's website and filed at the County Clerk's office.

## 1.5 List of Commenters

The City received eight comment letters during the comment period on the Draft SFEIR for the proposed project, and also received verbal public comments from the public during a City Planning Commission hearing on March 27, 2017. **Table 1-2** below indicates the numerical designation for each comment letter, the author of the comment letter, and the date of the comment letter.

**TABLE 1-2  
COMMENT LETTERS REGARDING THE DRAFT SFEIR**

| <b>Letter #</b>                             | <b>Entity</b>   | <b>Author(s) of Comment Letter/e-mail</b>                        | <b>Date Received</b> |
|---|---|--|----------------------|
| <b>Agencies – Federal, State, and Local</b> |   |  |                      |
| A1  | California Department of Transportation (Caltrans)        | Patricia Maurice, District Branch Chief                          | February 21, 2017    |
| A2  | Native American Heritage Commission                       | Katy Sanchez, Associate Environmental Planner                    | March 20, 2017       |
| A3  | East Bay Municipal Utility District                       | David Rehnstrom, Manager of Water Distribution Planning          | March 23, 2017       |
| A4  | San Francisco Bay Conservation and Development Commission | Tinya Hoang, Coastal Program Analyst                             | March 27, 2017       |
| A5  | Alameda County Transportation Commission                  | Saravana Suthanthira, Principal Transportation Planner           | March 29, 2017       |
| A6  | Alameda-Contra Costa Transit District                     | Robert del Rosario, Director of Service Development and Planning | April 21, 2017       |
| <b>Individuals</b>                          |   |  |                      |
| I1  |   | Dorothy Freeman  | March 26, 2017       |
| I2  |   | Alicia Guerra  | March 29, 2017       |
| <b>Public Hearings</b>                      |   |  |                      |
| P1  | Planning Commission Hearing                               | Multiple commenters  | March 27, 2017       |



# CHAPTER 2

## Comments and Responses

### 2.1 Introduction

This section contains the comment letters that were received on the Draft SFEIR. Following each comment letter is a response by the City intended to supplement, clarify, or amend information provided in the Draft SFEIR or refer the reader to the appropriate place in the document where the requested information can be found. Comments that are not directly related to environmental issues may be discussed or noted for the record. Where text changes in the Draft SFEIR are warranted based upon the comments, those changes are discussed in the response to comments and also included in Chapter 3, *Text Changes to the Draft EIR*.

### 2.2 Individual Responses

This section contains the responses to comments submitted during the public review period. Commenters on the Draft SFEIR, their associated agencies, and assigned letter identifications are listed below in Table 2-1. This section presents the comment letters received on the Draft SFEIR. Each comment letter received during the public comment period was bracketed to identify individual topics, and individual responses to those comments are provided. If a subject matter of one letter overlaps that of another letter, the reader may be referred to more than one group of comments and responses to review all information on a given subject. Where this occurs, cross-references are provided.

**TABLE 1-2  
COMMENT LETTERS REGARDING THE DRAFT SFEIR**

| Letter #                             | Entity  | Author(s) of Comment Letter/e-mail                      | Date Received     |
|--------------------------------------|---|---|-------------------|
| Agencies – Federal, State, and Local |   |   |                   |
| A1                                   | California Department of Transportation (Caltrans)        | Patricia Maurice, District Branch Chief                 | February 21, 2017 |
| A2                                   | Native American Heritage Commission                       | Katy Sanchez, Associate Environmental Planner           | March 20, 2017    |
| A3                                   | East Bay Municipal Utility District                       | David Rehnstrom, Manager of Water Distribution Planning | March 23, 2017    |
| A4                                   | San Francisco Bay Conservation and Development Commission | Tinya Hoang, Coastal Program Analyst                    | March 27, 2017    |
| A5                                   | Alameda County Transportation Commission                  | Saravana Suthanthira, Principal Transportation Planner  | March 29, 2017    |

**TABLE 1-2**  
**COMMENT LETTERS REGARDING THE DRAFT SFEIR**

| <b>Letter #</b>        | <b>Entity</b>                         | <b>Author(s) of Comment Letter/e-mail</b>                        | <b>Date Received</b> |
|------------------------|---------------------------------------|--|----------------------|
| A6                     | Alameda-Contra Costa Transit District | Robert del Rosario, Director of Service Development and Planning | April 21, 2017       |
| <b>Individuals</b>     |                                       |  |                      |
| I1                     |                                       | Dorothy Freeman  | March 26, 2017       |
| I2                     |                                       | Alicia Guerra  | March 29, 2017       |
| <b>Public Hearings</b> |                                       |  |                      |
| P1                     | Planning Commission Hearing           | Multiple commenters  | March 27, 2017       |

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February 16, 2017

SCH # 2016042076

GTS # 04-ALA-2016-00108

ALAVAR045

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Mr. Andrew Thomas  
Community Development Department  
City of Alameda  
2263 Santa Clara Avenue, Room 190  
Alameda, CA 94501

**Encinal Terminals Master Plan – Draft Supplemental Environmental Impact Report**

Dear Mr. Thomas:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Encinal Terminals Master Plan. In tandem with the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy (SCS), the Caltrans *Strategic Management Plan 2015-2020* includes targets to reduce Vehicle Miles Travelled (VMT), in part, by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the Draft Supplemental Environmental Impact Report (SEIR).

***Project Understanding***

The Encinal Terminals Master Plan infill project proposes to demolish existing structures and develop a new 589-unit residential mixed-use waterfront community supported by transportation and infrastructure improvements. The project includes three acres of waterfront-related public open space and parks, a new marina with up to 160 private berths, between 30,000 and 50,000 square feet of retail, restaurant, and office uses, development of a segment of Clement Avenue, accessible public parking at various locations throughout the project site, and provisions for future public water shuttle, water taxi, or ferry terminal facilities.

The project site is approximately 22 acres of land and ten acres of submerged lands. The project site is located in the north central portion of Alameda (the City). Direct access to the project site is provided by Buena Vista Avenue, Sherman Street, and Entrance Road. Regional vehicular access to the project area is provided by Interstate 880 via State Route (SR) 260 (the Posey and Webster Street tubes) and SR 61 (Webster Street/Central Avenue/Encinal Avenue).

The project area, located near downtown Oakland, comprised primarily of housing with scattered mixed-use centers, and served by transit to multiple destinations with an emphasis on commuter trips, can best be described as a close-in neighborhood, according to the Caltrans *Smart Mobility Framework*.

***Project History***

Caltrans provided comments on the Notice of Preparation in a letter dated May 25<sup>th</sup>, 2016. The letter requested that the SEIR include a Traffic Impact Study (TIS) and Transportation Demand Management (TDM) program and clarify new transit service routes. These topics are discussed in further detail below:

**Vehicle Miles Traveled.** We commend the City for including a travel demand analysis based on VMT, in addition to the TIS based on Level of Service (LOS). In accordance with Senate Bill 743, Caltrans is focusing CEQA review on transportation infrastructure that supports smart growth and efficient development to ensure alignment with State policies through the use of innovative travel demand reduction strategies, multimodal improvements, and VMT as the primary transportation impact metric. We note that the projected Per Capita VMT for the project area for the year 2020 is greater than 15% below the regional Per Capita VMT and thus results in a less-than-significant transportation impact.

**Transportation Demand Management.** We commend the City for including a robust TDM Program with the proposed project, incorporating some of the measures suggested in our comment letter. We also note that TDM program includes monitoring protocols to ensure that progress on the implementation of each measure is tracked.

**Public Transit.** At the time of the NOP, routing was not confirmed for the new AC Transit service, Line 19. The line is now confirmed to serve the project site to 12<sup>th</sup> Street City Center BART and Fruitvale BART via Buena Vista Avenue, as described in the Draft SEIR.

***Errata***

Please correct the errors regarding AC Transit Line 51A as described in the *Transit Services* section of the Draft SEIR. The line is described as “travel[ing] between the Berkeley Amtrak station and the Berkeley BART station and the Alameda Bridgeside Center” (SEIR, p. 4.G-9). AC Transit Line 51A provides service between Rockridge BART and Fruitvale BART.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Jesse Schofield at 510-286-5562 or [jesse.schofield@dot.ca.gov](mailto:jesse.schofield@dot.ca.gov).

Sincerely,



PATRICIA MAURICE  
District Branch Chief  
Local Development - Intergovernmental Review

c: State Clearinghouse



**Letter A1**      **Patricia Maurice, California Department of Transportation**  
**Response**      **(Caltrans)**  
February 16, 2017

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- A1-1**    The comment has been noted, and the City appreciates the Department's support of the analytical methodology used in the Draft SFEIR. Since the comment does not raise any new environmental issues not already thoroughly analyzed in the Draft SFEIR, no further response is required (*Twain Harte Homeowners Ass'n v. County of Butte* (1977) 138 Cal.App.3d 664, 679).
- A1-2**    See response to comment A1-1, above.
- A1-3**    See response to comment A1-1, above.
- A1-4**    The comment has been noted, and the City appreciates the Department's providing additional information concerning AC Transit Line 51A. Updated information is provided in Chapter 3 of this Final SFEIR.

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STATE OF CALIFORNIA  
NATIVE AMERICAN HERITAGE COMMISSION

Edmund G. Brown Jr., Governor

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March 13, 2017

Andrew Thomas  
City of Alameda  
2263 Santa Clara St.  
Alameda, CA 94501

Re: SCH# 2016042076 Encinal Terminals Master Plan, Alameda County, California

Dear Mr. Thomas:

The Native American Heritage Commission (NAHC) has reviewed the Draft Environmental Impact Report.

The California Environmental Quality Act (CEQA)<sup>1</sup>, specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment.<sup>2</sup> If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared.<sup>3</sup> In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended in 2014 by Assembly Bill 52. (AB 52).<sup>4</sup> **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** AB 52 created a separate category for "tribal cultural resources", that now includes "a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment." Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.<sup>5</sup> Your project may also be subject to **Senate Bill 18 (SB 18)** (Burton, Chapter 905, Statutes of 2004), Government Code 65352.3, if it also involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space. **Both SB 18 and AB 52 have tribal consultation requirements.** Additionally, if your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966<sup>6</sup> may also apply.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

Agencies should be aware that AB 52 does not preclude agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52. For that reason, we urge you to continue to request Native American Tribal Consultation Lists and Sacred Lands File searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>. Additional information regarding AB 52 can be found online at [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf), entitled "Tribal Consultation Under AB 52: Requirements and Best Practices".

The NAHC recommends lead agencies consult with all California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources.

A brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments is also attached.

Please contact me at Email address, [Katy.Sanchez@nahc.ca.gov](mailto:Katy.Sanchez@nahc.ca.gov) or call phone number, (916) 373-3712, if you have any questions.

Sincerely,

Katy Sanchez  
Associate Environmental Planner

Attachment

<sup>1</sup> Pub. Resources Code § 21000 et seq.

<sup>2</sup> Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b); CEQA Guidelines Section 15064.5 (b)

<sup>3</sup> Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1); CEQA Guidelines § 15064 (a)(1)

<sup>4</sup> Government Code 65352.3

<sup>5</sup> Pub. Resources Code § 21074

<sup>6</sup> Pub. Resources Code § 21084.2

<sup>7</sup> Pub. Resources Code § 21084.3 (a)

<sup>8</sup> 154 U.S.C. 300101, 36 C.F.R. § 800 et seq.



## Pertinent Statutory Information:

### **Under AB 52:**

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a **lead agency** shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice.

A **lead agency** shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project,<sup>9</sup> and **prior to the release of a negative declaration, mitigated negative declaration or environmental impact report.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18)."<sup>10</sup>

The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects.

1. The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.

If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency.<sup>12</sup>

With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process **shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10.** Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public.<sup>13</sup>

If a project may have a significant impact on a tribal cultural resource, **the lead agency's environmental document shall discuss** both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource.<sup>14</sup>

Consultation with a tribe shall be considered concluded when either of the following occurs:

- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
- b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.<sup>15</sup>

Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 **shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program**, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable.<sup>16</sup>

If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, **the lead agency shall consider feasible mitigation** pursuant to Public Resources Code section 21084.3 (b).

An environmental impact report **may not be certified**, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
- b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
- c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days.<sup>18</sup>

***This process should be documented in the Tribal Cultural Resources section of your environmental document.***

### **Under SB 18:**

Government Code § 65352.3 (a) (1) requires consultation with Native Americans on general plan proposals for the purposes of "preserving or mitigating impacts to places, features, and objects described § 5097.9 and § 5091.993 of the Public Resources Code that are located within the city or county's jurisdiction. Government Code § 65560 (a), (b), and (c) provides for consultation with Native American tribes on the open-space element of a county or city general plan for the purposes of protecting places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code.

<sup>9</sup> Pub. Resources Code § 21080.3.1, subds. (d) and (e)

<sup>10</sup> Pub. Resources Code § 21080.3.1 (b)

<sup>11</sup> Pub. Resources Code § 21080.3.2 (a)

<sup>12</sup> Pub. Resources Code § 21080.3.2 (a)

<sup>13</sup> Pub. Resources Code § 21082.3 (c)(1)

<sup>14</sup> Pub. Resources Code § 21082.3 (b)

<sup>15</sup> Pub. Resources Code § 21080.3.2 (b)

<sup>16</sup> Pub. Resources Code § 21082.3 (a)

<sup>17</sup> Pub. Resources Code § 21082.3 (e)

<sup>18</sup> Pub. Resources Code § 21082.3 (d)

- SB 18 applies to **local governments** and requires them to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf)
- **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.**<sup>19</sup>
- There is no Statutory Time Limit on Tribal Consultation under the law.
- **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research,<sup>20</sup> the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction.<sup>21</sup>
- **Conclusion Tribal Consultation:** Consultation should be concluded at the point in which:
  - The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation.<sup>22</sup>

#### **NAHC Recommendations for Cultural Resources Assessments:**

- Contact the NAHC for:
  - A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - A Native American Tribal Contact List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
    - The request form can be found at <http://nahc.ca.gov/resources/forms/>.
- Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - If part or the entire APE has been previously surveyed for cultural resources.
  - If any known cultural resources have been already been recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

#### **Examples of Mitigation Measures That May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**

- Avoidance and preservation of the resources in place, including, but not limited to:
  - Planning and construction to avoid the resources and protect the cultural and natural context.
  - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
  - Protecting the cultural character and integrity of the resource.
  - Protecting the traditional use of the resource.
  - Protecting the confidentiality of the resource.
- Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed.<sup>23</sup>
- Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated.<sup>24</sup>

The lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

<sup>19</sup> (Gov. Code § 65352.3 (a)(2)).

<sup>20</sup> pursuant to Gov. Code section 65040.2,

<sup>21</sup> (Gov. Code § 65352.3 (b)).

<sup>22</sup> (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

<sup>23</sup> (Civ. Code § 815.3 (c)).

<sup>24</sup> (Pub. Resources Code § 5097.991).

- Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources.<sup>25</sup> In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
- Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
- Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

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<sup>25</sup> per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)).

**Letter A2      Katy Sanchez, Native American Heritage Commission (NAHC)**  
**Response      March 13, 2017**

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**A2-1** The City appreciates the NAHC's advice and direction regarding this and other City projects. The Commission's comment letter contains protocols to be observed in the compilation of cultural resource surveys as well as direction concerning tribal consultation requirements under Senate Bill 18 (SB 18) and Assembly Bill 52 (AB 52). As reflected in the project Initial Study, cultural resources surveys were executed in accordance with the Commission's recommendations and other applicable standards. In addition, mitigation prescriptions relating to discovery of previously identified cultural and paleontological resources and discovery of human remains have been incorporated into the mitigation measures and conditions of approval for the proposed project.

With respect to tribal consultation, the City has undertaken the following process, per the requirements of SB 18, AB 52, and other applicable directives:

- 1) The City contacted the NAHC to obtain a list of tribes with an interest in the project area.
- 2) The City notified the identified tribes, provided them with an overview of the project, and offered the opportunity for input from the tribes.
- 3) Based on the consultation thus gained, the City modified the terms of Mitigation Measure CULT-1, which now requires that the project applicant retain a qualified archaeologist and an authorized tribal representative to be available on-call during construction in the event that archaeological resources are found. The revised mitigation measure can be found in the Mitigation Monitoring and Reporting Plan in Chapter 4 of this Final SFEIR.

Based on the above, the City has complied with the intent of both SB 18 and AB 52. The City appreciates the NAHC's advice and direction regarding this and other City projects.

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March 22, 2017

Andrew Thomas, Assistant Community Development Director  
City of Alameda  
Community Development Department  
2263 Santa Clara Avenue, Room 190  
Alameda, CA 94501

Re: Notice of Availability of a Draft Supplemental Focused Environmental Impact Report for  
the Encinal Terminals Project, Alameda

Dear Mr. Thomas:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Supplemental Focused Environmental Impact Report (EIR) for the Encinal Terminals Project located in the City of Alameda (City). EBMUD commented on the Notice of Preparation of a Draft EIR for the project on May 27, 2016, and those comments (see enclosed) still apply regarding installing piping or services in contaminated soils or groundwater. In addition, EBMUD has the following comments.

#### WATER SERVICE

Page 3-17 under Potable Water, page 4.H-1 under Potable Water Supply, and page 4.H-14 under Water Facilities should be revised to read (*added text in bold italics*):

“There is a 12-inch pipeline in Buena Vista Avenue, an 8-inch pipeline in Sherman Street, ***an 8-inch pipeline in Entrance Road***, and an 8-inch pipeline in Clement Avenue to the east, all of which are owned by EBMUD . . .”

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,

David J. Rehnstrom  
Manager of Water Distribution Planning

DJR:AMM:dks  
sb17\_057

Enclosure: EBMUD Letter to City of Alameda dated May 27, 2016

Andrew Thomas, Assistant Community Development Director  
March 22, 2017  
Page 2

cc: North Waterfront Cove LLC  
c/o Tim Lewis Communities  
12667 Alcosta Boulevard, Suite 170  
San Ramon, CA 94583



May 27, 2016

Andrew Thomas, City Planner  
City of Alameda  
Community Development Department  
2263 Santa Clara Avenue, Room 190  
Alameda, CA 94501

Re: Notice of Preparation of a Draft Environmental Impact Report for the Encinal  
Terminals Project, Alameda

Dear Mr. Thomas:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the Encinal Terminals Project located in the City of Alameda (City). EBMUD has the following comments.

#### **WATER SERVICE**

On page 21, Section 2.3 Project Characteristics, under Potable Water and on page 91, under Environmental Checklist, Discussion, and Mitigation Measures, Section 4, subsection 4.1. under Utilities and Service Systems paragraph b. Analyzed in the Prior EIR – No Change to Previous Impact or Mitigation and No Further Study Required, should be changed to read (*added text in bold italics*):

“There is a 12-inch pipeline in Buena Vista Avenue, an 8-inch pipeline in Sherman Street, ***an 8-inch pipeline in Entrance Road***, and an 8-inch pipeline in Clement Avenue to the east, all of which are owned by EBMUD. ...”

Pursuant to Sections 10910-10915 of the California Water Code, EBMUD approved a Water Supply Assessment (WSA) for the Northern Waterfront General Plan Amendment, which included the Encinal Terminals Project, and provided the City a written response to the WSA on April 22, 2014. The 2014 Encinal Terminals Project consisted of 505 dwelling units, 25,000 square feet of retail/commercial, 400 marina slips and 3.21 acres of open space with an estimated water demand of about 96,000 gallons per day (gpd). EBMUD's estimate of water demand for the revised project consisting of 589 dwelling units, 50,000 square feet of retail/commercial, 160 marina slips and 3.21 acres of open space is about 108,000 gpd. EBMUD concludes that the changes in the project will result in an overall project demand increase of about thirteen percent and that the demand increase is minor and would not result in changes in the conclusion of the WSA. The WSA



approved by EBMUD on April 22, 2014 is still valid, and a second WSA is not required for the Encinal Terminals Project.

EBMUD's Central Pressure Zone, with a service elevation between 0 and 100 feet, will serve the proposed development. Individual units in a structure of three stories in height or less are required to be individually metered. A water main extension, at the project sponsor's expense, will be required to serve the proposed development. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing water service to the proposed project. Engineering and installation of water services require substantial lead time, which should be provided for in the project sponsor's development schedule.

The Initial Study indicates the potential for contaminated soils or groundwater to be present within the project site boundaries. The project sponsor should be aware that EBMUD will not install piping or services in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste or that may be hazardous to the health and safety of construction and maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install piping or services in areas where groundwater contaminant concentrations exceed specified limits for discharge to the sanitary sewer system and sewage treatment plants.

The Initial Study also indicates the potential for exposure to lead, PCBs and asbestos containing materials within the project site boundaries. The project sponsor should be aware that EBMUD will not install piping or services in areas where EBMUD staff can or will be exposed to hazardous materials including but not limited to lead, asbestos and PCBs. The project sponsor must submit copies to EBMUD of all known information regarding soil, groundwater quality, and hazardous materials within or adjacent to the project boundary and a legally sufficient, complete and specific written remediation plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of contaminated soil and groundwater. EBMUD will not design piping or services until soil and groundwater quality data and remediation plans have been received and reviewed and will not start underground work until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists, or the information supplied by the project sponsor is insufficient, EBMUD may require the project sponsor to perform sampling and analysis to characterize the soil and groundwater that may be encountered during excavation, or EBMUD may perform such sampling and analysis at the project sponsor's expense. If evidence of hazardous materials or contamination is discovered during EBMUD work on the project site, work may be suspended until such contamination is adequately characterized and remediated to EBMUD standards.

## **WATER RECYCLING**

On page 91, under Environmental Checklist, Discussion, and Mitigation Measures, Section 4, subsection 4.1., under Utilities and Service Systems paragraph d. Analyzed in the Prior EIR – No Change to Previous Impact or Mitigation and No Further Study Required, please add the following language:

EBMUD's Policy 9.05 requires that customers use non-potable water, including recycled water, for non-domestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health and not injurious to plant, fish and wildlife to offset demand on EBMUD's limited potable water supply. Appropriate recycled water uses could include landscape irrigation, commercial and industrial process uses, toilet and urinal flushing in non-residential buildings and other applications.

The proposed development is located over half a mile away from the closest future planned EBMUD recycled water supply pipeline. Based on the size and residential and retail nature of this project, EBMUD currently does not anticipate providing recycled water to the development but recommends that the project sponsor coordinate with EBMUD during project development should it become feasible to provide recycled water in the future.

## **WASTEWATER SERVICE**

EBMUD's Main Wastewater Treatment Plant (MWWTP) and interceptor system are anticipated to have adequate dry weather capacity to accommodate the proposed wastewater flows from this project and to treat such flows provided that the wastewater generated by the project meets the requirements of the EBMUD Wastewater Control Ordinance. However, wet weather flows are a concern. The East Bay regional wastewater collection system experiences exceptionally high peak flows during storms due to excessive infiltration and inflow (I/I) that enters the system through cracks and misconnections in both public and private sewer lines. EBMUD has historically operated three Wet Weather Facilities (WWFs) to provide primary treatment and disinfection for peak wet weather flows that exceed the treatment capacity of the MWWTP. Due to reinterpretation of applicable law, EBMUD's National Pollutant Discharge Elimination System (NPDES) permit now prohibits discharges from EBMUD's WWFs. Additionally, the seven wastewater collection system agencies that discharge to the EBMUD wastewater interceptor system ("Satellite Agencies") hold NPDES permits that prohibit them from causing or contributing to WWF discharges. These NPDES permits have removed the regulatory coverage the East Bay wastewater agencies once relied upon to manage peak wet weather flows.

A federal consent decree, negotiated among EBMUD, the Satellite Agencies, the Environmental Protection Agency (EPA), the State Water Resources Control Board (SWRCB), and the Regional Water Quality Control Board (RWQCB), requires EBMUD and the Satellite Agencies to eliminate WWF discharges by 2036. To meet this requirement, actions will need to be taken over time to reduce I/I in the system. The consent decree requires EBMUD to continue implementation of its Regional Private Sewer Lateral Ordinance ([www.eastbaypsl.com](http://www.eastbaypsl.com)), construct various improvements to its interceptor system, and identify key areas of inflow and rapid infiltration over a 22-year period. Over the same time period, the consent decree requires the Satellite Agencies to perform I/I reduction work including sewer main rehabilitation and elimination of inflow sources. EBMUD and the Satellite Agencies must jointly demonstrate at specified intervals that this work has resulted in a sufficient, pre-determined level of reduction in WWF discharges. If sufficient I/I reductions are not achieved, additional investment into the region's wastewater infrastructure would be required, which may result in significant financial implications for East Bay residents.

To ensure that the proposed project contributes to these legally required I/I reductions, the lead agency should require the project applicant to comply with EBMUD's Regional Private Sewer Lateral Ordinance. Additionally, it would be prudent for the lead agency to require the following mitigation measures for the proposed project: (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 sewer lateral lines, for the project are constructed to prevent I/I to the maximum extent feasible while meeting all requirements contained in the Regional Private Sewer Lateral Ordinance and applicable municipal codes or Satellite Agency ordinances.

## **WATER CONSERVATION**

The proposed project presents an opportunity to incorporate water conservation measures. EBMUD requests that the City include in its conditions of approval a requirement that the project sponsor comply with Assembly Bill 325, "Model Water Efficient Landscape Ordinance," (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense. EBMUD staff would appreciate the opportunity to meet with the project sponsor to discuss water conservation programs and best management practices applicable to the project area. A key objective of this discussion will be to explore timely opportunities to expand conservation via early consideration of EBMUD's conservation programs and best management practices applicable to the project.

Andrew Thomas, City Planner  
May 27, 2016  
Page 5

If you have any questions concerning this response, please contact Timothy R. McGowan,  
Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,

A handwritten signature in black ink, appearing to read "David J. Rehnstrom". The signature is fluid and cursive, with the first name "David" being more prominent.

David J. Rehnstrom  
Manager of Water Distribution Planning

DJR:AMM:djr  
sb16\_092

cc: North Waterfront Cove LLC  
c/o Tim Lewis Communities  
12667 Alcosta Blvd., Suite 170  
San Ramon, CA 94583

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**Letter A3      David Rehnstrom, East Bay Municipal Utility District (EBMUD)**  
**Response      March 22, 2017**

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- A3-1** The City appreciates the District's interest in the project and its provision of additional information. Updated information is provided in Chapter 3 of this Final SFEIR. Specifically, the SFEIR has been modified as follows:

Page 3-17, paragraph 3, is revised to read (new text is underlined):

EBMUD also provides potable water service to the City of Alameda and the project site. EBMUD owns and maintains the existing pipelines within Buena Vista Avenue, Sherman Street and Clement Avenue. There is a 12-inch pipeline in Buena Vista Avenue, an 8-inch pipeline in Sherman Street, an 8-inch pipeline in Entrance Road, and an 8-inch pipeline in Clement Avenue to the east. Existing private water pipelines extend from the EBMUD distribution system to the existing structures within the project site. The project site is currently served by existing pipelines ranging in size from 6 inches to 15 inches that run along the northern side of the Del Monte Warehouse.

Page 4.H-1, paragraph 4, is revised to read (new text is underlined):

A 12-inch pipeline in Buena Vista Avenue, an 8-inch pipeline in Sherman Street, an 8-inch pipeline in Entrance Road, and an 8-inch pipeline in Clement Avenue to the east are located in the project vicinity. All of these lines are owned by EBMUD. There are also existing private water pipelines that extend from the EBMUD distribution system to the existing structures within the project site. The project site currently receives its water from a few water pipelines located in Entrance Road and along the northern side of the Del Monte Warehouse; these pipelines range in size between six to 15 inches.

- A3-2** This comment refers to information released as part of the previously released Notice of Preparation and Initial Study for the project. The information referred to has been revised in Chapter 3 of this Final SFEIR. See response to comment A3-1, above, for the text of those revisions.
- A3-3** This comment was provided as part of the District's comments on the project's previously released Notice of Preparation and Initial Study. The information provided in the District's original comment concerning the validity of the project's Water Supply Assessment was included on page 4.H-8 of the Draft SFEIR. No additional response is required.
- A3-4** This comment was provided as part of the District's comments on the project's previously released Notice of Preparation and Initial Study. This comment concerns the improvements that would be needed to provide potable water service to the project.

Information to this effect was included on page 3-17 of the Draft SFEIR. The comment also includes information concerning the process by which the developer would receive potable water service to the project site. This portion of the comment does not concern the adequacy of the Draft SFEIR, and no additional response is required.

- A3-5** This comment was provided as part of the District's comments on the project's previously released Notice of Preparation and Initial Study. The City appreciates the District's provision of this information. The project's Initial Study prescribed a number of mitigation measures that would be applicable to the proposed project with respect to remediation of any hazardous materials or recognized environmental concerns that may be present on the site. These measures would fully mitigate any potential impacts, and would also address the District's requirements as identified in the comment. The mitigation measures have been incorporated into the Mitigation, Monitoring, and Reporting Plan for the project, as presented in Chapter 4 of this Final SFEIR.
- A3-6** This comment was provided as part of the District's comments on the project's previously released Notice of Preparation and Initial Study. The information referred to has been included in Chapter 3 of this Final SFEIR. Specifically, the SFEIR has been modified as follows:

Page 4.H-3, paragraph 4, is revised to read (new text is underlined):

There is no existing source of recycled water in the project vicinity. Accordingly, there are no existing recycled water distribution facilities within the project site. The proposed development is located over a half mile away from the closest future planned EBMUD recycled water supply pipeline. Based on the size and residential and retail nature of the project, EBMUD currently does not anticipate providing recycled water to the development, but recommends that the project sponsor coordinate with EBMUD during project development should it become feasible to provide recycled water in the future.

Page 4.H-6, prior to paragraph 1, a new paragraph is inserted to read (new text is underlined):

**EBMUD Non-Potable Water Policy**

EBMUD's Policy 9.05 requires that customers use non-potable water, including recycled water, for non-domestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health, and not injurious to plant, fish and wildlife to offset demand on EBMUD's limited potable water supply. Appropriate recycled uses could include landscape irrigation, commercial and industrial process uses, toilet and urinal flushing in non-residential buildings and other applications.

The proposed development is located more than half-a-mile away from the closest future planned EBMUD recycled water supply pipeline. Based on the size and residential and retail nature of the proposed project, EBMUD does not anticipate providing recycled water to the development, but recommends that project sponsors coordinate with EBMUD during project development should it become feasible to provide recycled water in the future (EBMUD, 2016).

- A3-7** This comment was provided as part of the District's comments on the project's previously released Notice of Preparation and Initial Study. Information on EBMUD's Regional Private Sewer Lateral Ordinance was included on page 4.H-5 of the Draft SFEIR. The project sponsor would be required to comply with the ordinance per the conditions of receiving service from EBMUD. A description of the sanitary sewer improvements proposed for the project is provided on page 3-17 of the Draft SFEIR.
- A3-8** This comment was provided as part of the District's comments on the project's previously released Notice of Preparation and Initial Study. The City has adopted California's Model Water Efficient Landscape Ordinance, which is codified in the Alameda Municipal Code in Chapter 30, Article IV. The project sponsor would be required to comply with the code per standard conditions of approval.



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# San Francisco Bay Conservation and Development Commission

455 Golden Gate Avenue, Suite 10600, San Francisco, California 94102 tel 415 352 3600 fax 415 352 3606

March 23, 2017

Andrew Thomas, Planning Services Manager  
City of Alameda, Community Development Department  
2263 Santa Clara Avenue, Room 190  
Alameda, CA 94501

**SUBJECT:** Draft Focused Supplemental Environmental Impact Report on  
Encinal Terminals Master Plan, City of Alameda, Alameda County  
(SCH No. 2016042076; BCDC Inquiry File No. AL.AA 6515.1 / MC.MC.7415.025)

Dear Mr. Thomas:

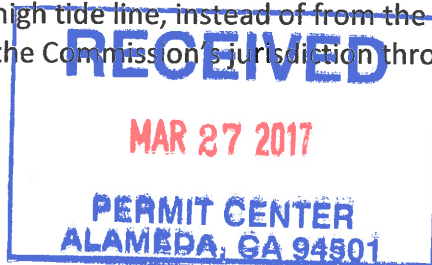
On February 10, 2017, the San Francisco Bay Conservation and Development Commission ("Commission") staff received the Draft Focused Supplemental Environmental Impact Report (DFSEIR) for the Encinal Terminals Master Plan, which involves 589 housing units, a marina with up to 160 boat slips and a harbormaster's office, 30,000-50,000 square feet of commercial/office and restaurant uses, over three acres of public open space and parks, and provisions for future public water taxi/water shuttle or ferry terminal facilities at 1521 Buena Vista Avenue, in the City of Alameda, Alameda County.

As a responsible agency with regulatory authority over the project, the Commission will rely partly on the Environmental Impact Report (EIR) in evaluating the proposal, as well as other required information. The Commission staff reviews such documents on behalf of its Commission to assess the project's consistency with the McAteer-Petris Act, the Commission's *San Francisco Bay Plan* ("Bay Plan"), the Commission's federally approved management plan for the San Francisco Bay, and the federal Coastal Zone Management Act (CZMA).

This letter reiterates and expands upon the Commission staff's comment letter, dated May 23, 2016, on the Initial Study/Notice of Preparation for the proposed project.

**Jurisdiction.** The Commission's permit jurisdiction includes: all tidal areas of the Bay up to the mean high tide line or to the inland edge of wetland vegetation in marshlands up to five feet above Mean Sea Level; all areas formerly subject to tidal action that have been filled since September 17, 1965; and the shoreline band that extends 100 feet inland from and parallel to the Bay jurisdiction.

In the DFSEIR, the Commission's jurisdiction is incorrectly described on page 3-19 (Table 3-19) as the 100-foot shoreline band only, and on page 4.B-20 as 100 feet from the high tide line, instead of from the *mean* high tide line. The DFSEIR should correctly describe the Commission's jurisdiction throughout the document.



info@bcdc.ca.gov | www.bcdc.ca.gov  
State of California | Edmund G. Brown, Jr. — Governor



Mr. Andrew Thomas  
City of Alameda  
March 23, 2017

The DFSEIR states that the project would involve “rehabilitation” work on the wharf surface and pilings. If the work on the wharf substantially extends the life of the structure, the wharf will be considered in the Commission’s Bay jurisdiction, and any work within 100 feet landward of the wharf would be located within the Commission’s shoreline band jurisdiction. The Commission will require information on the extent of repairs to the wharf in order to determine which jurisdiction will apply.

**Permit Authorization.** Commission permits are required for construction, dredging, dredged material disposal, fill placement, and substantial changes in use within its jurisdiction. Permits are issued when the Commission finds proposed activities to be consistent with its laws and policies. In addition to any needed permits under its state authority, federal actions, permits, and grants affecting the coastal zone are subject to review by the Commission, pursuant to the federal CZMA, for their consistency with the Commission's federally-approved management program for the Bay.

Substantial changes in use that require a BCDC permit include “any subdivision of land pursuant to the Subdivision Map Act (Government Code Section 66410 et seq.) or other division of land, including a lot split, where the subdivision or other division of land will substantially affect either present or future public access to or along the shoreline or substantially affect either the present or future suitability of a water-oriented priority land use site for that priority use....” The DFSEIR states that subdivision approval would be required for a large lot tentative map for the proposed project. Commission authorization may be required for the tentative map if it is determined that the subdivision is a substantial change in use as described above.

**Bay Fill.** Section 66605 of the McAteer-Petris Act sets forth the criteria necessary to authorize filling of the Bay. It generally states, in part, that fill in the Bay can be authorized by the Commission only when: (1) the public benefits of the fill exceed the public detriment from the loss of the water areas; (2) the fill would serve a water-oriented use or consist of minor fill for improving shoreline appearance or public access; (3) no alternative upland location to the proposed fill exists; (4) the fill would constitute the minimum fill necessary to achieve the project purpose; (5) the activity would minimize harmful effects to the Bay’s natural resources; (6) the fill would be constructed with sound safety standards; and (7) the fill would occur on land to which the project proponent has adequate title. The Commission will require information that explains how the proposed Bay fill would be consistent with requirements described above. Rehabilitation of the wharf may require review by the Commission’s Engineering Criteria Review Board to ensure that the structure meets sound safety standards. Further, the proposed Bay fill would involve fill for a marina, which will also need to be consistent with Bay Plan Recreation Policies regarding marinas.

Residential structures over the Bay are not water-oriented uses and generally have an alternative upland location, therefore they generally do not meet the requirements for fill in the Bay in Section 66605 of the McAteer-Petris Act. However, fill for Bay-oriented public access, public assembly, and commercial recreation may be authorized if the fill is consistent with the McAteer-

Mr. Andrew Thomas  
City of Alameda  
March 23, 2017

Petris Act and other related Commission policies. The project proponent should identify the activities proposed in the Bay and shoreline band jurisdiction.

**Public Access.** The McAteer-Petris Act requires that projects provide maximum feasible public access consistent with the project, and Bay Plan Public Access policies state that a “proposed fill project should increase public access to the bay to the maximum extent feasible.” The Bay Plan policies provide further direction on public access to help determine whether a proposed project include the maximum feasible public access consistent with the project.

In our May 23, 2016 letter responding to the Initial Study/Notice of Preparation for the project, we requested that the EIR include estimates of the anticipated capacity of the site for both permanent residents and visitors. While the DFSEIR provides the number of residents, it does not appear to provide the anticipated number of visitors to the site. In addition, a land use table or diagram should be provided with information including the square footage of units, building heights, and distribution of units. This information will inform whether the proposed public access provides maximum feasible public access consistent with the project.

Information should be provided on whether private commercial events could occur in proposed public access and public trust areas. The consistency or compatibility of these events with these areas should be considered.

The Commission staff recommends that, prior to submittal of a BCDC permit application, the project be reviewed by its Design Review Board for the public access components of the project.

**Appearance, Design, and Scenic Views.** The Bay Plan policies on Appearance, Design, and Scenic Views state, in part: “All bayfront development should be designed to enhance the pleasure of the user or view of the Bay. Maximum efforts should be made to provide, enhance, or preserve views of the Bay and shoreline, especially from public areas, from the Bay itself, and from the opposite shore...”

Aesthetics and visual impacts were not assessed further in the DFSEIR. However, the proposed project would result in structures and landscaping that would impact views to the Bay and shoreline. The project design should consider view corridors across the site and should locate buildings, structures, parking lots and landscaping to minimize visual impacts and enhance views to the Bay and shoreline from public spaces. The BCDC permit application should include visual simulations of the proposed project from various locations along adjacent Bay Trail locations and the nearest public road(s), including a view looking north across the estuary to downtown Oakland and the Oakland hills.

**Sea Level Rise.** The Bay Plan’s Climate Change policies state that “when planning shoreline areas or designing larger shoreline projects, a risk assessment should be prepared...[and] based on the estimated 100-year flood elevation that takes into account the best estimates of future sea level rise and current flood protection and planned flood protection...for the proposed project or

Mr. Andrew Thomas  
City of Alameda  
March 23, 2017

shoreline area.” The Bay Plan’s Safety of Fills policies state that “adequate measures should be provided to prevent damage from sea level rise and storm activity that may occur on fill or near the shoreline over the expected life of the project...” and that “[n]ew projects on fill...should either be set back from the edge of the shore so that the project will not be subject to dynamic wave energy, be built so the bottom floor level of structures will be above a 100-year flood elevation that takes future sea level rise into account for the expected life of the project, be specifically designed to tolerate periodic flooding, or employ other effective means of addressing the impacts of future sea level rise and storm activity.” Further, the Public Access policies state that “[p]ublic access should be sited, designed, managed and maintained to avoid significant adverse impacts from sea level rise and shoreline flooding” and that “[a]ny public access provided as a condition of development should either be required to remain viable in the event of future sea level rise or flooding, or equivalent access consistent with the project should be provided nearby.”

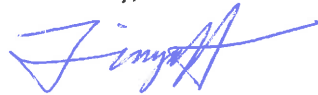
While the DFSEIR includes a discussion regarding flood prevention measures and resilience to sea level rise for habitable structures, information is needed on the resilience and adaptability of all public access and open space areas and any structures on Bay fill that could be subject to flooding throughout the life of the project. This information should include cross-sections of the site showing elevations of sea level rise projections for the life of the project, including the 100-year flood elevation. A full risk assessment may also be required in order to achieve consistency with the Bay Plan.

On page 3-16, the DFSEIR describes the level of protection from sea level rise above the 100-year tidal elevation. The Commission’s policies require that the 100-year flood elevation, not the 100-year tidal elevation, be taken into account with sea level rise. The DFSEIR also describes 24 inches (two feet) of sea level rise by 2050 and 4.5 feet of sea level rise by 2100. The 2013 State of California sea level rise guidance from the Ocean Protection Council projects between 5 and 24 inches of sea level rise by 2050 and between 17 and 66 inches of sea level rise by 2100. The Ocean Protection Council is currently developing new guidance that could raise projections and that may be released in Spring 2017.

The Commission staff would like to meet with the North Waterfront Cove, LLC, and the City of Alameda, to discuss the project and how the Commission’s law, policies, advisory boards, and permitting procedures would apply. The project proponents should contact our staff to arrange a meeting time in order to begin the pre-application process.

Thank you for providing the Commission staff with the opportunity to comment on the project. Please contact me with any questions at (415) 352-3622 or [tinya.hoang@bcdca.gov](mailto:tinya.hoang@bcdca.gov).

Sincerely,



TINYA HOANG  
Coastal Program Analyst

TH/cj

**Letter A4      Tinya Hoang, San Francisco Bay Conservation and Development Commission (BCDC)**  
March 23, 2017

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- A4-1** In accordance with BCDC's request, the following sentence replaces the sentence in Table 3-1 on page 3-19 referring to BCDC's jurisdiction (new text is indicated in underline and text to be deleted is reflected by a ~~strike through~~):

~~Approval of any development located within 100 feet of the shoreline. Permit jurisdiction over shoreline areas subject to tidal action up to the mean high tide line including all sloughs, tidelands, submerged lands, and marshlands lying between the mean high tide and 5 feet above mean sea level, and approval of development in the land lying between the Bay shoreline and a line drawn parallel to and 100 feet landward from the Bay shoreline.~~

In addition, the first complete sentence on Page 4.B- 20 is revised to read (new text is underlined):

BCDC jurisdiction includes the waters of San Francisco Bay as well as a shoreline band that extends inland 100 feet from the mean high tide line.

BCDC's comment regarding rehabilitation of the wharf is also noted. The BCDC permit application for the Encinal Project would describe the extent of the repairs to the wharf.

- A4-2** BCDC's comment is noted indicating that a BCDC permit may be required when the subdivision of property results in a substantial change in use of the property. BCDC's jurisdiction is governed by section 10134 of Title 14 of the California Code of Regulations. The applicant would obtain a BCDC permit as a condition of its tentative map prior to final map approval.
- A4-3** As indicated under C.4 Impacts and Mitigation on page 4.C-17, only the build-out of the proposed waterfront improvements and Alaska Basin marina, including dredging, piers and improvements to the piles for the marina would require BCDC review and permit approval. The proposed project would comply with BCDC permitting policies for the build out of the public shoreline promenade area around the waterfront on the west and north sides of the site. Figures 3-6 through 3-8 of the Draft SFEIR provide a sectional view of the shoreline uses and clearly show both water-oriented uses and public access. Further, the residential structures would not be located within the 100-foot shoreline, and therefore would not be within BCDC jurisdiction as defined in the McAteer Petris Act.
- A4-4** The proposed project would include approximately seven acres of waterfront-related public open space, parks and plazas. The design of the shoreline access would allow for open space and recreational opportunities, while providing necessary structural and safety improvements. In compliance with the Bay Plan, some of the proposed features include:

1) a promenade that allows for walking, biking, fishing, and vista points; 2) a new marina with up to 160 private berths and facilities for boat rentals; 3) locations for direct public access to the water including kayak/small craft launches and waterfront steps and ramps; 4) and accessible public waterfront parking located at various points to allow access to the waterfront perimeter. The public shoreline promenade would connect with the existing public access on the Fortman Marina, so that public access would surround the perimeter of the property providing visual access to the Bay, consistent with Bay Plan. The proposed project would comply with the Bay Plan public access policies, and the BCDC permit application would describe the public access features included in the project.

**A4-5** As mentioned in Response A4-3, the buildings located on the project site are not located within the 100-foot shoreline area and are therefore not within the jurisdiction of BCDC. In addition, the Northern Waterfront GPA EIR and the project Initial Study evaluated impacts to aesthetics and visual resources and determined that the project would not result in a significant visual and aesthetic impact environmental impact, as presented in Appendix A to the Draft SFEIR. Further, pursuant to Public Resources Code Section 21099(d), aesthetic impacts of residential and mixed-use residential on an infill site within a transit priority area (such as the Encinal Terminals site) may not be considered significant impacts on the environment. For these reasons, the City has determined that no further environmental review of visual and aesthetic impacts was required for the project. BCDC also requested information regarding the capacity of the site to accommodate residents and visitors with the project. The applicant will generate this information as part of the BCDC permit process, as needed. The Draft SFEIR included population projections in order to project the demand for services and utilities and to evaluate the physical effects on the environment associated with the project (e.g., traffic, noise, air quality, etc.), in accordance with CEQA.

**A4-6** CEQA is focused on a project's impact on the environment. Pursuant to the recent California Supreme Court case, *California Building Industry Association v. Bay Area Air Quality Management District* (December 17, 2015, Case No. S213478), an agency subject to CEQA is not required to analyze the impact of existing environmental conditions on a project's future residents or users. Only those impacts that are considered "exacerbating effects" on existing environmental hazards are properly within the scope of CEQA, because they are impacts of the project on the existing condition. The shoreline area is currently inaccessible. The project proposes to enhance the shoreline area by encouraging easier public access and establishing a promenade that facilitates such access. Therefore, the project need only evaluate the impacts of future sea level rise and storm activity on the habitable structures as discussed in the Hydrology and Water Quality Section of the Initial Study, which may be found in Appendix A to the Draft SFEIR. As discussed therein, the proposed project would establish a minimum elevation grade within the project site to account for future sea level rise and would incorporate a flood protection system for future adjustments to the perimeter of the project site to provide protection from the estimated sea level rise by 2100. In addition to the structural

design and adaptive measures, the adoption of Mitigation Measure 9-1, as described on page 67 of the Initial Study [included as an appendix to the Draft SFEIR and also incorporated in the project's Mitigation Monitoring and Reporting Plan (see Chapter 4 of this Final SFEIR)], ensures that any new construction be constructed at a minimum of 4.5 feet above the 100-year flood risk elevation, and also indicates several flood protection policies for the City to implement prior to the project being completed. As a result, implementation of Mitigation Measure 9-1 would reduce potential impacts to a less than significant level. While sea-level rise is not a CEQA issue, the applicant would address BCDC's sea level rise policies in its BCDC permit application.



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March 29, 2017

Andrew Thomas  
Assistant Community Development Director  
Land Use Planning Division  
City of Alameda  
2263 Santa Clara Avenue, Room 190  
Alameda, CA 94501

**SUBJECT:** Response to the Draft Environmental Impact Report for the Proposed Encinal Terminals Master Plan

Dear Mr. Thomas:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Encinal Terminals Master Plan. The 32 acre project site (with 22 acres of usable space) is located at 1521 Buena Vista Avenue in the north-central portion of the City of Alameda. The site is bounded to the north by the Brooklyn Basin, to the east by the Fortman Basin, to the south by the the Del Monte Warehouse along with Entrance Road and Clement Ave., and to the west, the Encinal Basin. The proposed project consists of approximately 589 dwelling units and between 30,000 and 50,000 square feet of retail, restaurant, and office space.

The Alameda County Transportation Commission (Alameda CTC) respectfully submits the following comments:

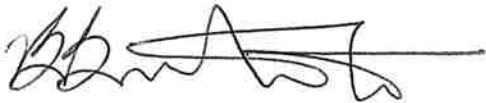
- Page 4.G-11 – Please note that Alameda’s CTC CMP oversees countywide multimodal transportation network performance monitoring. The CMP doesn’t solely focus on roadways as indicated in the DEIR, but also oversees transit, bicycle and pedestrian infrastructure of regional significance on an ongoing basis. Additionally, Alameda CTC’s Land Use Analysis Program, as part of the CMP, evaluates land use developments for impacts on regionally significant multimodal transportation system.
- 4.G-30 – The DEIR presents an extensive list of TDM measures to be implemented as part of the project mitigation measures. Please include details regarding the long-term sustainability of these TDM measures that need on-going support and administration, such as funding, operations and responsibility for overall long-term administration. Additionally, please provide clarifying details regarding the City’s Planning Board approval requirement stated in the DEIR for these TDM measures as to how it will ensure implementation of effective TDM measures.
- 4.G-35 – The DEIR states that “cumulative buildout traffic forecasts of the Northern Waterfront area were used in the Regional Transportation Plan as part of the Plan Bay Area. Therefore, the proposed project would have a less than significant impact to freeway operations”. Please clarify whether this statement means that the freeway impact analysis was already carried out in the

Northern Waterfront Area Plan as part of the Programmatic EIR, and therefore project specific analysis is not needed. Additionally, please include reference to the freeway impact analysis performed in the Northern Waterfront Plan EIR along with the summary outcome.

- Given the significance of the Webster Tube, Posey Tube and the Park Street Bridge as gateways to the City of Alameda near the project area, please include analysis of project impacts on the performance of these gateways. As reported in the DEIR, there is a CMP deficiency plan active for the surface street road connecting Posey Tube to northbound I-880 along 7<sup>th</sup> Street in Oakland.

Thank you for the opportunity to comment on this DEIR. Please contact me at (510) 208-7426 or Chris Van Alstyne, Assistant Transportation Planner at (510) 208-7479, if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Saravana Suthanthira', with a long horizontal line extending to the right.

Saravana Suthanthira  
Principal Transportation Planner

cc: Chris Van Alstyne, Assistant Transportation Planner

R:\Planning\_Policy\_Public\_Affairs\Planning\CMP\LUAP\2017\March

**Letter A5      Alameda County Transportation Commission**  
**Response      March 29, 2017**

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- A5-1** The City appreciates the clarification provided by the Commission. Updated information is provided in Chapter 3 of this Final SFEIR. Specifically, Page 4.G-11, second full paragraph, is revised to read (new text is indicated in underline):

The Alameda County Transportation Commission (ACTC), through its Congestion Management Program (CMP), oversees how roads of regional significance function, and requires local jurisdictions to evaluate the impact of proposed land use changes (i.e., General Plan amendments, and developments with trip-generating potential of more than 100 new peak-hour vehicle trips) on the regional transportation systems. The ACTC CMP also oversees transit, bicycle, and pedestrian infrastructure of regional significance on an ongoing basis. In addition, the CTC's Land Use Analysis Program, as part of the CMP, evaluates land use developments for impacts on regionally significant multimodal transportation systems.

- A5-2** The City appreciates the clarification provided by the Commission, and has modified the terms of the TDM mitigation measure. Updated information is provided in Chapter 3 of this Final SFEIR. Specifically, Page 4.G-30, GPA EIR Mitigation Measure TRN-4b, is revised to read (new text is indicated in underline and text to be deleted is reflected by a ~~strike through~~):

**GPA EIR Mitigation Measure TRN-4b (revised): Transportation Demand Management.** To reduce the number of automobile trips generated by the project and reduce automobile level of service impacts at the Webster Street and Park Street gateways to the City, ~~require it is required~~ that the project include a Transportation Demand Management Plan and funding program for Planning Board review and approval. The TDM plan should include a suite of measures intended to reduce vehicle trips by project residents, employees, and visitors to the site, that may include but are not limited to the following:

- Annual funding for operations of transit services between the site, the Northern waterfront area, and Oakland BART stations.
- AC Transit Easy Passes for all project residents and employees.
- On-Site Car Share Parking
- On-Site Bicycle Parking
- Dedicated on-site carpool parking
- Residential Website/Source for Transportation Info
- Collaborative Work Space
- Unbundled Parking
- On-Site Transportation Coordinator

- Transportation “Welcome Packet”
- Real-Time Transit Information (e.g., TransitScreen)
- Designated Pick-Up/Drop-Off Ridesourcing Services
- Pre-Tax Commuter Benefits
- Transit Pass Subsidy Program (e.g., AC Transit EasyPass)
- The Planning Board may also consider a congestion pricing system to increase the cost for automobile entering or leaving the project site during peak commute hours.
- The plan shall include well-defined mechanisms to ensure the long-term sustainability of TDM measures that require on-going support and administration, such as funding, operations, and responsibility for overall long-term administration.
- The plan shall include implementation and monitoring protocols to ensure the progress and effective on-the implementation of each measure is tracked. A report shall be submitted to the City on an annual basis that tracks the program’s progress and efficacy. The effectiveness of each measure shall also be studied so that the plan may be adjusted over time to continue to reduce the project’s contribution to citywide and regional vehicle trips through the life of the project.

**A5-3** The transportation analysis in the Northern Waterfront General Plan Amendment EIR included a freeway segment analysis, and that information was incorporated by reference into the Draft SFEIR for the Encinal Terminals project. The threshold used to determine if a significant impact would occur was whether or not implementation of the GPA’s land use plan would cause a roadway or freeway segment to operate at LOS F or increase the V/C by 0.030 or more for a freeway or roadway segment that would operate at LOS F without the project. The analysis evaluated the 2010 baseline year and the 2025 cumulative scenario. The analysis determined that addition of Northern Waterfront GPA traffic along the evaluated freeway segments would not result in a 0.030 increase in the Volume to Capacity (V/C) ratio for those segments. In nearly all cases, the V/C difference on area freeway segments with the GPA’s trip contribution was less than 0.01, and that considered the entirety of the Northern Waterfront’s development, not just the Encinal site.

As shown in revised Table 4.G-6 of Encinal Terminals Mater Plan SFEIR (see Chapter 3 of this Final SFEIR), the number of trips generated under the land use program considered for the site in the GPA EIR as compared to the land use program considered for the Encinal Terminals in the Draft SFEIR are very similar, as are the trip distributions. For that reason, it was determined that the freeway segment analysis prepared for the GPA EIR was sufficient, and that a project-specific analysis would be unlikely to yield any new or substantially different information, and that the impact would remain less than significant.

- A5-4** The Draft SFEIR evaluated levels of service for each of the gateway segments listed in the Commission’s comment. For the Webster and Posey Tubes, intersections that feed or discharge traffic from those conduits were evaluated, including intersections in Oakland (Broadway and 5th Street, Harrison Street and 7th Street, and Jackson Street and 6th Street), and Willy Stargell Avenue and Webster Street in Alameda. The results of the analysis are presented in the Draft SFEIR in Tables 4.G-8a and 4.G-8b for 2016 “existing with project” conditions; Tables 4.G-9a and 4.G-9b for “baseline 2020 with project” conditions; and Tables 4.G-10a and 4.G-10b for “cumulative 2035” conditions.

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1600 Franklin Street, Oakland, CA 94612 - Ph. 510/891-4754 - Fax. 510/891-7157

April 21, 2017

Andrew Thomas  
Assistant Community Development Director  
Planning and Building Department  
2263 Santa Clara Ave., Room 190  
Alameda, Ca. 94501

Re: Encinal Terminals project Environmental Impact Report

Dear Mr. Thomas:

Thank you for the opportunity to comment on the Environmental Impact Report (EIR) for the Encinal Terminals project. We apologize for the delay in transmitting this letter.

The Encinal Terminals mixed use project proposes to add 589 housing units and 50,000 square feet of commercial space, as well as boat slips. These would be located along the Alameda Northern Waterfront near the intersection of Clement Street and Entrance Way. The land area of the site is approximately 20 acres, there are also some five submerged (water) acres.

The Northern Waterfront is one of the two Priority Development Areas (PDAs) in the city of Alameda, the other being Alameda Point. Thus intensive housing and commercial development in this area is consistent with the City's planning direction. To serve and support this development, AC Transit has worked with the City to reinstate line 19 bus service on Buena Vista Avenue as part of our ACGo program. AC Transit seeks to be Alameda's surface transit provider as the city grows and changes.

We have two comments: First, we believe the EIR should analyze--and the project include--a traffic signal at Entrance Way and Buena Vista Avenue. A signal at that location would allow AC Transit to move the existing bus stop from Stanton & Buena Vista to a location closer to the project entrance. A stop at Entrance Way could provide a controlled intersection and pedestrian crossing closer to more residents. We understand that future plans for Clement Avenue west to Sherman Way have not yet been finalized; the signal at Buena Vista & Entrance is needed however Clement is built out.



We also recommend that all housing units and workplaces fund transit service, through the AC Transit EasyPass program or a similar mechanism, as is being done at the adjacent Marina Shores development. Universal pass coverage of this type would remove the cost disincentive to riding transit, and encourage transit ridership. Ultimately, a pass program could reduce the number of Vehicle Miles Traveled (VMT) reflected in the EIR, a project objective. A dedicated funding stream for transit operations would also help ensure ongoing operation of line 19. A pass program is foundational for creating a culture of transit ridership at the site.

Thank you for your interest in your comments; we look forward to continuing to work with the City on this and other projects.

Robert del Rosario

A handwritten signature in black ink, appearing to read 'R. del Rosario', with a stylized, cursive script.

Director of Service Development and Planning  
AC Transit

**Letter A6      Alameda-Contra Costa Transit District**  
**Response      March 30, 2017**

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- A6-1**    The Draft SFEIR evaluated the effects of the project on area intersections and the associated requirements for traffic signals and other improvements that would be warranted based on the project's effects. Based on that analysis, the Draft SFEIR determined that a traffic signal at Entrance Way and Buena Vista Avenue would not be warranted if the Clement Avenue extension were to be constructed. However, the City shares the District's desire for safe and efficient operation of transit services. To that end, the City will address the District's request during the Planning Board and City Council's review of the project, to ensure that the District's operational requirements are effectively met.
- A6-2**    As presented on page 4.G-30 of the Draft SFEIR, Mitigation Measure TRN-4b incorporates a menu of possible options for a Transportation Demand Management (TDM) program for the project. The list includes several options that are directly applicable to the District's comments: 1) Annual funding for operations of transit services between the site, the Northern waterfront area, and Oakland BART stations; 2) AC Transit Easy Passes for all project residents; 3) Pre-Tax Commuter Benefits; and 4) a Transit Pass Subsidy Program (e.g., AC Transit EasyPass). As noted in the previous response, the City invites the District to work with the City and the project applicant during the project's development. The City believes that the District's input is an important part of the development of an effective TDM program, and will welcome the District's participation.

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## NANCY McPeak

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**From:** Dorothy Freeman <dfreeman@pacbell.net>  
**Sent:** Sunday, March 26, 2017 7:14 PM  
**To:** NANCY McPeak  
**Subject:** Planning Board Agenda Item 7-B on March 27, 2017

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

March 26, 2017

Planning Board Members  
City Of Alameda  
Agenda Item 7-B on March 27, 2017

Dear Planning Board Members,

Some issues I believe need to be addressed for the Encinal Terminals project are:

1. Request for a 14 story building: Presently the height for buildings in Alameda is 5-6 stories. Approval of this request by Tim Lewis Communities will set a precedent for Alameda and will allow any future developer to be able to also build up to 14 stories. Once that genie is out of the bottle, it cannot be put back in. All building heights should be limited to what is existing within the City already.
2. Request for 589 units: The addition of 589 units in an area of Alameda that is experiencing rapid growth will overwhelm the city's local streets as well as the tube and all bridges. The addition of AC Transit bus 19 on Buena Vista actually adds to the traffic problem as a street with bus traffic actually slows down.
3. Traffic: Over 1000 additional units between Marina Shores, Del Monte and Encinal Terminals will add 2500 more in population to this immediate area. Most new tenants will use cars even with the plans for other means of transport.
3. Clement Ave is not yet approved at Pennzoil: The fact that the completion of Clement Ave through to Sherman Street is not yet approved limits the planned mitigations for traffic. The Clement Ave connection through Pennzoil would complete the bike path on planned on Clement. Without the cut through Pennzoil the bike path cannot be completed. The Pennzoil connection will also be necessary to remove trucks from Buena Vista between Sherman and Grand Street.
4. Three acre park: A three acre park is not enough for the added population even if Little John and Jean Sweeney Parks are nearby. Twenty five hundred more people without back yards need more outside public space to play in.
5. Moving the Tide Land Trust lands to surround the development is meaningless. BCDC requirements would provide for water front access without the need to move the Tide Lands. The 6 acres of Tide Lands should be used as a water front park and for water related businesses. It

appears that by moving the Tide Lands, the developer actually has to provide less open space than would be required otherwise.

Respectfully

Dorothy Freeman

**Letter I1      Dorothy Freeman**  
**Response      March 26, 2017**

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- I1-1**      The comment will be presented to the Planning Board and City Council during their consideration of the project. The comment asserts the opinion of the author in regards to how the project should or should not be developed. The comment does not raise any new environmental issues not already thoroughly analyzed in the Draft SFEIR; therefore, no further response is required (*Twain Harte Homeowners Ass'n v. County of Butte* (1977) 138 Cal.App.3d 664, 679).
- I1-2**      The comment will be presented to the Planning Board and City Council during their consideration of the project. The comment presents the opinion of the commenter with respect to the project's potential impacts to transportation and circulation. This issue, however, was thoroughly analyzed in the Draft SFEIR. Since the comment provides no specific evidence to indicate that the analysis in the Draft SFEIR is inadequate or otherwise flawed, no further response is required.
- I1-3**      The comment has been noted. Please see the response to comment I1-2, above.
- I1-4**      The comment has been noted. Analysis contained within the Draft SFEIR found that certain impacts at Buena Vista Avenue at Entrance Road would be lessened by the extension of Clement Avenue through the Shell Oil facility as described in the comment. Mitigation Measure 4.G-2 described an alternative scenario under which mitigation would still occur if the Clement connection did not materialize or if its construction were not completed prior to occupancy of the proposed project. The Draft SFEIR also found that even with implementation of this and other mitigation measures, the project's impact on intersection levels of service would remain Significant and Unavoidable. As such, the comment does not raise any new issues not already thoroughly analyzed in the Draft SFEIR; therefore, no further response is required.
- I1-5**      The comment has been noted. Please see the response to comment I1-2, above.
- I1-6**      The comment has been noted. Please see the response to comment I1-2, above.

# Buchalter

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File Number: N1952-0002  
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aguerra@buchalter.com

March 29, 2017

## VIA E-MAIL

Andrew Thomas, AICP  
Assistant Community Development Director  
City of Alameda  
2263 Santa Clara Avenue, Room 190  
Alameda, CA 94501

Re: Encinal Terminals Master Plan Draft EIR – SCH # 2016042076

Dear Mr. Thomas:

Thank you for the opportunity to submit comments on the above-referenced Encinal Terminals Master Plan Draft Environmental Impact Report (“Draft EIR”). We appreciate the City of Alameda’s thorough review of North Waterfront Cove, LLC’s proposed residential mixed use waterfront community development and submit the following comments regarding the Draft EIR’s analysis of the above-referenced project for the City of Alameda’s (“City”) consideration.

### **Background**

As you know, the property is located in the north-central portion of the City and consists of approximately 22 acres of usable land, and 10 acres of submerged land (the “Site” or “Project Site”). The Site is surrounded by water on three sides with the Alaska Basin to the west, the Oakland Estuary to the north and the Fortman Marina to the east. As the Draft EIR explains, we are proposing to demolish the existing structures on the Site and construct up to 589 housing units, a marina with 160 boat slips, between 30,000 and 50,000 square feet of commercial/office space and over three acres of waterfront open space and parks (the “Proposed Project”). The Proposed Project is designed to provide a site with a mix of residential, commercial and water-related uses that will encourage a lively waterfront consistent with the Northern Waterfront General Plan Amendment (the “GPA”).

**buchalter.com**

Los Angeles  
Napa Valley  
Orange County  
Sacramento  
San Francisco  
Scottsdale

# Buchalter

Andrew Thomas, AICP  
March 29, 2017  
Page 2

## **Specific Comments**

We note the following specific comments concerning general revisions, project description and environmental effects for your consideration.

### **Introduction**

Page 1-1: We request that the first sentence of the third paragraph be revised to include “a development agreement” as one of the City approvals proposed as part of the Proposed Project evaluated in the EIR.

### **Project Description**

Page 3-4; Figure 3-2: The title of Figure 3-2 should be revised from “Public Trust Lands” to “Project Parcels,” as the figure shows the Submerged Land, the Encinal Terminals Site, and the Tidelands portion of the entire project site.

Page 3-5; Figure 3-3: Please revise Figure 3-3 to show the “saber” area as part of the Project site so that the land along the future Clement Street extension is included in the Project site boundaries consistent with the depiction of the project site in Figure 5 of the Initial Study.

Page 3-7: The Project Description includes the exchange of the submerged tidelands portion of the Project site as part of the proposed development. In the event that the exchange does not occur, it is possible that the wharf may not be accessible to the public, and that the promenade will not encircle the development. Therefore, we request that the City revise the last sentence on Page 7 to clarify that, “A shoreline public promenade, offering views of the Oakland skyline and hills, the Oakland Estuary and Coast Guard Island may encircle the proposed residential mixed community.”

Pages 3-9, 3-12, 3-14 and 3-15; Figures 3-5, 3-6, 3-7 and 3-8: Please revise the source for Figures 3-5 through 3-8 to reference “Page/BMS” (references to GLS Landscape/ Architecture and Carlson Barbee are incorrect) consistent with the Project application.

Page 3-19; Table 1: Please revise the “Major Project Approvals Required” table to include a request for a “Development Agreement” as one of the major project approvals included in the Proposed Project evaluated in the EIR.



# Buchalter

Andrew Thomas, AICP  
March 29, 2017  
Page 3

## **Environmental Setting, Impacts and Mitigation Measures**

### **Chapter 4.A - Air Quality and Climate Change**

Pages 4.A-1 through 4.A.-48: Section 4.A. of the Draft EIR, Air Quality and Climate Change, does not reflect the updated *Encinal Terminals Air Quality Impact Analysis* (LSA 2017) attached as Appendix D to the Draft EIR. All estimates for the Proposed Project reported in the Draft EIR should be revised to be consistent with the lower estimates reported in Appendix D.

Page 4.A-29; Table 4.A-4: The average annual daily construction-related pollutant emissions reported in Table 4.A.-4 are inconsistent with the lower reported project construction-related emissions set forth in Table 6 in the *Encinal Terminals Air Quality Impact Analysis* (LSA 2017) attached as Appendix D to the Draft EIR. Please revise Table 4.A.-4 to be consistent with Table 6 in Appendix D. All project-generated construction-related air quality impacts would remain less than significant.

Page 4.A-33; Table 4.A-5: The average unmitigated operational-related pollutant emissions reported in Table 4.A-5 are inconsistent with the lower reported operational-related pollutant emissions set forth in Table 7 in the *Encinal Terminals Air Quality Impact Analysis* (LSA 2017) attached as Appendix D to the Draft EIR. Please revise Table 4.A-5 to be consistent with Table 7 in Appendix D.

Pages 4.A-34: The Draft EIR states that the existing residential receptors are located “approximately 400 feet” from the Proposed Project. Page 4.A-31 states that the closest existing residential receptors are 500 feet from the Proposed Project. The 500 foot distance is the correct distance as reported earlier in the Construction Health Risk Impacts section of this Chapter 4.A. Please change the distance to the sensitive receptors from 400 feet to 500 feet so that the analysis is internally consistent, and so that it is consistent with Appendix D.

Page 4.A-34; Table 4.A-6: The average mitigated operational-related pollutant emissions reported in Table 4.A-6 are inconsistent with the lower reported operational-related pollutant emissions set forth in Table 8 in the *Encinal Terminals Air Quality Impact Analysis* (LSA 2017) attached as Appendix D to the Draft EIR. Please revise Table 4.A-6 to be consistent with Table 8 in Appendix D. All total emissions calculations would remain less than significant.

Page 4.A-38; Table 4.A-7: Please delete the “[NOTE TO REVIEWER: Please confirm]” language from the table.

Page 4.A-43: Based upon the *Encinal Terminals Air Quality Impact Analysis* (LSA 2017) attached as Appendix D to the Draft EIR, the forecast of project-generated daily trips included in the Draft EIR should be revised to be consistent with and reflect the updated estimate

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set forth on page 44 of Appendix D. According to the updated report, the Proposed Project is forecast to generate 4,347 trips per day. Please revise the sentence, accordingly.

Page 4.A-44: The project operational greenhouse gas emissions reported in Table 4.A-8 are inconsistent with the lower reported operational-related pollutant emissions set forth in Table 10 in the *Encinal Terminals Air Quality Impact Analysis* (LSA 2017) attached as Appendix D to the Draft EIR. Please revise Table 4.A-8 to be consistent with Table 10 in Appendix D.

## **Chapter 4.B - Biological Resources**

Page 4.B-33: Mitigation Measure 4.B-2c provides that the City require that the project applicant develop and implement a Marine Invasive Species Control Plan in consultation with the USCG, RWQCB, and other relevant state agencies. We request that the City revise the EIR to replace “and other relevant state agencies” with “other relevant federal and state agencies as may be appropriate” to be consistent with Mitigation Measure 4.B-2b.

Page 4.B-41: The third sentence in Impact 4.B-5 states that the potential impacts would be mitigated to less than significant levels through implementation of the mitigation measures proposed in “this Initial Study/SMND.” Please replace the reference to “Initial Study/SMND” with this “SFEIR.”

Page 4.B-44: The second sentence in the first full paragraph appears to have typos and states that, “Other projects are located along Alameda’s waterfront, and some will involve in-water work, such as Alameda Marina and Shipwayslall of these areas have limited habitat value for wildlife as they are already primarily or fully developed.” Please revise the sentence as follows:

“Other projects are located along Alameda’s waterfront, and some will involve in-water work, such as Alameda Marina and Shipways. ~~La~~ All of these areas have limited habitat value for wildlife as they are already primarily or fully developed.”

## **Chapter 4.D – Noise and Vibration**

Page 4.D-6; Figure 4.D-2: Please revise Figure 4.D-2 to show the “saber” area as part of the Project site so that the land along the future Clement Street extension is included in the Project site boundaries consistent with the depiction of the project site in Figure 5 of the Initial Study.

Page 4.D-7: Page 4.D-7 states that the existing residential receptors are located approximately 400 feet south of the project site. Page 4.A-31 states that the closest existing residential receptors are 500 feet southwest from the Proposed Project. The 500 foot distance is



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the correct distance as reported earlier in Chapter 4.A, Air Quality and Climate Change. Please change the distance to the sensitive receptors from 400 feet to 500 feet so that the noise analysis is consistent with Appendix D and the air quality analysis included in the EIR.

## **Chapter 4.G - Transportation and Circulation**

Page 4.G-22: We understand that peak hour traffic is a concern in the City of Alameda; however, the information presented in Table 4.G-6 does not support the analysis of the project-generated vehicular trips reported in Impact 4.G-2. The Table shows an overall reduction in the number of project-generated vehicular trips when compared to the project-generated vehicular trips reported in the 2008 GPA EIR. Nonetheless, the Encinal Terminals Draft EIR concludes that the Proposed Project's *increase* in AM peak hour traffic during the morning commute period would result in a significant impact based on level of service. We question the Draft EIR's conclusion in light of the Proposed Project's lower trip generation when compared to the approved GPA. While higher peak hour trip generation may occur under existing and baseline AM peak hour conditions, the project-generated traffic impact would be less than the AM peak hour impacts reported in the 2008 GPA EIR. Consequently, the Project does not contribute to a substantial increase in the severity of the prior traffic impacts reported in the 2008 GPA EIR and the EIR should be revised to clarify that the Project would not result in a new significant traffic impact.

Page 4.G-23: The Draft EIR assumes the worst-case scenario and concludes that while TDM measures would reduce vehicle trips, the Proposed Project would nonetheless result in a significant and unavoidable traffic impact "because TDM measures would not be enough to mitigate the impact." Under Cumulative 2035 conditions, Intersection 10 would operate at an LOS E without the Proposed Project. With the reduction in traffic proposed by the Project as compared to the 2008 GPA EIR and the implementation of the robust TDM program described on pages 4.G-30 and 4.G-31, the Project would actually result in less traffic and substantially fewer impacts than the project evaluated in the 2008 GPA EIR. We note that CalTrans concludes in its Draft EIR comment letter that the Project TDM would mitigate all traffic impacts and it commends the City for requiring rigorous TDM measures. For these reasons, we request that the City revise the EIR to explain that the traffic impact would actually be less than the prior impacts reported in the 2008 GPA EIR, and the Proposed Project would not result in a substantial increase in traffic impacts over the prior 2008 GPA EIR.

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## **Chapter 4.H - Utilities and Service Systems**

Page 4.H-1: Please update the date in the footer in this Chapter to match the other chapters (February 2017).

Page 4.H-6: Provision C.3 is required for redevelopment projects that replace at least 10,000 square feet of impervious surface, which applies in this case. Please change, "The proposed project would replace more than 5,000 square feet of impervious surface;" to "The proposed project would replace more than 10,000 square feet of impervious surface."

## **Chapter 5 - Alternatives**

According to Chapter 5 in the Draft EIR, the alternatives considered in the analysis must (1) "feasibly attain" most of the basic objectives, and (2) avoid or substantially lessen any of the significant effects of the project. The purpose of an EIR alternatives analysis is to determine whether there is a feasible way (other than the Proposed Project) to achieve the basic objectives of a project while avoiding or lessening significant impacts that may otherwise result from the Project.

We are concerned that the Draft EIR concludes that the environmentally superior alternative is Alternative 3: the Northern Waterfront GPA Development Alternative (the "Northern Waterfront GPA Alternative"). The last paragraph of page 5-15 states that the Northern Waterfront GPA Alternative is superior because it would "reduce the significant and unavoidable LOS traffic impacts" compared to the Proposed Project. This conclusion is inconsistent with the actual results of the traffic analysis reported in Chapter 4.G and the 2008 GPA EIR. The Northern Waterfront GPA Alternative (based on the 2008 GPA EIR) results in less severe LOS impacts than the Proposed Project in the *morning peak period* in the City (emphasis added). The Draft EIR notes on page 5-13 that the Northern Waterfront GPA Alternative results in an increase in total number of vehicle trips, which would increase daily and PM Peak Hour traffic impacts compared to the impacts of the Proposed Project. In addition, according to page 4.G-18, the Proposed Project results in 257 fewer am peak hour trips than the level assumed in the 2008 GPA EIR. Thus, the Proposed Project would result in a reduction in trip generation and corresponding traffic impacts compared to the 2008 GPA EIR.

Second, regarding the Draft EIR's conclusion regarding the environmentally superior alternative, we note that the third paragraph of 5-15 does not support the conclusion that the Northern Waterfront GPA Alternative is superior to the Proposed Project. The third paragraph summarizes the Plan Bay Area's regional plan for reduction of greenhouse gases. Plan Bay Area concludes that the best way to reduce greenhouse gases is to construct additional mixed use developments "like the proposed project" to decrease pressures to develop in outer Bay Area communities, which reduces vehicle miles traveled and generally improves air quality. Further,



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the Northern Waterfront GPA Alternative increases vehicle miles traveled over the vehicle miles traveled in the Proposed Project. Thus, the Proposed Project would result in less traffic and air quality impacts than the GPA Alternative.

We request that the City revise the Draft EIR to further explain that the Northern Waterfront GPA Alternative is not environmentally superior to the Proposed Project. Moreover, we request that the City revise the third paragraph on page 5-15. If less vehicle miles traveled reduces greenhouse gases and improves air quality overall, and the Northern Waterfront GPA Alternative increases vehicle trips over the Proposed Project, then it should not be considered the environmentally superior alternative. For this reason, the Proposed Project should be considered environmentally superior.

Page 5-6; Table 5-1: The No Public Trust Land Exchange Alternative does not meet the project objective of creating a continuous public waterfront promenade in Table 5-1. In this Alternative, there would be no exchange of the tidelands as anticipated in the Proposed Project. Therefore, there may not be access to the wharf from the No Public Trust Land Exchange Alternative project site, and the public waterfront may therefore not be a part of the development. Accordingly, please insert "No" in the table for this project objective.

Page 5-7: In the last sentence on the page, it appears that word "not" was inadvertently omitted. Please revise the sentence as follows, "The proposed project would not conflict with an adopted local, regional, or State Habitat Conservation Plan ..."

Page 5-13: The last sentence under the section on Alternative 2, should read, "Alternative 2 would be required to implement..."

Page 5-15: Please see our general comments above regarding the Environmentally Superior Alternative.

We appreciate the opportunity to submit comments on the Encinal Terminals Master Plan Draft EIR, and look forward to the City's approval of the Encinal Terminals Project in the near

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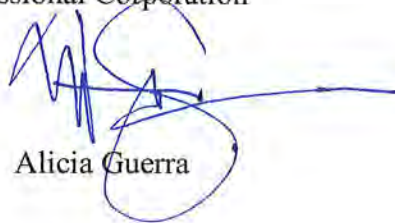
future. Please notify me of the availability of the Final EIR when the City releases the document, and please feel free to contact me if you have any questions or need further information regarding our comments.

Sincerely,

BUCHALTER

A Professional Corporation

By



Alicia Guerra

AG:ej

cc: James Meek  
Michael O'Hara  
Jessica Grossman

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**Letter I2      Alicia Guerra**  
**Response      March 29, 2017**

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- I2-1**    The City concurs with the requested revision to the SFEIR. Updated information is provided in Chapter 3 of this Final SFEIR. The SFEIR has been modified as follows:

Page 1-1, paragraph 3, is revised to read (new text is underlined):

Subsequent approvals from the City that would be necessary for the proposed mixed use project include: a tidelands exchange with the State of California, subdivision map(s); conditional use permits, as deemed necessary for subsequent individual development projects; a development agreement, as well as Development Plan and Design Review of individual buildings, among other approvals. For more discussion on the project approvals, please see Chapter 3, *Project Description*.

- I2-2**    The City concurs with the requested revision to the SFEIR. Updated information is provided in Chapter 3 of this Final SFEIR. The SFEIR has been modified as follows:

Page 3-4, Figure 3-2; the title of the figure is revised to read (new text is indicated in underline and text to be deleted is reflected by a ~~strike through~~):

~~Public Trust Lands~~ Project Parcels

- I2-3**    The City concurs with the requested revision to the SFEIR. Figure 3-3 has been revised accordingly, and the revised version is included with this Final SFEIR at the end of Chapter 3.

- I2-4**    The City does not concur with the requested revision to the SFEIR, because the project description assumes that the Tidelands Exchange will occur; there is therefore no need to address the potential of the Tidelands Exchange not being approved. Further, even if the proposed tidelands exchange were not to become a reality, the City would maintain a requirement for providing public access to the waterfront and completion of the Bay Trail along the perimeter of the site, in accordance with San Francisco Bay Conservation and Development Commission requirements and the City's General Plan.

- I2-5**    The City concurs with the requested revisions to the SFEIR. Figures 3-5, 3-6, 3-7, and 3-8 have been revised accordingly, and the revised versions are included with this Final SFEIR at the end of Chapter 3.

- I2-6**    The City concurs with the requested revision to the SFEIR. Updated information is provided in Chapter 3 of this Final SFEIR. Specifically, the SFEIR has been modified as follows (new text is indicated in underline and text to be deleted is reflected by a ~~strike through~~):



Page 3-19, Table 3-1, is revised as follows:

**TABLE 3-1  
MAJOR PROJECT APPROVALS REQUIRED**

| <b>Lead Agency</b>  |   |
|---|---|
| City of Alameda   | <ul style="list-style-type: none"> <li>General Plan Amendment to allow buildings over 60 feet in height</li> <li>Approval of the Master Plan and Subdivision Approvals (e.g., large lot tentative tract map)</li> <li>Development Plan and Design Review approvals for individual buildings</li> <li>Affordable Housing Plan approval</li> <li>Approval of a Density Bonus Application pursuant to State of California Section 65915 and AMC Section 30-17 Affordable Housing Density Bonus and a Waiver for Height pursuant to AMC Section 30-17</li> <li><u>Development Agreement</u></li> <li>Ministerial Permits (including demolition, construction, building or grading permits)</li> </ul> |
| <b>Responsible Agencies</b>   |   |
| State Lands Commission  | <ul style="list-style-type: none"> <li>Agreement on the proposed land exchange involving the parcel leased from CSLC and the proposed publicly accessible promenade on the Alaska Basin and northern sides of the project site</li> </ul>   |
| San Francisco Bay Conservation and Development Commission (BCDC)                  | <ul style="list-style-type: none"> <li><u>Approval of any development located within 100 feet of the shoreline. Permit jurisdiction over shoreline areas subject to tidal action up to the mean high tide line including all sloughs, tidelands, submerged lands, and marshlands lying between the mean high tide and 5 feet above mean sea level, and approval of development in the land lying between the Bay shoreline and a line drawn parallel to and 100 feet landward from the Bay shoreline.</u></li> </ul>  |
| Alameda Municipal Power   | <ul style="list-style-type: none"> <li>Approval of electricity hookup and review of electricity needs</li> </ul>  |
| East Bay Municipal Utility District (EBMUD)                                       | <ul style="list-style-type: none"> <li>Approval of water line, water hookups and review of water needs</li> <li>Approval for sewer treatment capacity</li> </ul>  |
| California Regional Water Quality Control Board, San Francisco Bay Region (RWQCB) | <ul style="list-style-type: none"> <li>National Pollutant Discharge Elimination System (NPDES) NPDES General Construction Permit and Storm Water Pollution Prevention Plan</li> <li>RWQCB Permits</li> <li>Potential Clean Water Act Section 401 Certification/Waste Discharge Requirements (WDR's)</li> </ul>  |
| California Department of Toxic Substances Control (DTSC)                          | <ul style="list-style-type: none"> <li>Approval and oversight of hazardous materials remediation if needed</li> </ul>   |
| Bay Area Air Quality Management District (BAAQMD)                                 | <ul style="list-style-type: none"> <li><u>Permits</u> Applicable permits, if needed</li> </ul>  |
| <b>Federal and State Agencies</b>   |   |
| US Army Corps of Engineers  | <ul style="list-style-type: none"> <li>Clean Water Act Section 404 Authorization, if needed</li> </ul>  |
| US Fish and Wildlife Service  | <ul style="list-style-type: none"> <li>Applicable permits, if needed</li> </ul>   |
| California Department of Fish and Wildlife  | <ul style="list-style-type: none"> <li>Applicable permits, if needed</li> </ul>   |
| National Marine Fisheries Service   | <ul style="list-style-type: none"> <li>Applicable permits, if needed</li> </ul>   |

**I2-7** The City concurs with the requested revisions to the SFEIR. Updated information is provided in Chapter 3 of this Final SFEIR. Specifically, the SFEIR has been modified as indicated below in the responses to comments I2-8 through I2-11.

**I2-8** The City concurs with the requested revisions to the SFEIR. Updated information is provided in Chapter 3 of this Final SFEIR. Specifically, Page 4.A-29, Table 4.A-4 is revised as follows to be consistent with the Encinal Terminals Air Quality Impact Analysis (LSA 2017) as presented in Appendix D of the Draft SFEIR (new text is indicated in underline and text to be deleted is reflected by a ~~strike through~~):

**TABLE 4.A-4  
AVERAGE ANNUAL DAILY CONSTRUCTION-RELATED POLLUTANT EMISSIONS (pounds/day)<sup>a</sup>**

| Scenario                | ROG                            | CO                             | NOx                            | Exhaust PM2.5 <sup>b</sup>   | Fugitive Dust PM2.5 <sup>b</sup> | Total PM2.5 <sup>b</sup>     | Exhaust PM10 <sup>b</sup>    | Fugitive Dust PM10 <sup>b</sup> | Total PM10 <sup>b</sup>      |
|-------------------------|--------------------------------|--------------------------------|--------------------------------|------------------------------|----------------------------------|------------------------------|------------------------------|---------------------------------|------------------------------|
| Average Daily Emissions | <del>29.7</del><br><u>15.2</u> | <del>49.5</del><br><u>34.4</u> | <del>38.3</del><br><u>38.2</u> | <del>4.8</del><br><u>1.6</u> | <del>4.8</del><br><u>1.9</u>     | <del>3.6</del><br><u>3.5</u> | <del>4.9</del><br><u>1.7</u> | 5.5                             | <del>7.4</del><br><u>7.2</u> |
| BAAQMD Threshold        | 54.0                           | NA                             | 54.0                           | 54.0                         | BMP                              | NA                           | 82.0                         | BMP                             | NA                           |
| Significant Impact?     | No                             | NA                             | No                             | No                           | NA                               | NA                           | No                           | NA                              | NA                           |

NA: Not Applicable, the BAAQMD does not have thresholds.

BMP: Best Management Practices.

<sup>a</sup> Emissions include results modeled with CalEEMod. Additional data and assumptions are described in Appendix D.

<sup>b</sup> BAAQMD's construction-related significance thresholds for PM10 and PM2.5 apply to exhaust emissions only and not to fugitive dust.

SOURCE: LSA Associates, Inc., ~~2016~~2017.

**I2-9** The City concurs with the requested revisions to the SFEIR. Updated information is provided in Chapter 3 of this Final SFEIR. Specifically, Page 4.A-33, Table 4.A-5 is revised as follows to be consistent with the Encinal Terminals Air Quality Impact Analysis (LSA 2017) as presented in Appendix D of the Draft SFEIR (new text is indicated in underline and text to be deleted is reflected by a ~~strike through~~):

**TABLE 4.A-5  
AVERAGE UNMITIGATED OPERATIONAL-RELATED POLLUTANT EMISSIONS<sup>a</sup>**

| Scenario                       | ROG                           | NOx                         | PM10                         | PM2.5                        |
|--------------------------------|-------------------------------|-----------------------------|------------------------------|------------------------------|
| <b>Emissions in pounds/day</b> |                               |                             |                              |                              |
| Area Source Emissions          | <del>281.4</del> <u>259.8</u> | <del>41.6</del> <u>5.9</u>  | <del>418.4</del> <u>45.7</u> | <del>418.3</del> <u>45.7</u> |
| Energy Source Emissions        | <del>0.4</del> <u>0.5</u>     | <del>3.5</del> <u>4.3</u>   | 0.3                          | 0.3                          |
| Mobile Source Emissions        | <del>44.5</del> <u>5.7</u>    | <del>30.4</del> <u>28.0</u> | <del>24.3</del> <u>19.3</u>  | <del>5.9</del> <u>5.3</u>    |
| Total Emissions                | <del>296.2</del> <u>265.9</u> | <del>45.3</del> <u>38.2</u> | <del>439.9</del> <u>65.3</u> | <del>424.6</del> <u>51.3</u> |
| BAAQMD Operational Threshold   | 54.0                          | 54.0                        | 82.0                         | 54.0                         |
| Significant Impact?            | <b>Yes</b>                    | No                          | <b>Yes</b>                   | <b>Yes</b>                   |
| <b>Emissions in tons/year</b>  |                               |                             |                              |                              |
| Area Source Emissions          | <del>3.8</del> <u>4.4</u>     | 0.1                         | <del>0.2</del> <u>0.3</u>    | <del>0.2</del> <u>0.3</u>    |
| Energy Source Emissions        | 0.1                           | <del>0.6</del> <u>0.8</u>   | 0.1                          | 0.1                          |
| Mobile Source Emissions        | <del>2.4</del> <u>1.0</u>     | <del>5.3</del> <u>5.0</u>   | <del>3.7</del> <u>3.4</u>    | <del>4.0</del> <u>0.9</u>    |
| Total Emissions                | <del>6.3</del> <u>5.6</u>     | <del>6.0</del> <u>5.9</u>   | <del>4.0</del> <u>3.7</u>    | <del>4.3</del> <u>1.3</u>    |

|                                     |      |      |      |      |
|-------------------------------------|------|------|------|------|
| <i>BAAQMD Operational Threshold</i> | 10.0 | 10.0 | 15.0 | 10.0 |
| Significant Impact?                 | No   | No   | No   | No   |

<sup>a</sup> Emissions include results modeled with CalEEMod for project operations. Additional data and assumptions are in Appendix D.

SOURCE: LSA Associates, Inc., 2016/2017.

**I2-10** The City concurs with the requested revisions to the SFEIR. Updated information is provided in Chapter 3 of this Final SFEIR. Specifically, Page 4.A-34, first full paragraph beneath Table 4.A-6, is revised to read:

BAAQMD defines sensitive receptors as children, adults, and seniors occupying or residing in residential dwellings, schools, colleges and universities, daycares, hospitals, and senior-care facilities. There are existing residential receptors approximately 400 500 feet from the proposed project site boundary, and planned residential receptors (Del Monte and Marina Shores II) about 50 feet from the proposed project site boundary. There are also sensitive residential receptors (residents of up to 589 dwelling units) proposed to be developed under the proposed project. Pollutant exposure associated with proposed project construction and operations, as well as land use compatibility of locating new residences at the project site are discussed below.

**I2-11** The City concurs with the requested revisions to the SFEIR. Updated information is provided in Chapter 3 of this Final SFEIR. Specifically, Page 4.A-34, Table 4.A-6 is revised as follows to be consistent with the Encinal Terminals Air Quality Impact Analysis (LSA 2017) as presented in Appendix D of the Draft SFEIR (new text is indicated in underline and text to be deleted is reflected by a ~~strike through~~):

**TABLE 4.A-6  
AVERAGE MITIGATED OPERATIONAL-RELATED POLLUTANT EMISSIONS<sup>a</sup>**

| Scenario                            | ROG                         | NOx                         | PM10                        | PM2.5                     |
|-------------------------------------|-----------------------------|-----------------------------|-----------------------------|---------------------------|
| <b>Emissions in pounds/day</b>      |                             |                             |                             |                           |
| Area Source Emissions               | <del>18.6</del> <u>17.6</u> | 0.6                         | 0.3                         | 0.3                       |
| Energy Source Emissions             | <del>0.4</del> <u>0.5</u>   | <del>3.5</del> <u>4.3</u>   | 0.3                         | 0.3                       |
| Mobile Source Emissions             | <del>44.4</del> <u>5.7</u>  | <del>30.4</del> <u>28.0</u> | <del>24.2</del> <u>19.3</u> | <del>5.9</del> <u>5.3</u> |
| Total Emissions                     | <del>3.5</del> <u>23.7</u>  | <del>34.3</del> <u>32.8</u> | <del>24.8</del> <u>19.9</u> | <del>6.5</del> <u>5.9</u> |
| <i>BAAQMD Operational Threshold</i> | 54.0                        | 54.0                        | 82.0                        | 54.0                      |
| Significant Impact?                 | No                          | No                          | No                          | No                        |
| <b>Emissions in tons/year</b>       |                             |                             |                             |                           |
| Area Source Emissions               | <del>3.3</del> <u>3.1</u>   | 0.1                         | 0.0                         | 0.0                       |
| Energy Source Emissions             | 0.1                         | <del>0.6</del> <u>0.8</u>   | 0.1                         | 0.1                       |
| Mobile Source Emissions             | <del>2.4</del> <u>1.0</u>   | <del>5.3</del> <u>5.0</u>   | <del>3.7</del> <u>3.4</u>   | <del>4.0</del> <u>0.9</u> |
| Total Emissions                     | <del>5.8</del> <u>4.2</u>   | <del>6.0</del> <u>5.8</u>   | <del>3.8</del> <u>3.5</u>   | <del>4.4</del> <u>1.0</u> |
| <i>BAAQMD Operational Threshold</i> | 10.0                        | 10.0                        | 15.0                        | 10.0                      |
| Significant Impact?                 | No                          | No                          | No                          | No                        |

<sup>a</sup> Emissions include results modeled with CalEEMod for project operations. Additional data and assumptions are in Appendix D.

SOURCE: LSA Associates, Inc., 2016/2017.

- I2-12** The City concurs with the requested revisions to the SFEIR. Updated information is provided in Chapter 3 of this Final SFEIR. Specifically, Page 4.A-38, Table 4.A-7, row labeled “MSM A-3: Green Fleets,” is revised to read (text to be deleted is reflected by a ~~strike through~~):

|                       |  |
|-----------------------|--|
| MSM A-3: Green Fleets | Not Applicable: Development of the project site would generally be retail, commercial or residential in nature and unlikely to accommodate a land use requiring a fleet of vehicles. <del>[NOTE TO REVIEWER: Please confirm]</del> |
|-----------------------|--|

- I2-13** The City concurs with the requested revisions to the SFEIR. Updated information is provided in Chapter 3 of this Final SFEIR. Specifically, Page 4.A-43, second paragraph, is revised as follows to be consistent with the Encinal Terminals Air Quality Impact Analysis (LSA 2017) as presented in Appendix D of the Draft SFEIR (new text is indicated in underline and text to be deleted is reflected by a strike through):

**Transportation.** Transportation associated with the project would result in GHG emissions from the combustion of fossil fuels in daily automobile and truck trips. Transportation is the largest source of GHG emissions in California and represents approximately 38 percent of annual CO<sub>2</sub> emissions generated in the State. For land use development projects, vehicle miles traveled (VMT) and vehicle trips are the most direct indicators of GHG emissions associated with the project. The proposed project is forecast to generate 4,854 3,921 trips per day.

- I2-14** The City concurs with the requested revisions to the SFEIR. Updated information is provided in Chapter 3 of this Final SFEIR. Specifically, Page 4.A-42, second paragraph under “Construction Activities,” is revised as follows to be consistent with the Encinal Terminals Air Quality Impact Analysis (LSA 2017) as presented in Appendix D of the Draft SFEIR (new text is indicated in underline and text to be deleted is reflected by a ~~strike through~~):

The BAAQMD does not have an adopted Threshold of Significance for construction-related GHG emissions. However, lead agencies are encouraged to quantify and disclose GHG emissions that would occur during construction. Using CalEEMod data outputs, the total project construction emissions are estimated to be ~~979~~ 1,005 metric tons of CO<sub>2</sub>e per year. Implementation of the construction emission control measures in **Mitigation Measure 4.A-1** would further reduce GHG emissions during the construction.

In addition, Page 4.A-43, last paragraph, and the following Table 4.A-8 at the top of page 4.A-44, and subsequent paragraphs, are revised as follows to be consistent with the Encinal Terminals Air Quality Impact Analysis (LSA 2017) as presented in Appendix D of the Draft SFEIR (new text is indicated in underline and text to be deleted is reflected by a ~~strike through~~):

When calculating project GHG emissions to compare to the thresholds of significance, BAAQMD recommends that the lead agency consider project design features, attributes, and local development requirements as part of the project as proposed and not as mitigation measures. Consistent with BAAQMD guidance, GHG emissions were estimated using CalEEMod. **Table 4.A-8** shows the calculated GHG emissions for the proposed project. Mobile source emissions are the largest source of GHG emissions at approximately ~~74~~ 66 percent of the total. Energy use is next largest category at approximately ~~24~~ 29 percent of CO<sub>2</sub>e emissions. Area source emissions are less than one percent of the total emissions, and waste and water source emissions are approximately three percent and two percent, respectively. Additional calculation details are provided in Appendix D.

**TABLE 4.A-8**  
**PROJECT OPERATIONAL GREENHOUSE GAS EMISSIONS (metric tons/year)**

| Emissions Source        | CO <sub>2</sub>                      | CH <sub>4</sub>              | N <sub>2</sub> O | CO <sub>2</sub> e                    | Percent of Total           |
|-------------------------|--------------------------------------|------------------------------|------------------|--------------------------------------|----------------------------|
| Area Source Emissions   | 7.1                                  | 0.0                          | 0.0              | 7.3                                  | <1                         |
| Energy Source Emissions | <del>1,266.7</del><br><u>1,530.1</u> | <del>0.0</del><br><u>0.1</u> | 0.0              | <del>1,274.3</del><br><u>1,539.2</u> | <del>24</del><br><u>29</u> |
| Mobile Source Emissions | <del>3,814.0</del><br><u>3,584.8</u> | 0.1                          | 0.0              | <del>3,817.1</del><br><u>3,588.2</u> | <del>74</del><br><u>66</u> |
| Waste Source Emissions  | 65.7                                 | 3.9                          | 0.0              | <del>447.2</del><br><u>162.7</u>     | 3                          |
| Water Source Emissions  | 76.2                                 | 1.4                          | 0.0              | <del>415.4</del><br><u>120.5</u>     | 2                          |
| Total Annual Emissions  | <del>5,297.7</del><br><u>5,264.0</u> | 5.5                          | 0.1              | <del>5,361.2</del><br><u>5,418.0</u> | 100                        |

SOURCE: LSA Associates, Inc., 2016.

Based on the ~~results of the analysis~~ results, the proposed project would generate ~~5,361.2~~ 5,418 metric tons of CO<sub>2</sub>e which would be above the BAAQMD's numeric threshold of 1,100 metric tons CO<sub>2</sub>e.

The project would develop 589 residential units which would provide residence for ~~1,449~~ 1,549 people. Additionally, the commercial and marina portion of the project would generate approximately 50 employees for a total service population (residents plus employees) of ~~1,499~~ 1,599. Therefore, the project's GHG emissions would result in a GHG efficiency of ~~3.5~~ 3.4 metric tons CO<sub>2</sub>e per service population which is below the BAAQMD's threshold of 4.6 metric tons. 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 result 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.

**Mitigation:** None required.

- I2-15** The City concurs with the requested revisions to the SFEIR. Updated information is provided in Chapter 3 of this Final SFEIR. Specifically, Page 4.B-33, Mitigation Measure 4.B-2c, is revised to read (new text is indicated in underline):

**Mitigation Measure 4.B-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 federal and state agencies as may be appropriate. 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.

- I2-16** The City concurs with the requested revisions to the SFEIR. Updated information is provided in Chapter 3 of this Final SFEIR. Specifically, Page 4.B-41, first paragraph under Impact 4.B-5, is revised to read (new text is indicated in underline and text to be deleted is reflected by a ~~strike through~~):

The BCDC's San Francisco Bay Plan contains findings and policies related to fish and wildlife, water quality, fill, recreation, public access, and the appearance and design of shorelines, as well as procedures for BCDC control of filling, dredging, and shoreline development. The proposed project would incorporate a

public promenade and plaza and facilitate in-water development of a marina and a future water shuttle facility, which would both provide public access to water-related uses consistent with the Bay Plan. The potential impacts discussed above would be mitigated to less than significant levels through implementation of the mitigation measures proposed in this ~~Initial Study / SMND~~ Draft SFEIR. In addition, BCDC permitting for project elements within Bay waters or within the 100-foot shoreline band would require measures to ensure that development facilitated by the project would be protective of the Bay's biological resources. Thus, the proposed project would generally be consistent with the Bay Plan

- I2-17** The City concurs with the requested revisions to the SFEIR. Updated information is provided in Chapter 3 of this Final SFEIR. Specifically, Page 4.B-44, first full paragraph, is revised to read (new text is indicated in underline and text to be deleted is reflected by a ~~strike-through~~):

Although the project would develop the area with commercial, residential, recreational, and maritime uses that could disturb sensitive species or habitat, the project would implement mitigation measures that would ensure these impacts are less than significant. While there is no sensitive habitat located on land within the project site, the project could disturb aquatic habitat in the Alaska Basin. Other projects are located along Alameda's waterfront, and some will involve in-water work, such as Alameda Marina and ~~Shipways at Marina Village~~ Shipways, 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 or roosting bats and birds. Other foreseeable projects that involve in-water work and could result in cumulative impacts on biological resources, in combination with the proposed project, are the proposed San Francisco Bay Area Water Emergency Transportation Authority Central Bay Operations and Maintenance Facility, redevelopment of Treasure Island and Hunter's Point, redevelopment associated with the Alameda Marina Master Plan, Shipways at Marina Village, and Port of Oakland maintenance dredging. These projects would include many of the same activities as would occur under the proposed project (e.g., dredging, pile driving, wharf improvements, increased boat traffic) and can be assumed to have similar effects on marine biological resources, resulting in a potentially significant cumulative impact.

- I2-18** The City concurs with the requested revision to the SFEIR. Figure 4.D-2 has been revised accordingly, and the revised version is included with this Final SFEIR at the end of Chapter 3.

- I2-19** The City concurs with the requested revisions to the SFEIR. Updated information is provided in Chapter 3 of this Final SFEIR. Specifically, Page 4.D-7, first paragraph, is revised to read (new text is indicated in underline and text to be deleted is reflected by a ~~strike through~~):

Some land uses are considered more sensitive to ambient noise levels than others, due to the amount of noise exposure (in terms of both exposure duration and insulation from noise) and the types of activities typically involved. Residences, motels and hotels, schools, libraries, churches, hospitals, nursing homes, auditoriums, and parks and other outdoor recreation areas generally are more sensitive to noise than are commercial (other than lodging facilities) and industrial land uses. Sensitive receptors in the vicinity of the project include residences along Clement Avenue, with the nearest about 100 feet south of the project. Other residences are located along Buena Vista Avenue about ~~400~~ 500 feet south of the project site, and other residences can be found along Ohlone Street (nearest approximately 770 feet east of the project), and along Sherman Street (nearest approximately 950 feet west of the project). It is also likely that there are live-aboard boats docked in the Fortman Marina east of the site, with the closest berths approximately 120 feet from the project site. Other existing receptors include Littlejohn Park (about 465 feet southwest of the project). Finally, several planned residential uses are within close proximity to the project, including the Del Monte project, which is directly across Clement Avenue from the project site.

- I2-20** The City has updated Table 4.G-6 to include results from a more refined analysis that includes all of the uses proposed under the current Encinal Terminals project as compared with the project considered in the 2008 Northern Waterfront General Plan Amendment EIR. The results of the analysis are presented in an updated Table 4.G-6 and accompanying narrative in Chapter 3 of this Final SFEIR. The results show that while the total number of average daily project-related trips would be slightly less than what was projected in the 2008 Northern Waterfront General Plan EIR, the number of trips during both the AM (outbound) and the PM (inbound) peak periods would increase by 30 trips and 25 trips, respectively. Therefore, the proposed project would add more trips to the area than was projected under the GPA EIR, and would thus contribute to existing and future LOS deficiencies. This impact was determined to be significant and unavoidable in the GPA EIR, and that same finding remains applicable to the proposed project.

- I2-21** As discussed in the City's response to comment I2-20, the proposed project would contribute additional traffic volumes to roadways and intersections that are already operating at deficient levels, and this situation would be likely to worsen even without the proposed project. As indicated in the Draft SFEIR, implementation of a Transportation Demand Management (TDM) program for the project would lessen these effects, but they would be unlikely to fully mitigate the effects of the project and the cumulative effects of other projects on area residents and commuters. While it is likely that a TDM program



would be beneficial, the actual reductions in traffic volumes that would be realized under such a program are unknown. At the current time, the actual benefits from the proposed TDM program remain speculative, so it thus follows that any assertion that such a program would fully mitigate the project's effects would also be speculative. We also note that the comments provided by Caltrans did not make a claim as to the efficacy of such a program, nor was it stated that "the Project TDM would mitigate all traffic impacts," as suggested by the commenter. Such a claim cannot be supported at this time, and the City has therefore chosen to disclose that the project's effects would remain significant and unavoidable, even with implementation of the prescribed mitigation.

- I2-22** The City concurs with the requested revisions to the SFEIR. Updated information is provided in Chapter 3 of this Final SFEIR. Specifically, on Pages 4.H-1 through 4.H-20, the date in the page footer has been revised to be consistent with other chapters and sections in the Draft SFEIR, to read as follows (new text is indicated in underline and text to be deleted is reflected by a strike through):

~~January~~ February 2017

- I2-23** The City concurs with the requested revisions to the SFEIR. Updated information is provided in Chapter 3 of this Final SFEIR. Specifically, the first full paragraph of Page 4.H-6 has been revised to read (new text is indicated in underline and text to be deleted is reflected by a strike through):

Construction activities associated with the proposed project would be subject to the National Pollutant Discharge Elimination System (NPDES) permit requirements for stormwater management and discharges. The Alameda County Clean Water Program (ACCWP) NPDES permit incorporates updated state and federal requirements related to the quantity and quality of post-construction stormwater discharges from new development and redevelopment projects. The stormwater system at the project site would be regulated under the NPDES permit. In particular, Provision C.3 in the NPDES Permit governs storm drain systems and regulates post-construction stormwater runoff. The provision requires new development and redevelopment projects to incorporate treatment measures and other appropriate source control and site design features to reduce the pollutant load in stormwater discharges and to manage runoff flows. "Redevelopment" is defined as a project on a previously developed site that results in the addition or replacement of impervious surface. A redevelopment project that adds or replaces at least 10,000 square feet of impervious surface is required to adhere to the C.3 provisions. The proposed project would replace more than 5,000 10,000 square feet of impervious surface; therefore, it would be required to incorporate treatment measures and appropriate source control and site design measures under the NPDES permit.

- I2-24** Please see the response to comments I2-20 and I2-21. The commenter's assertion that the proposed project would result in fewer traffic impacts than the project envisioned in the

2008 Northern Waterfront General Plan Amendment EIR is not supported by the analysis contained in the SFEIR. While the impact of the proposed project on AM and PM peak hour traffic would be only slightly greater than that indicated for the 2008 GPA project, the analysis shows that the proposed project's effects would nevertheless be higher, and the proposed project would therefore not be environmentally superior.

- I2-25** The City does not concur with the requested revision to the SFEIR, because the project description assumes that the Tidelands Exchange will occur; there is therefore no need to address the potential of the Tidelands Exchange not being approved. Further, even if the proposed tidelands exchange were not to become a reality, the City would maintain a requirement for providing public access to the waterfront and completion of the Bay Trail along the perimeter of the site, in accordance with San Francisco Bay Conservation and Development Commission requirements and the City's General Plan, thereby meeting the project objective of providing public access to the waterfront.
- I2-26** The City concurs with the requested revisions to the SFEIR. Updated information is provided in Chapter 3 of this Final SFEIR. Specifically, the last paragraph of Page 5-7 is revised to read as follows (new text is indicated in underline):

The proposed project would not conflict with local policies or ordinances protecting biological resources with implementation of **GPA EIR Mitigation Measure BIO-1** and **NEW Mitigation Measures 4-1a through 4-1e, NEW Mitigation Measures 4-2a through 4-2c, GPA EIR Mitigation Measure BIO-2, and NEW Mitigation Measure 4-3**. The proposed project would not conflict with an adopted local, regional, or State Habitat Conservation Plan with implementation of **GPA EIR Mitigation Measures BIO-1 and BIO-2, NEW Mitigation Measures 4-1a through 4-1e, 4-2a through 4-2c, and 4-3**. Finally, the proposed project would not result in significant cumulative impacts to biological resources with implementation of the above mentioned mitigation measures.

- I2-27** The City concurs with the requested revisions to the SFEIR. Updated information is provided in Chapter 3 of this Final SFEIR. Specifically, the following revisions are made to the SFEIR (new text is indicated in underline and text to be deleted is reflected by a strike through):

Page 5-13, second paragraph, is revised to read:

Under Alternative 2, the site would be developed with the same mix of uses as the proposed project. Because Alternative 2 would develop the same amount of retail square footage, housing units, and recreational uses as the proposed project, the estimated increase in vehicular trips due to construction and operation of the proposed project would be the same ~~as~~ under Alternative 2 as for the proposed project. Alternative ~~3~~ 2 would be required to implement the same mitigation

measures as the proposed project, and would result in the same impacts to transportation and circulation as under the proposed project.

Page 5-13, second paragraph, is revised to read:

Under Alternative 2, the site would be developed with the same mix of uses as the proposed project. Because Alternative 2 would develop the same amount of retail square footage, housing units, and recreational uses as the proposed project, the estimated increase in vehicular trips due to construction and operation of the proposed project would be the same as under Alternative 2 as for the proposed project. Alternative ~~3~~ 2 would be required to implement the same mitigation measures as the proposed project, and would result in the same impacts to transportation and circulation as under the proposed project.

**I2-28** Please see the response to comment I2-24.

DRAFT MINUTES  
REGULAR MEETING OF THE  
CITY OF ALAMEDA PLANNING BOARD  
MONDAY, MARCH 27, 2017

1. CONVENE

President Köster convened the meeting at 7:06pm.

2. FLAG SALUTE

Board Member Curtis led the flag salute.

3. ROLL CALL

Present: President Köster, Board Members Curtis, Mitchell, Sullivan. Board Member Zuppan arrived at approximately 7:20pm. Absent: Board Members Burton, Knox White.

4. AGENDA CHANGES AND DISCUSSION

**\*None\***

5. ORAL COMMUNICATIONS

**\*None\***

6. CONSENT CALENDAR

**\*None\***

7. REGULAR AGENDA ITEMS

**7-A 2017-4101**

PLN16-0185 - 1629 Webster Street - Applicant: Daniel Hoy for Sam and Michelle Koka. A Public Hearing to consider Design Review, Use Permit Amendment, and Zoning Text Amendment to construct an approximately 14,300-square-foot three-story, mixed-use building located on the southwesterly corner of Webster Street and Pacific Avenue. The new building contains approximately 5,000-square-feet of ground floor retail and a 16-bed senior boarding house on the second and third floors. The site is located within the C-C (Community Commercial) zoning district. The zoning text amendment adds boarding houses as an allowable use with use permit approval in the C-C, C-1 (Neighborhood Business), and C-2 (Central Business) Zoning Districts. The project is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15332 - Infill Development, and 15305 - Minor Alterations to Land Use Limitations

Staff Member Dong gave a presentation. The staff report and attachments can be found at: <https://alameda.legistar.com/LegislationDetail.aspx?ID=2985479&GUID=7626093F-D83F-4314-96C3-C21FD082C91B&FullText=1>

Board Member Mitchell asked if the auto shop use permit is required to provide a certain number of parking spaces.

Staff Member Dong said they are required to provide five spaces as part of the updated code.

Board Member Curtis asked if there was a certain length of time the initial shared parking lease must run for.

Staff Member Dong said the lease will run in seven year increments.

Board Member Sullivan asked how many spaces would be committed to businesses on the site.

Staff Member Thomas explained how the property required a total of 23 parking spaces, per the zoning code.

Board Member Zuppan asked for and received confirmation that most of the units would have shared bathrooms. She asked if the property would be deed restricted for seniors.

Staff Member Dong said there would be a requirement that all residents be at least 62 years old.

Board Member Zuppan asked for more information about the location, safety, and screening for the utilities.

Staff Member Dong explained the layout and description of the utilities.

President Köster asked if the meters could be placed on an interior wall of the building, rather than facing the sidewalk.

Staff Member Thomas said that they could require the meters to be away from the sidewalk if they wished.

Board Member Curtis asked if there would be a limitation on how many beds would be in the facility.

Staff Member Thomas said they could place a restriction on the number of beds as a condition of the use permit.

Board Member Sullivan said the term "boarding house" is an antiquated term and was looking for an updated description of the type of facility.

Staff Member Thomas explained the different terms in the code and state requirements for different types of facilities.

Sam Koka, applicant, said he worked closely with the West Alameda Business Association and hopes the project can win approval.

President Köster opened the public hearing.

Sandip Jariwala, president of WABA and owner of Hawthorne Suites, said the project would add needed business space and housing to the district. He said it would bring needed foot traffic in the evenings.

Paula Jones, resident, said the neighborhood is lacking in parking and this project could exacerbate that. She said she was concerned that there would be only one kitchen for the project. She asked if the facility would require licensing from the state.

Audrey Lord-Hausman said the location would allow the residents who may not be available to afford cars to have access to transit. She said it would provide much needed housing.

Rich Krinks said the building would be a great addition to Webster St.

Anni Chapman raised concerns about the contamination issues at the site and asked whether the boarding house use would be appropriate for the site.

Rony Nathan said the location is ideal for this type of project, with lots of services for residents.

Linda Asbury, Executive Director of WABA and resident, asked the board to support the project.

Pat Lamborn, resident, asked if the definition of assisted living facilities in the zoning code would be changing.

Angela Hockabout said we need this type and other types of housing for our senior residents.

Reyla Graber said she was concerned with the definition of boarding home in the resolution.

President Köster closed the public hearing.

Staff Member Thomas responded to the regulatory questions raised by some of the speakers.

Board Member Sullivan said many of the universal design requirements in the resolution do not apply to this property.

Board Member Curtis said he is concerned about the parking and the length of the shared parking lease. He said he was concerned that the ordinance change would allow a flophouse type of use that would not be desirable.

Board Member Zuppan said she was concerned about the shared bathrooms for seniors aging in place. She said she wanted to make sure the resolution guaranteed that the extra bathrooms remained available to residents at all times. She suggested we might need a restriction against hot plates because of fire concerns. She said they could require some units to have a lease that prohibited the resident from having a car. She said she would like to see the parking lease have options for extensions by the lessee. She said she wants the meters to not be on the street and that the transformer be screened from public view.

Board Member Mitchell raised concerns about closet doors in the middle of the hallway posing a hazard during an emergency if left open. He said he agreed with other board member comments and wanted to make sure the environmental issues were addressed before proceeding.

President Köster said we need a little more detail on the shuttle service. He said we wanted to limit it to 16 total beds. He said he agreed that each shared parking spot at the hotel should have signage.

Staff Member Thomas listed the proposed changes: requiring clearance from regional regulatory bodies regarding the environmental cleanup of the site; moving the electric meters to an interior wall of the property; individually signing the off site parking spaces; limiting the project to 16 beds plus the manager; screening the transformer; reviewing the hallway doors for fire safety; striking the universal design restrictions that do not apply; clarify that the shuttle operating hours and stating that it is on demand.

Board Member Curtis added there should be a seven year parking lease and a seven year extension in place.

Board Member Zuppan said that a requirement that some of the units not have a car is a good compromise for a project that says they will not need as much parking as the code requires.

President Köster took a straw vote on including a requirement that three units have leases that forbid the resident from having a car. The requirement did not receive majority support.

**Board Member Curtis made a motion to approve the project with the restrictions listed by Staff Member Thomas (above). Board Member Mitchell seconded the motion. The motion passed 5-0.**

Board Member Sullivan offered text edits for clarity of the zoning ordinance changes.

Staff Member Thomas summarized the proposed changes to the zoning text amendment: strike “assisted living facilities” from the first finding; add a sentence requiring an appropriate ratio of occupants per bathroom.

**Board Member Sullivan made a motion to approve the zoning adjustment recommendation with the changes listed by Staff Member Thomas (above). Board Member Mitchell seconded the motion. The motion passed 5-0.**

President Köster called for a five minute recess.

#### **7-B 2017-4102**

Public Hearing on the Encinal Terminals Draft Focused Supplemental Environmental Impact Report (SCH#2016042076)

Staff Member Thomas introduced the item. The staff report and attachments can be found at: <https://alameda.legistar.com/LegislationDetail.aspx?ID=2985480&GUID=96E72570-CED3-4AF0-8674-9FF469E30703&FullText=1>

Board Member Sullivan expressed concern about the lack of publicity of the EIR process.

Board Member Curtis said the safety and schools impacts of all these projects are not included in these reports.

Staff Member Thomas explained that our school district levies an impact fee on the project, so the EIR does not look at the impact on schools, per state law. He said they have not found a safety problem for EMS with the increased congestion.

Board Member Zuppan explained that tonight we are not making any decision about how many units will be approved at the site, rather making sure the EIR for the proposed project adequately reflects the impacts.

President Köster asked who is responsible for acquiring and building the Clement Street extension through the Pennzoil site.

Staff Member Thomas said they have had preliminary conversations with Pennzoil, but the segment is not yet attached to any project and they do not have a funding strategy yet. President Köster asked about the changes in traffic numbers caused by the change from retail to retail/commercial designation.



Staff Member Thomas explained that the site is not optimal for retail and they believe there might be more general commercial uses than retail.

President Köster said the level of service designation for Grand and Buena Vista did not seem realistic due to the delay caused by people turning left onto Grand.

Board Member Curtis asked why the multifamily units are said to produce so many fewer vehicle trips than the townhomes.

Staff Member Thomas explained the standards the Institute of Transportation Engineers use to project trips from different types of units.

Board Member Zuppan asked if those projections are regionally adjusted.

Staff Member Thomas said they are not. He said there are studies that show ITE rates over estimate the number of trips generated in urban areas with good transit.

President Köster opened the public hearing.

Philip James said the EIR comments from CalTrans saying they do not expect a significant impact were telling. He said the high rise would be far from the street and surrounded, visually, by the neighboring Brooklyn Basin project.

Charles Olsen said the project is very large and will have a major impact on the neighborhood.

Angela Hockabout said we are a city with a vulnerable population living in substandard housing. She said we need every bit of housing we can get. She said when we refuse to build housing, we create homelessness.

Jim Smallman said this proposal has more than double the number of units called for in the housing element. He said we do not have fire equipment that could reach a building of that size. He asked what percentage of the units would be affordable.

Karen Bey said she strongly believes that construction of the infrastructure for water transit should be a condition of approval for the project. She said there would be a lot of new people here and they could support more retail and we need to amenitize our new developments.

Paul Anzel said they have seen their rents rise dramatically and lost neighbors to increasing rents. He said this housing is essential.

Michael Goff said he is concerned about his ability to stay here due to the shortage of housing. He suggested studying the environmental impact of not building the project and pushing the residents out to far flung cities with long commutes.

President Köster closed the public hearing.

Board Member Sullivan said she is concerned about traffic and the fire equipment needed for a high rise building.

Board Member Curtis said we do not have the width of roads needed to accommodate the amount of traffic generated by the project.

Board Member Mitchell asked for more information on the impacts of the project on the school district's resources. He said Littlejohn Park would be impacted by the project and we might need to evaluate the parking situation there. He asked if there was a way to collect impact fees to fund future transportation needs to get off the island.

Staff Member Thomas explained the process for updating the Transportation Element, charging impact fees, and fair share contributions. He said the city is working hard on transportation issues and making progress.

Board Member Zuppan said she does not believe the details in these traffic studies. She said she is concerned that the sample times are not adequate to capture the real impacts. She asked why we do not use multiple methods to come up with the traffic impacts. She said it is about additional travel time, not just the increased vehicles, that create environmental impacts.

Staff Member Thomas said travel time would be a new metric to study. He said the analysis would say that traffic is slow now and adding more cars would make it slower. He said the question is what you do in response to that information.

Board Member Zuppan suggested we do more measurements to ensure the data are realistic. She called out the avian impacts and how those mitigations could affect the design of the project.

President Köster said the water is the key to unlocking the site. He said water taxi will be important for residents and visitors to the site. He said the impact of not doing a project would also have a large impact.

Board Member Zuppan said she wanted to make sure we adequately captured the noise measurements at the site.

Board Member Mitchell asked if we are measuring the impacts of drivers using Alameda as a shortcut for 880 congestion.

#### 8. MINUTES

**\*None\***

#### 9. STAFF COMMUNICATIONS

**9-A 2017-4097**

Zoning Administrator and Design Review Recent Actions and Decisions  
Staff Member Thomas said they approved some design reviews and a recreation building at Krusi Park. He said they did not approve 1624 San Antonio yet.

**9-B 2017-4098**

Future Public Meetings and Upcoming Community Development  
Department Projects  
Staff Member Thomas said the proposed changes for 2nd units and parking requirements for additions would be on the next agenda. He said Big O's use permit would be up for revocation at the April 24th meeting.

10. WRITTEN COMMUNICATIONS

**\*None\***

11. BOARD COMMUNICATIONS

**11-A 2017-4095**

Subcommittee for Alameda Marina  
President Köster said they met to discuss the commercial core of the project.

**11-B 2017-4096**

Subcommittee with Commission on Disability Issues regarding Universal  
Design Ordinance  
**\*None\***

12. ORAL COMMUNICATIONS

**\*None\***

13. ADJOURNMENT

President Köster adjourned the meeting at 10:36 pm.

**Letter P1      Planning Commission Hearing Minutes**  
**Response      March 27, 2017**

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**P1-1**    The Draft SFEIR found that with implementation of the prescribed Transportation Demand Management (TDM) plan, the project's average per capita vehicle miles traveled (VMT) would be more than 15 percent below the regional per capita VMT. Fifteen percent is the value that has been established by the Governor's Office of Planning and Research at which a project would have a less-than-significant effect. VMT represents a newly-established metric by which transportation impacts are to be evaluated, particularly in urban areas.

**P1-2**    The comment has been noted and will be presented to the Planning Board and City Council during their consideration of the project. The comment asserts the opinion of the commenter, and does not present specific facts or objections concerning the adequacy or inadequacy of the analysis contained in the Draft SFEIR. Therefore, the comment does not raise any new environmental issues not already thoroughly analyzed in the Draft SFEIR, and no further response is required (*Twain Harte Homeowners Ass'n v. County of Butte* (1977) 138 Cal.App.3d 664, 679).

**P1-3**    Please see the response to comment P1-2, above.

**P1-4**    The Draft SFEIR analyzed and disclosed the likely effects of the proposed project. The increase in the number of residential units was a part of that evaluation, and the resultant effects of that increase were disclosed in the Draft SFEIR. Therefore, the City assumes that the commenters concerns about the number of proposed housing units asserts the opinion of the commenter about how the project site should be developed, and does not present specific facts or objections concerning the adequacy or inadequacy of the analysis contained in the Draft SFEIR. Therefore, the comment does not raise any new environmental issues not already thoroughly analyzed in the Draft SFEIR, and no further response is required.

With respect to the adequacy of the City's fire-fighting equipment and its ability to reach the height of the proposed buildings, it must be noted that buildings above specified heights are required to be designed and constructed in such a manner as to provide sufficient ability of emergency services personnel to respond to emergencies. These long-established requirements are in effect for all occupied structures over specified heights, and would also apply to the proposed project. The proposed project would be required to abide by all requirements as specified in applicable building and fire codes.

**P1-5**    Please see the response to comment P1-2, above.

**P1-6**    Please see the response to comment P1-2, above.

**P1-14** Chapter 5 of the Draft SFEIR considered the effects of not developing the project, and also the effects of constructing in-lieu-of housing in outer Bay Area communities. See Chapter 5, Section F of the Draft SFEIR.

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# CHAPTER 3

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## Revisions to the Draft SFEIR

### 3.1 Introduction

This chapter describes the text changes made to the Draft Supplemental Focused EIR (SFEIR) either in response to a comment letter or initiated by City staff or in response to a modification to the proposed project.

### 3.2 Text Changes to the Draft SFEIR

This section summarizes text changes made to the Draft SFEIR either in response to a comment letter or initiated by City staff or in response to a modification to the proposed project. New text is indicated in underline and text to be deleted is reflected by a ~~strike through~~. Text changes are presented in the page order in which they appear in the Draft SFEIR.

The text revisions provide clarification, amplification, and corrections that have been identified since publication of the Draft SFEIR. The text changes do not result in a change in the analysis or conclusions of the Draft SFEIR.

### Chapter 1, Introduction

Page 1-1, paragraph 3, is revised to read:

Subsequent approvals from the City that would be necessary for the proposed mixed use project include: a tidelands exchange with the State of California, subdivision map(s); conditional use permits, as deemed necessary for subsequent individual development projects; a development agreement, as well as Development Plan and Design Review of individual buildings, among other approvals. For more discussion on the project approvals, please see Chapter 3, *Project Description*.

### Chapter 2, Summary

Page 2-12, Mitigation Measure 4.B-2c is revised to read:

**Mitigation Measure 4.B-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 federal and state agencies as may be appropriate. 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.

## Chapter 3, Project Description

Page 3-4, Figure 3-2; the title of the figure is revised to read:

~~Public Trust Lands~~ Project Parcels

A revised figure showing this change is included at the end of this chapter.

Page 3-5, Figure 3-3; the project boundary along its southern portion was modified to show the land along the future Clement Street extension as part of the project site boundaries, consistent with the depiction of the project site as depicted in Figure 5 of the Initial Study. A revised figure showing this change is included at the end of this chapter.

Page 3-9, Figure 3-5, the source depicted at the bottom of the figure is revised to read:

~~Carlson, Barbee & Gibson, Inc.~~ Page/BMS

A revised figure showing this change is included at the end of this chapter.

Page 3-12, Figure 3-6, the source depicted at the bottom of the figure is revised to read:

~~GLS Landscape/Architecture~~ Page/BMS

A revised figure showing this change is included at the end of this chapter.



Page 3-14, Figure 3-7, the source depicted at the bottom of the figure is revised to read:

~~Carlson, Barbee & Gibson, Inc.~~ Page/BMS

A revised figure showing this change is included at the end of this chapter.

Page 3-15, Figure 3-8, the source depicted at the bottom of the figure is revised to read:

~~Carlson, Barbee & Gibson, Inc.~~ Page/BMS

A revised figure showing this change is included at the end of this chapter.

Page 3-17, paragraph 3, is revised to read:

EBMUD also provides potable water service to the City of Alameda and the project site. EBMUD owns and maintains the existing pipelines within Buena Vista Avenue, Sherman Street and Clement Avenue. There is a 12-inch pipeline in Buena Vista Avenue, an 8-inch pipeline in Sherman Street, an 8-inch pipeline in Entrance Road, and an 8-inch pipeline in Clement Avenue to the east. Existing private water pipelines extend from the EBMUD distribution system to the existing structures within the project site. The project site is currently served by existing pipelines ranging in size from 6 inches to 15 inches that run along the northern side of the Del Monte Warehouse.

Page 3-19, Table 3-1, is revised as follows:

**TABLE 3-1  
MAJOR PROJECT APPROVALS REQUIRED**

| <b>Lead Agency</b>   |   |
|--|---|
| City of Alameda  | <ul style="list-style-type: none"> <li>General Plan Amendment to allow buildings over 60 feet in height</li> <li>Approval of the Master Plan and Subdivision Approvals (e.g., large lot tentative tract map)</li> <li>Development Plan and Design Review approvals for individual buildings</li> <li>Affordable Housing Plan approval</li> <li>Approval of a Density Bonus Application pursuant to State of California Section 65915 and AMC Section 30-17 Affordable Housing Density Bonus and a Waiver for Height pursuant to AMC Section 30-17</li> <li><u>Development Agreement</u></li> <li>Ministerial Permits (including demolition, construction, building or grading permits)</li> </ul> |
| <b>Responsible Agencies</b>                                      |   |
| State Lands Commission   | <ul style="list-style-type: none"> <li>Agreement on the proposed land exchange involving the parcel leased from CSLC and the proposed publicly accessible promenade on the Alaska Basin and northern sides of the project site</li> </ul>   |
| San Francisco Bay Conservation and Development Commission (BCDC) | <ul style="list-style-type: none"> <li><u>Approval of any development located within 100 feet of the shoreline. Permit jurisdiction over shoreline areas subject to tidal action up to the mean high tide line including all sloughs, tidelands, submerged lands, and marshlands lying between the mean high tide and 5 feet above mean sea level, and approval of development in the land lying</u></li> </ul>   |

|   |  |
|---|--|
|   | <u>between the Bay shoreline and a line drawn parallel to and 100 feet landward from the Bay shoreline.</u>  |
| Alameda Municipal Power   | <ul style="list-style-type: none"> <li>Approval of electricity hookup and review of electricity needs</li> </ul>   |
| East Bay Municipal Utility District (EBMUD)                                       | <ul style="list-style-type: none"> <li>Approval of water line, water hookups and review of water needs</li> <li>Approval for sewer treatment capacity</li> </ul>   |
| California Regional Water Quality Control Board, San Francisco Bay Region (RWQCB) | <ul style="list-style-type: none"> <li>National Pollutant Discharge Elimination System (NPDES) NPDES General Construction Permit and Storm Water Pollution Prevention Plan</li> <li>RWQCB Permits</li> <li>Potential Clean Water Act Section 401 Certification/Waste Discharge Requirements (WDR's)</li> </ul> |
| California Department of Toxic Substances Control (DTSC)                          | <ul style="list-style-type: none"> <li>Approval and oversight of hazardous materials remediation if needed</li> </ul>  |
| Bay Area Air Quality Management District (BAAQMD)                                 | <ul style="list-style-type: none"> <li><u>Permits</u> Applicable permits, if needed</li> </ul>   |
| <b>Federal and State Agencies</b>   |  |
| US Army Corps of Engineers  | <ul style="list-style-type: none"> <li>Clean Water Act Section 404 Authorization, if needed</li> </ul>   |
| US Fish and Wildlife Service  | <ul style="list-style-type: none"> <li>Applicable permits, if needed</li> </ul>  |
| California Department of Fish and Wildlife  | <ul style="list-style-type: none"> <li>Applicable permits, if needed</li> </ul>  |
| National Marine Fisheries Service   | <ul style="list-style-type: none"> <li>Applicable permits, if needed</li> </ul>  |

## Section 4.A, Air Quality and Climate Change

Page 4.A-29, Table 4.A-4 is revised as follows to be consistent with the Encinal Terminals Air Quality Impact Analysis (LSA 2017) as presented in Appendix D of the Draft SFEIR:

**TABLE 4.A-4**  
**AVERAGE ANNUAL DAILY CONSTRUCTION-RELATED POLLUTANT EMISSIONS (pounds/day)<sup>a</sup>**

| Scenario                | ROG                            | CO                             | NOx                            | Exhaust PM2.5 <sup>b</sup>   | Fugitive Dust PM2.5 <sup>b</sup> | Total PM2.5 <sup>b</sup>     | Exhaust PM10 <sup>b</sup>    | Fugitive Dust PM10 <sup>b</sup> | Total PM10 <sup>b</sup>      |
|-------------------------|--------------------------------|--------------------------------|--------------------------------|------------------------------|----------------------------------|------------------------------|------------------------------|---------------------------------|------------------------------|
| Average Daily Emissions | <del>29.7</del><br><u>15.2</u> | <del>49.5</del><br><u>34.4</u> | <del>38.3</del><br><u>38.2</u> | <del>4.8</del><br><u>1.6</u> | <del>4.8</del><br><u>1.9</u>     | <del>3.6</del><br><u>3.5</u> | <del>4.9</del><br><u>1.7</u> | 5.5                             | <del>7.4</del><br><u>7.2</u> |
| BAAQMD Threshold        | 54.0                           | NA                             | 54.0                           | 54.0                         | BMP                              | NA                           | 82.0                         | BMP                             | NA                           |
| Significant Impact?     | No                             | NA                             | No                             | No                           | NA                               | NA                           | No                           | NA                              | NA                           |

NA: Not Applicable, the BAAQMD does not have thresholds.

BMP: Best Management Practices.

<sup>a</sup> Emissions include results modeled with CalEEMod. Additional data and assumptions are described in Appendix D.

<sup>b</sup> BAAQMD's construction-related significance thresholds for PM10 and PM2.5 apply to exhaust emissions only and not to fugitive dust.

SOURCE: LSA Associates, Inc., ~~2016~~2017.

Page 4.A-33 Table 4.A-5 is revised as follows to be consistent with the Encinal Terminals Air Quality Impact Analysis (LSA 2017) as presented in Appendix D of the Draft SFEIR:

**TABLE 4.A-5  
AVERAGE UNMITIGATED OPERATIONAL-RELATED POLLUTANT EMISSIONS<sup>a</sup>**

| Scenario                       | ROG                           | NOx                         | PM10                         | PM2.5                        |
|--------------------------------|-------------------------------|-----------------------------|------------------------------|------------------------------|
| <b>Emissions in pounds/day</b> |                               |                             |                              |                              |
| Area Source Emissions          | <del>281.4</del> <u>259.8</u> | <del>41.6</del> <u>5.9</u>  | <del>118.4</del> <u>45.7</u> | <del>118.3</del> <u>45.7</u> |
| Energy Source Emissions        | <del>0.4</del> <u>0.5</u>     | <del>3.5</del> <u>4.3</u>   | 0.3                          | 0.3                          |
| Mobile Source Emissions        | <del>44.5</del> <u>5.7</u>    | <del>30.4</del> <u>28.0</u> | <del>21.3</del> <u>19.3</u>  | <del>5.9</del> <u>5.3</u>    |
| Total Emissions                | <del>296.2</del> <u>265.9</u> | <del>45.3</del> <u>38.2</u> | <del>139.9</del> <u>65.3</u> | <del>124.6</del> <u>51.3</u> |
| BAAQMD Operational Threshold   | 54.0                          | 54.0                        | 82.0                         | 54.0                         |
| Significant Impact?            | Yes                           | No                          | Yes                          | Yes                          |
| <b>Emissions in tons/year</b>  |                               |                             |                              |                              |
| Area Source Emissions          | <del>3.8</del> <u>4.4</u>     | 0.1                         | <del>0.2</del> <u>0.3</u>    | <del>0.2</del> <u>0.3</u>    |
| Energy Source Emissions        | 0.1                           | <del>0.6</del> <u>0.8</u>   | 0.1                          | 0.1                          |
| Mobile Source Emissions        | <del>2.4</del> <u>1.0</u>     | <del>5.3</del> <u>5.0</u>   | <del>3.7</del> <u>3.4</u>    | <del>1.0</del> <u>0.9</u>    |
| Total Emissions                | <del>6.3</del> <u>5.6</u>     | <del>6.0</del> <u>5.9</u>   | <del>4.0</del> <u>3.7</u>    | <del>1.3</del> <u>1.3</u>    |
| BAAQMD Operational Threshold   | 10.0                          | 10.0                        | 15.0                         | 10.0                         |
| Significant Impact?            | No                            | No                          | No                           | No                           |

<sup>a</sup> Emissions include results modeled with CalEEMod for project operations. Additional data and assumptions are in Appendix D.

SOURCE: LSA Associates, Inc., 2016/2017.

Page 4.A-34 Table 4.A-6 is revised as follows to be consistent with the Encinal Terminals Air Quality Impact Analysis (LSA 2017) as presented in Appendix D of the Draft SFEIR:

**TABLE 4.A-6  
AVERAGE MITIGATED OPERATIONAL-RELATED POLLUTANT EMISSIONS<sup>a</sup>**

| Scenario                       | ROG                         | NOx                         | PM10                        | PM2.5                     |
|--------------------------------|-----------------------------|-----------------------------|-----------------------------|---------------------------|
| <b>Emissions in pounds/day</b> |                             |                             |                             |                           |
| Area Source Emissions          | <del>48.6</del> <u>17.6</u> | 0.6                         | 0.3                         | 0.3                       |
| Energy Source Emissions        | <del>0.4</del> <u>0.5</u>   | <del>3.5</del> <u>4.3</u>   | 0.3                         | 0.3                       |
| Mobile Source Emissions        | <del>44.4</del> <u>5.7</u>  | <del>30.4</del> <u>28.0</u> | <del>21.2</del> <u>19.3</u> | <del>5.9</del> <u>5.3</u> |
| Total Emissions                | <del>3.5</del> <u>23.7</u>  | <del>34.3</del> <u>32.8</u> | <del>21.8</del> <u>19.9</u> | <del>6.5</del> <u>5.9</u> |
| BAAQMD Operational Threshold   | 54.0                        | 54.0                        | 82.0                        | 54.0                      |
| Significant Impact?            | No                          | No                          | No                          | No                        |
| <b>Emissions in tons/year</b>  |                             |                             |                             |                           |
| Area Source Emissions          | <del>3.3</del> <u>3.1</u>   | 0.1                         | 0.0                         | 0.0                       |
| Energy Source Emissions        | 0.1                         | <del>0.6</del> <u>0.8</u>   | 0.1                         | 0.1                       |
| Mobile Source Emissions        | <del>2.4</del> <u>1.0</u>   | <del>5.3</del> <u>5.0</u>   | <del>3.7</del> <u>3.4</u>   | <del>1.0</del> <u>0.9</u> |
| Total Emissions                | <del>5.8</del> <u>4.2</u>   | <del>6.0</del> <u>5.8</u>   | <del>3.8</del> <u>3.5</u>   | <del>1.1</del> <u>1.0</u> |
| BAAQMD Operational Threshold   | 10.0                        | 10.0                        | 15.0                        | 10.0                      |
| Significant Impact?            | No                          | No                          | No                          | No                        |

<sup>a</sup> Emissions include results modeled with CalEEMod for project operations. Additional data and assumptions are in Appendix D.

SOURCE: LSA Associates, Inc., 2016/2017.

Page 4.A-34, first full paragraph beneath Table 4.A-6, is revised to read:

BAAQMD defines sensitive receptors as children, adults, and seniors occupying or residing in residential dwellings, schools, colleges and universities, daycares, hospitals, and senior-care facilities. There are existing residential receptors approximately ~~400~~ 500 feet from the proposed project site boundary, and planned residential receptors (Del Monte and Marina Shores II) about 50 feet from the proposed project site boundary. There are also sensitive residential receptors (residents of up to 589 dwelling units) proposed to be developed under the proposed project. Pollutant exposure associated with proposed project construction and operations, as well as land use compatibility of locating new residences at the project site are discussed below.

Page 4.A-38, Table 4.A-7, row labeled “MSM A-3: Green Fleets,” is revised to read:

|                       |  |
|-----------------------|--|
| MSM A-3: Green Fleets | Not Applicable: Development of the project site would generally be retail, commercial or residential in nature and unlikely to accommodate a land use requiring a fleet of vehicles. <del>[NOTE TO REVIEWER: Please confirm]</del> |
|-----------------------|--|

Page 4.A-40, Mitigation Measure 4.A-4 is revised to read:

**Mitigation Measure 4.A-4:** The City shall require that the following measures be implemented, either by the ~~City or the~~ project applicant or subsequent development sponsors, or both in combination, to encourage the use of low- and zero-emission vehicles in travel to and from the project site:

- Promote use of clean fuel-efficient vehicles through preferential parking and/or installation of charging stations.
- Promote zero-emission vehicles by providing a neighborhood electric vehicle program to reduce the need to have a car or second car vehicles as one potential element of a TDM program that would be required of all new developments.

Page 4.A-42, second paragraph under “Construction Activities,” is revised as follows to be consistent with the Encinal Terminals Air Quality Impact Analysis (LSA 2017) as presented in Appendix D of the Draft SFEIR:

The BAAQMD does not have an adopted Threshold of Significance for construction-related GHG emissions. However, lead agencies are encouraged to quantify and disclose GHG emissions that would occur during construction. Using CalEEMod data outputs, the total project construction emissions are estimated to be ~~979~~ 1,005 metric tons of CO<sub>2</sub>e per year. Implementation of the construction emission control measures in **Mitigation Measure 4.A-1** would further reduce GHG emissions during the construction.

Page 4.A-43, second paragraph, is revised as follows to be consistent with the Encinal Terminals Air Quality Impact Analysis (LSA 2017) as presented in Appendix D of the Draft SFEIR:

**Transportation.** Transportation associated with the project would result in GHG emissions from the combustion of fossil fuels in daily automobile and truck trips. Transportation is the largest source of GHG emissions in California and represents approximately 38 percent of annual CO<sub>2</sub> emissions generated in the State. For land use development projects, vehicle miles traveled (VMT) and vehicle trips are the most direct indicators of GHG emissions associated with the project. The proposed project is forecast to generate ~~4,854~~ 4,143 trips per day.

Page 4.A-43, last paragraph, and the following Table 4.A-8 at the top of page 4.A-44 and subsequent paragraphs, are revised as follows to be consistent with the Encinal Terminals Air Quality Impact Analysis (LSA 2017) as presented in Appendix D of the Draft SFEIR:

When calculating project GHG emissions to compare to the thresholds of significance, BAAQMD recommends that the lead agency consider project design features, attributes, and local development requirements as part of the project as proposed and not as mitigation measures. Consistent with BAAQMD guidance, GHG emissions were estimated using CalEEMod. **Table 4.A-8** shows the calculated GHG emissions for the proposed project. Mobile source emissions are the largest source of GHG emissions at approximately ~~74~~ 66 percent of the total. Energy use is next largest category at approximately ~~24~~ 29 percent of CO<sub>2</sub>e emissions. Area source emissions are less than one percent of the total emissions, and waste and water source emissions are approximately three percent and two percent, respectively. Additional calculation details are provided in Appendix D.

**TABLE 4.A-8**  
**PROJECT OPERATIONAL GREENHOUSE GAS EMISSIONS (metric tons/year)**

| Emissions Source        | CO <sub>2</sub>                      | CH <sub>4</sub>              | N <sub>2</sub> O | CO <sub>2</sub> e                    | Percent of Total           |
|-------------------------|--------------------------------------|------------------------------|------------------|--------------------------------------|----------------------------|
| Area Source Emissions   | 7.1                                  | 0.0                          | 0.0              | 7.3                                  | <1                         |
| Energy Source Emissions | <del>4,266.7</del><br><u>1,530.1</u> | <del>0.0</del><br><u>0.1</u> | 0.0              | <del>4,274.3</del><br><u>1,539.2</u> | <del>24</del><br><u>29</u> |
| Mobile Source Emissions | <del>3,814.0</del><br><u>3,584.8</u> | 0.1                          | 0.0              | <del>3,817.1</del><br><u>3,588.2</u> | <del>74</del><br><u>66</u> |
| Waste Source Emissions  | 65.7                                 | 3.9                          | 0.0              | <del>447.2</del><br><u>162.7</u>     | 3                          |
| Water Source Emissions  | 76.2                                 | 1.4                          | 0.0              | <del>415.4</del><br><u>120.5</u>     | 2                          |
| Total Annual Emissions  | <del>5,207.7</del><br><u>5,264.0</u> | 5.5                          | 0.1              | <del>5,361.2</del><br><u>5,418.0</u> | 100                        |

SOURCE: LSA Associates, Inc., 2016.

Based on the results of the analysis~~results~~, the proposed project would generate ~~5,361.2~~ 5,418 metric tons of CO<sub>2</sub>e which would be above the BAAQMD's numeric threshold of 1,100 metric tons CO<sub>2</sub>e.

The project would develop 589 residential units which would provide residence for ~~1,449~~ 1,549 people. Additionally, the commercial and marina portion of the project would generate approximately 50 employees for a total service population (residents plus employees) of ~~1,499~~ 1,599. Therefore, the project's GHG emissions would result in a GHG efficiency of ~~3.5~~ 3.4 metric tons CO<sub>2</sub>e per service population which is below the BAAQMD's threshold of 4.6 metric tons. 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 result 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.

**Mitigation:** None required.

Page 4.A-46, twelfth paragraph, is revised to read:

LSA Associates, ~~2016~~ 2017. *Air Quality Impact Analysis, Encinal Terminals, City of Alameda, California*.

## Section 4.B, Biological Resources

Page 4.B-20, first complete sentence, is revised to read:

BCDC jurisdiction includes the waters of San Francisco Bay as well as a shoreline band that extends inland 100 feet from the mean high tide line.

Page 4.B-33, Mitigation Measure 4.B-2c, is revised to read:

**Mitigation Measure 4.B-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 federal and state agencies as may be appropriate. 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.

Page 4.B-41, first paragraph under Impact 4.B-5, is revised to read:

The BCDC's San Francisco Bay Plan contains findings and policies related to fish and wildlife, water quality, fill, recreation, public access, and the appearance and design of shorelines, as well as procedures for BCDC control of filling, dredging, and shoreline development. The proposed project would incorporate a public promenade and plaza and facilitate in-water development of a marina and a future water shuttle facility, which would both provide public access to water-related uses consistent with the Bay Plan. The potential impacts discussed above would be mitigated to less than significant levels through implementation of the mitigation measures proposed in this ~~Initial Study / SMND~~ Draft SFEIR. In addition, BCDC permitting for project elements within Bay waters or within the 100-foot shoreline band would require measures to ensure that development facilitated by the project would be protective of the Bay's biological resources. Thus, the proposed project would generally be consistent with the Bay Plan.

Page 4.B-44, first full paragraph, is revised to read:

Although the project would develop the area with commercial, residential, recreational, and maritime uses that could disturb sensitive species or habitat, the project would implement mitigation measures that would ensure these impacts are less than significant. While there is no sensitive habitat located on land within the project site, the project could disturb aquatic habitat in the Alaska Basin. Other projects are located along Alameda's waterfront, and some will involve in-water work, such as Alameda Marina and ~~Shipways~~ Shipways, 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 or roosting bats and birds. Other foreseeable projects that involve in-water work and could result in cumulative impacts on biological resources, in combination with the proposed project, are the proposed San Francisco Bay Area Water

Emergency Transportation Authority Central Bay Operations and Maintenance Facility, redevelopment of Treasure Island and Hunter's Point, redevelopment associated with the Alameda Marina Master Plan, Shipways at Marina Village, and Port of Oakland maintenance dredging. These projects would include many of the same activities as would occur under the proposed project (e.g., dredging, pile driving, wharf improvements, increased boat traffic) and can be assumed to have similar effects on marine biological resources, resulting in a potentially significant cumulative impact.

## Section 4.D, Noise and Vibration

Page 4.D-6, Figure 4.D-2; the project boundary along its southern portion was modified to show the land along the future Clement Street extension as part of the project site boundaries, consistent with the depiction of the project site as depicted in Figure 5 of the Initial Study. A revised figure showing this change is included at the end of this chapter.

Page 4.D-7, first paragraph, is revised to read:

Some land uses are considered more sensitive to ambient noise levels than others, due to the amount of noise exposure (in terms of both exposure duration and insulation from noise) and the types of activities typically involved. Residences, motels and hotels, schools, libraries, churches, hospitals, nursing homes, auditoriums, and parks and other outdoor recreation areas generally are more sensitive to noise than are commercial (other than lodging facilities) and industrial land uses. Sensitive receptors in the vicinity of the project include residences along Clement Avenue, with the nearest about 100 feet south of the project. Other residences are located along Buena Vista Avenue about ~~400~~ 500 feet south of the project site, and other residences can be found along Ohlone Street (nearest approximately 770 feet east of the project), and along Sherman Street (nearest approximately 950 feet west of the project). It is also likely that there are live-aboard boats docked in the Fortman Marina east of the site, with the closest berths approximately 120 feet from the project site. Other existing receptors include Littlejohn Park (about 465 feet southwest of the project). Finally, several planned residential uses are within close proximity to the project, including the Del Monte project, which is directly across Clement Avenue from the project site.

## Section 4.G, Transportation and Circulation

Page 4.G-8, last paragraph, is revised to read:

AC Transit provides fixed route bus service that travels to 13 cities and unincorporated areas in Alameda and Contra Costa counties from Richmond/Pinole in the north, to Fremont in the south, to Castro Valley in the east, and west into and from San Francisco. Four AC Transit bus routes run within general walking distance of the proposed project. In December 2016, AC Transit re-instituted the Route 19 on Buena Vista Avenue one block from the project entrance, which provides direct service to Fruitvale BART and Downtown Oakland BART every 20 minutes during commute hours and every



30 minutes at other times. Line 51A has headways (frequency of service) of about 10 minutes and travels between ~~the Berkeley Amtrak station and the Berkeley BART station and the Alameda Bridgeside Center~~ Rockbridge BART and Fruitvale BART. The line runs along Santa Clara Avenue and Broadway. The nearest bus stops to the project site are at the intersection of Santa Clara Avenue and Stanton Street (about 0.25 mile from project site). Line 851 is the all-nighter bus running a similar route to Route 51A and operates with one-hour headways. Line O is a transbay route operating on 30-minute headways that travels between downtown Alameda and downtown San Francisco, running along Santa Clara Avenue in the project site vicinity.

Page 4.G-11, second full paragraph, is revised to read:

The Alameda County Transportation Commission (ACTC), through its Congestion Management Program (CMP), oversees how roads of regional significance function, and requires local jurisdictions to evaluate the impact of proposed land use changes (i.e., General Plan amendments, and developments with trip-generating potential of more than 100 new peak-hour vehicle trips) on the regional transportation systems. The ACTC CMP also oversees transit, bicycle, and pedestrian infrastructure of regional significance on an ongoing basis. In addition, the CTC's Land Use Analysis Program, as part of the CMP, evaluates land use developments for impacts on regionally significant multimodal transportation systems.

Page 4.G-19, Table 4.G-6, is revised to read:

**TABLE 4.G-6  
PROJECT VEHICLE TRIP GENERATION**

| Land Use   | ITE Code                     | Size              | Daily Trips                      | AM Peak Hour                 |                              |                              | PM Peak Hour                 |                              |                              |
|--|------------------------------|-------------------|----------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|
|  |                              |                   |                                  | In                           | Out                          | Total                        | In                           | Out                          | Total                        |
| Assumed Encinal Project (in Northern Waterfront GPA EIR) |                              |                   |                                  |                              |                              |                              |                              |                              |                              |
| Single Family  | 210                          | 165 Units         | <del>1,580</del><br><u>1,579</u> | 31                           | 93                           | 124                          | 104                          | 61                           | 165                          |
| Retail   | <del>826</del><br><u>820</u> | 50,000 sq. ft.    | <del>2,246</del><br><u>2,135</u> | <del>60</del><br><u>30</u>   | <del>76</del><br><u>18</u>   | <del>136</del><br><u>48</u>  | <del>144</del><br><u>89</u>  | <del>140</del><br><u>96</u>  | <del>254</del><br><u>186</u> |
| <u>Reduction for Pass-By/Non-Auto Trip</u>               |                              | <u>34 percent</u> | <u>-726</u>                      | <u>-10</u>                   | <u>-6</u>                    | <u>-16</u>                   | <u>-30</u>                   | <u>-33</u>                   | <u>-63</u>                   |
| Adjusted Retail  |                              |                   | <u>1,409</u>                     | <u>20</u>                    | <u>12</u>                    | <u>32</u>                    | <u>59</u>                    | <u>63</u>                    | <u>123</u>                   |
| Office   | <del>740</del><br><u>230</u> | 150,000 sq. ft.   | 1,652                            | 205                          | 28                           | 233                          | 38                           | 186                          | 224                          |
| <u>Subtotals</u>   |                              |                   | <u>4,640</u>                     | <u>256</u>                   | <u>133</u>                   | <u>389</u>                   | <u>201</u>                   | <u>310</u>                   | <u>512</u>                   |
| <u>Reduction for Captured Trips<sup>a</sup></u>          |                              | <u>10 percent</u> | <u>-464</u>                      | <u>-26</u>                   | <u>-13</u>                   | <u>-38</u>                   | <u>-20</u>                   | <u>-31</u>                   | <u>-51</u>                   |
| Total Trip Generation                                    |                              |                   | <del>5,448</del><br><u>4,176</u> | <del>296</del><br><u>230</u> | <del>197</del><br><u>120</u> | <del>493</del><br><u>351</u> | <del>283</del><br><u>181</u> | <del>357</del><br><u>279</u> | <del>640</del><br><u>460</u> |

| <b>Proposed Encinal Terminals Project</b>       |                              |  |                                  |                                |                              |                                |                              |                                |                               |
|---|------------------------------|--|----------------------------------|--------------------------------|------------------------------|--------------------------------|------------------------------|--------------------------------|-------------------------------|
| Multi-Family                                    | 223                          | <del>500 units</del><br><u>436 units</u> | <del>2,100</del><br><u>1,831</u> | <del>47</del><br><u>41</u>     | <del>103</del><br><u>90</u>  | <del>150</del><br><u>131</u>   | <del>113</del><br><u>99</u>  | <del>82</del><br><u>71</u>     | <del>195</del><br><u>170</u>  |
| Townhomes                                       | <del>240</del><br><u>230</u> | <del>89</del><br><u>153</u>              | <del>848</del><br><u>889</u>     | <del>47</del><br><u>11</u>     | <del>50</del><br><u>56</u>   | 67                             | <del>56</del><br><u>53</u>   | <del>33</del><br><u>26</u>     | <del>89</del><br><u>80</u>    |
| Retail/Commercial                               | 820                          | 50,000 sq. ft.                           | <del>2,136</del><br><u>2,135</u> | 30                             | 18                           | 48                             | <del>90</del><br><u>89</u>   | 96                             | 186                           |
| <i>Reduction for Pass-By/Non-Auto Trip</i>      |                              | <i>34 percent</i>                        | -726                             | -10                            | -6                           | -16                            | -30                          | -33                            | -63                           |
| Adjusted Retail                                 |                              |  | 1,410                            | 20                             | 12                           | 32                             | 60                           | 63                             | 123                           |
| Marina  | 420                          | 160 berths                               | 474                              | 4                              | 9                            | 13                             | 18                           | 12                             | 30                            |
| <i>Subtotals</i>                                |                              |  | <u>4,603</u>                     | <u>76</u>                      | <u>167</u>                   | <u>243</u>                     | <u>229</u>                   | <u>172</u>                     | <u>403</u>                    |
| <i>Reduction for Captured Trips<sup>a</sup></i> |                              | <i>10 percent</i>                        | <del>-484</del><br><u>-460</u>   | <del>-9</del><br><u>-8</u>     | <del>-17</del>               | <del>-26</del><br><u>-23</u>   | <del>-25</del><br><u>-23</u> | <del>-49</del><br><u>-17</u>   | <del>-44</del><br><u>-40</u>  |
| <b>Total Trip Generation</b>                    |                              |  | <del>4,348</del><br><u>4,143</u> | <del>79</del><br><u>68</u>     | <del>157</del><br><u>150</u> | <del>236</del><br><u>220</u>   | <del>222</del><br><u>206</u> | <del>171</del><br><u>155</u>   | <del>393</del><br><u>363</u>  |
| <b>Net Change to Trip Generation</b>            |                              |  | <del>-1,400</del><br><u>-33</u>  | <del>-247</del><br><u>-162</u> | <del>-40</del><br><u>30</u>  | <del>-257</del><br><u>-131</u> | <del>-64</del><br><u>25</u>  | <del>-186</del><br><u>-124</u> | <del>-247</del><br><u>-98</u> |

<sup>a</sup> Trip Generation Handbook, Second Edition, Institute of Transportation Engineers, Washington D.C., June, 2004. See Table B.2

SOURCE: Abrams Associates, 2017

Page 4.G-22, second paragraph under Impact 4.G-2 is revised to read:

As shown in Table 4.G-6, the Encinal Terminals project as proposed in 2016 would generate slightly fewer ~~less~~ overall automobile trips than the Encinal Terminals project considered in the 2008 GPA EIR. However, the number of trips during both the AM (outbound) and the PM (inbound) peak periods would increase by 30 trips and 25 trips, respectively, which would cause ~~the AM morning and PM~~ commute impacts to be more severe than those associated with the 2008 proposal. Therefore, the proposed project will ~~will~~ would result in significant impacts to automobile intersection levels of service.

Page 4.G-23, beginning with first full paragraph, is revised to read:

As shown in **Tables 4.G-8a and 4.G-8b** Existing 2016 Conditions (AM and PM Peak Hour, respectively), **Tables 4.G-9a and 4.G-9b** 2020 Conditions (AM and PM Peak Hour, respectively), and **Tables 4.G-10a and 4.G-10b** 2035 Conditions (AM and PM Peak Hour, respectively), most Alameda intersections currently operate with acceptable levels of service during the peak commute hours and will ~~will~~ would continue to do so in 2020 and 2035 with ~~and or~~ and/or without the Encinal Terminals project. The detailed LOS calculation sheets for each study intersection are presented in Appendix F. There are, however, intersections where traffic LOS conditions would be unacceptable ~~without and with~~ with or without the project; those intersections are shown in the LOS summary tables that follow, and are described in text after those tables.

With development of the Encinal Terminals project and other local and regional developments, those intersections that provide access to the limited number of Estuary Crossings ~~located adjacent to~~ associated with the Webster and Posey Tubes and the Park Street Bridge, both of which provide access to the I-880 freeway and the regional roadway system, would continue to experience unacceptable levels of service conditions. The Encinal Terminals project traffic would contribute to these worsening conditions. The Encinal Terminals project would continue to contribute to significant intersection impacts at the locations identified in the 2008 GPA EIR. Although the trip generation tables indicate that the project's overall average daily trips would slightly decrease, the project's trip contributions during the AM and PM peak periods would add to an impact that has already been identified as severe. ~~contribution to those impacts in the PM period would decrease, the contribution to outbound trips from the project residence to jobs off the island in the AM period would increase; thereby making the impact more severe.~~

The Encinal Terminals project would also have a significant impact at the intersection of Buena Vista Avenue and Entrance Road (#7). Because the 2020 Baseline does not assume that the Clement Avenue extension ~~is~~ would be continued through the Shell Oil property, most southbound automobiles from the project site, and automobiles arriving from the Park Street Bridge, ~~are passing~~ would pass through the intersection of Buena Vista Avenue and Entrance Road, causing a significant impact.

The Encinal Terminals project would also have a significant impact at the intersection of Atlantic Avenue and Challenger Drive (#10), which would operate at unacceptable LOS during both peak traffic hours under Cumulative 2035 conditions. The increase in traffic volumes due to the project would exceed the 3-percent threshold of significance, and therefore the project impact would be significant. While TDM measures would reduce vehicle trips through the intersection, they would not be enough to fully mitigate the impact to a less-than-significant level. Likewise, since there is no feasible physical change to the intersection that would mitigate the impact, ~~and~~ the impact would be significant and unavoidable.

Page 4.G-30, GPA EIR Mitigation Measure TRN-4b, is revised to read:

**GPA EIR Mitigation Measure TRN-4b (revised): Transportation Demand Management.** To reduce the number of automobile trips generated by the project and reduce automobile level of service impacts at the Webster Street and Park Street gateways to the City, ~~require it is required~~ that the project include a Transportation Demand Management Plan and funding program for Planning Board review and approval. The TDM plan should include a suite of measures intended to reduce vehicle trips by project residents, employees, and visitors to the site, that may include but are not limited to the following:

- Annual funding for operations of transit services between the site, the Northern waterfront area, and Oakland BART stations.
- AC Transit Easy Passes for all project residents and employees.

- On-Site Car Share Parking
- On-Site Bicycle Parking
- Dedicated on-site carpool parking
- Residential Website/Source for Transportation Info
- Collaborative Work Space
- Unbundled Parking
- On-Site Transportation Coordinator
- Transportation “Welcome Packet”
- Real-Time Transit Information (e.g., TransitScreen)
- Designated Pick-Up/Drop-Off Ridesourcing Services
- Pre-Tax Commuter Benefits
- Transit Pass Subsidy Program (e.g., AC Transit EasyPass)
- The Planning Board may also consider a congestion pricing system to increase the cost for automobile entering or leaving the project site during peak commute hours.
- The plan shall include well-defined mechanisms to ensure the long-term sustainability of TDM measures that require on-going support and administration, such as funding, operations, and responsibility for overall long-term administration.
- The plan shall include implementation and monitoring protocols to ensure the progress and effective on the implementation of each measure is tracked. A report shall be submitted to the City on an annual basis that tracks the program’s progress and efficacy. The effectiveness of each measure shall also be studied so that the plan may be adjusted over time to continue to reduce the project’s contribution to citywide and regional vehicle trips through the life of the project.

## Section 4.H, Utilities and Service Systems

Page 4.H-1 through page 4.H-20, the date in the page footer has been revised to be consistent with other chapters and sections in the Draft SFEIR:

~~January~~ February 2017

Page 4.H-1, paragraph 4, is revised to read:

A 12-inch pipeline in Buena Vista Avenue, an 8-inch pipeline in Sherman Street, an 8-inch pipeline in Entrance Road, and an 8-inch pipeline in Clement Avenue to the east are located in the project vicinity. All of these lines are owned by EBMUD. There are also existing private water pipelines that extend from the EBMUD distribution system to the

existing structures within the project site. The project site currently receives its water from a few water pipelines located in Entrance Road and along the northern side of the Del Monte Warehouse; these pipelines range in size between six to 15 inches.

Page 4.H-3, paragraph 4, is revised to read:

There is no existing source of recycled water in the project vicinity. Accordingly, there are no existing recycled water distribution facilities within the project site. The proposed development is located over a half mile away from the closest future planned EBMUD recycled water supply pipeline. Based on the size and residential and retail nature of the project, EBMUD currently does not anticipate providing recycled water to the development, but recommends that the project sponsor coordinate with EBMUD during project development should it become feasible to provide recycled water in the future.

Page 4.H-6, prior to paragraph 1, a new paragraph is inserted to read:

**EBMUD Non-Potable Water Policy**

EBMUD's Policy 9.05 requires that customers use non-potable water, including recycled water, for non-domestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health, and not injurious to plant, fish and wildlife to offset demand on EBMUD's limited potable water supply. Appropriate recycled uses could include landscape irrigation, commercial and industrial process uses, toilet and urinal flushing in non-residential buildings and other applications.

The proposed development is located more than half-a-mile away from the closest future planned EBMUD recycled water supply pipeline. Based on the size and residential and retail nature of the proposed project, EBMUD does not anticipate providing recycled water to the development, but recommends that project sponsors coordinate with EBMUD during project development should it become feasible to provide recycled water in the future (EBMUD, 2016).

Page 4.H-6, first full paragraph has been revised to read:

Construction activities associated with the proposed project would be subject to the National Pollutant Discharge Elimination System (NPDES) permit requirements for stormwater management and discharges. The Alameda County Clean Water Program (ACCWP) NPDES permit incorporates updated state and federal requirements related to the quantity and quality of post-construction stormwater discharges from new development and redevelopment projects. The stormwater system at the project site would be regulated under the NPDES permit. In particular, Provision C.3 in the NPDES Permit governs storm drain systems and regulates post-construction stormwater runoff. The provision requires new development and redevelopment projects to incorporate treatment measures and other appropriate source control and site design features to reduce the pollutant load in stormwater discharges and to manage runoff flows.

“Redevelopment” is defined as a project on a previously developed site that results in the

addition or replacement of impervious surface. A redevelopment project that adds or replaces at least 10,000 square feet of impervious surface is required to adhere to the C.3 provisions. The proposed project would replace more than ~~5,000~~ 10,000 square feet of impervious surface; therefore, it would be required to incorporate treatment measures and appropriate source control and site design measures under the NPDES permit.

## Chapter 5, Alternatives

Page 5-7, last paragraph, is revised to read:

The proposed project would not conflict with local policies or ordinances protecting biological resources with implementation of **GPA EIR Mitigation Measure BIO-1 and NEW Mitigation Measures 4-1a through 4-1e, NEW Mitigation Measures 4-2a through 4-2c, GPA EIR Mitigation Measure BIO-2, and NEW Mitigation Measure 4-3**. The proposed project would not conflict with an adopted local, regional, or State Habitat Conservation Plan with implementation of **GPA EIR Mitigation Measures BIO-1 and BIO-2, NEW Mitigation Measures 4-1a through 4-1e, 4-2a through 4-2c, and 4-3**. Finally, the proposed project would not result in significant cumulative impacts to biological resources with implementation of the above mentioned mitigation measures.

Page 5-13, second paragraph, is revised to read:

Under Alternative 2, the site would be developed with the same mix of uses as the proposed project. Because Alternative 2 would develop the same amount of retail square footage, housing units, and recreational uses as the proposed project, the estimated increase in vehicular trips due to construction and operation of the proposed project would be the same as under Alternative 2 as for the proposed project. Alternative ~~3~~ 2 would be required to implement the same mitigation measures as the proposed project, and would result in the same impacts to transportation and circulation as under the proposed project.

Page 5-13, second paragraph, is revised to read:

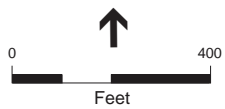
Under Alternative 2, the site would be developed with the same mix of uses as the proposed project. Because Alternative 2 would develop the same amount of retail square footage, housing units, and recreational uses as the proposed project, the estimated increase in vehicular trips due to construction and operation of the proposed project would be the same as under Alternative 2 as for the proposed project. Alternative ~~3~~ 2 would be required to implement the same mitigation measures as the proposed project, and would result in the same impacts to transportation and circulation as under the proposed project.

Page 5-13, third paragraph, is revised to read:

Although this alternative has fewer residential units, it ~~has~~ would have significantly more commercial development than the proposed project. As described in Chapter 4.G, the total number of vehicle trips associated with this alternative would actually exceeds the number of trips associated with the proposed project. Therefore, it should be anticipated that the local morning (AM) and evening (PM) Level of Service (LOS) impacts associated with the proposed project would be reduced under this alternative due to the reduced number of housing units, but the daily and PM LOS impacts would increase due to the larger number of automobile trips.

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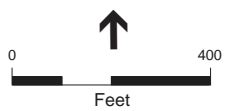


SOURCE: ESA

Encinal Terminals . 130007

**Figure 3-2**  
Project Parcels





SOURCE: ESA

Encinal Terminals . 130007

**Figure 3-3**  
Project Site Vicinity





SOURCE: Page/BMS

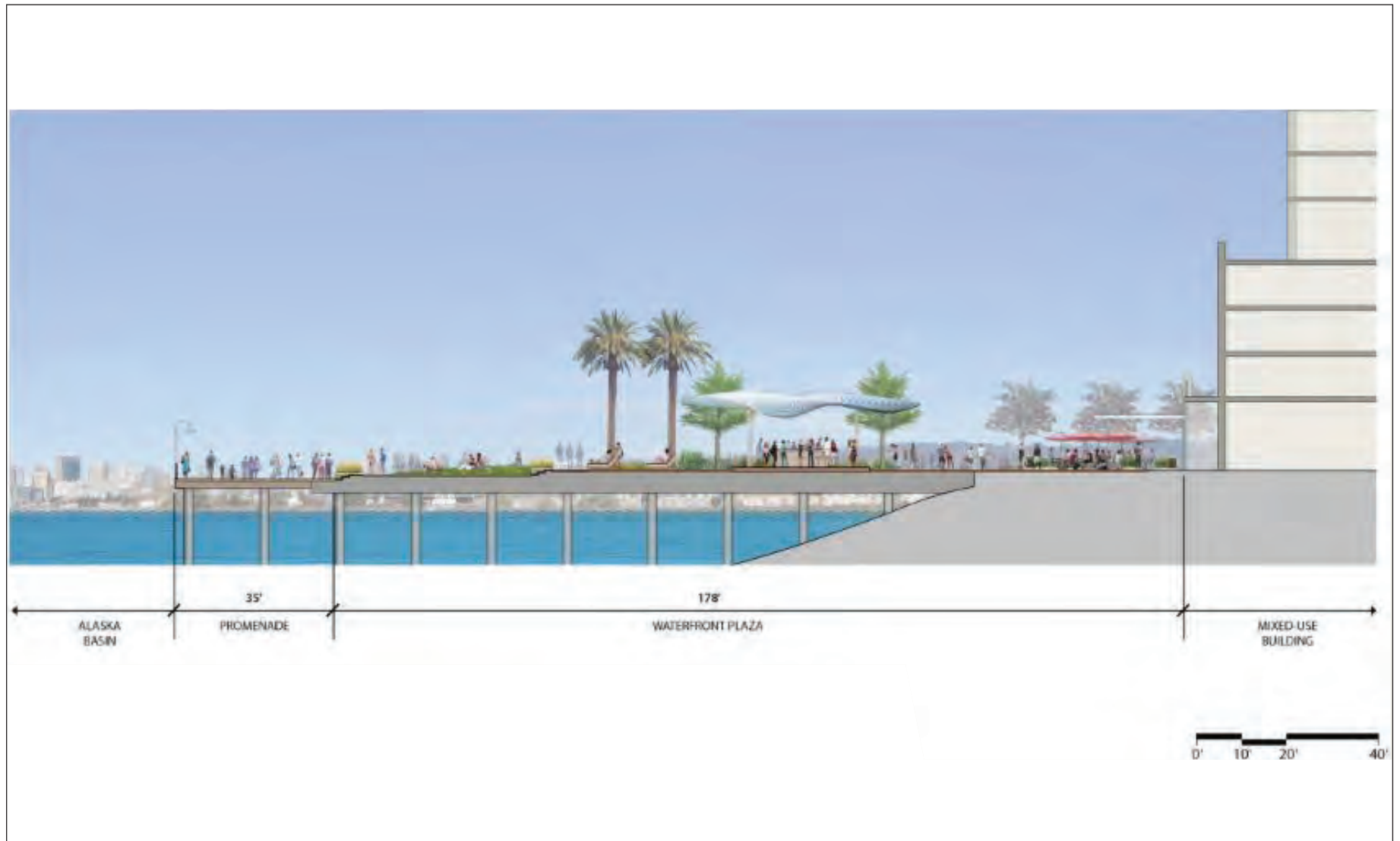
Encinal Terminals . 130007  
**Figure 3-5**  
Encinal Terminals Master Plan



SOURCE: Page/BMS

Encinal Terminals . 130007

**Figure 3-6**  
Western Entry Road and Waterfront Promenade  
at Clement Avenue (View North)



SOURCE: Page/BMS

Encinal Terminals . 130007

**Figure 3-7**  
Conceptual Cross Section of Waterfront Promenade  
Along Northern Edge of Site (view east)





SOURCE: Page/BMS

Encinal Terminals . 130007

**Figure 3-8**  
Sectional View of Waterfront Park (facing east)



SOURCE: ESA

Encinal Terminals . 130007

**Figure 4.E-2**  
Noise Monitoring Locations

# CHAPTER 4

## Mitigation Monitoring and Reporting Program

---

### 4.1 Introduction

Section 15097 of the California Environmental Quality Act (CEQA) Guidelines requires public agencies to establish monitoring or reporting programs for projects approved by a public agency whenever approval involves the adoption of either a “mitigated negative declaration” or specified environmental findings related to environmental impact reports.

The following is the Mitigation Monitoring and Reporting Program (MMRP) for Encinal Terminals Master Plan project. The intent of the MMRP is to prescribe and enforce a means for properly and successfully implementing the mitigation measures identified within the Draft Supplemental Focused Environmental impact Report (SFEIR) for this project.

### 4.2 Mitigation Measures

The table below lists all mitigation measures for the project. The project’s mitigation measures are derived from three sources: 1) applicable measures from the Northern Waterfront General Plan Amendment (GPA) EIR; 2) measures from the Encinal Terminals Master Plan Initial Study; and 3) measures from the Encinal Terminals Master Plan Draft SFEIR. All identified measures apply to the proposed project. The document from which each measure originated (GPA EIR, Initial Study, or SFEIR) is identified, and each measure uses the same number originally assigned to it. The MMRP describes the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for implementing and monitoring the actions.

### 4.3 MMRP Components

The components of the attached table, which contains applicable mitigation measures, are addressed briefly, below.

**Impact:** This column summarizes the impact stated in the Draft SFEIR or the Initial Study.

**Mitigation Measure:** All mitigation measures that were identified in the Draft SFEIR and the Initial Study are presented, and numbered accordingly. The document from which each measure originated (GPA EIR, Initial Study, or SFEIR) is identified, and each measure uses the same number originally assigned to it.



**Action:** For every mitigation measure, one or more actions are described. The actions delineate the means by which the mitigation measures will be implemented, and, in some instances, the criteria for determining whether a measure has been successfully implemented. Where mitigation measures are particularly detailed, the action may refer back to the measure.

**Implementing Party:** This item identifies the entity that will undertake the required action, typically the project applicant or its designee.

**Timing:** Implementation of the action must occur prior to or during some part of project approval, project design or construction or on an ongoing basis. The timing for each measure is identified.

**Monitoring Party:** The City of Alameda is primarily responsible for ensuring that mitigation measures are successfully implemented. Within the City, a number of departments and divisions would have responsibility for monitoring some aspect of the overall project.

TABLE 4-1  
ENCINAL TERMINALS MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM

| Impact  | Mitigation Measure   | Action(s)  | Implementing Party            | Timing   | Monitoring Party |
|---|--|--|-------------------------------|--|------------------|
| Air Quality and Climate Change  |  |  |                               |  |                  |
| <b>SFEIR Impact 4.A-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). (Less than Significant with Mitigation) | <p><b>GPA EIR Mitigation Measure AIR-1a (revised):</b></p> <p><del>Implementation of Dust Abatement Programs. Proponents of development projects within the Northern Waterfront GPA area</del> 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.</p> <ul style="list-style-type: none"><li>• All active construction areas shall be watered <u>two times daily</u> 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 <del>or shall maintain at least two feet of freeboard.</del></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. <u>The use of dry power sweeping is prohibited.</u></li><li>• If visible soil material is carried onto adjacent public streets, these streets shall be swept daily with water sweepers. <u>The use of dry power sweeping is prohibited.</u></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>• <u>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.</u></li><li>• <u>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.</u></li><li>• <u>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.</u></li><li>• <u>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.</u></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>SFEIR Impact 4.A-2:</b> The proposed project would not generate operational emissions that would result in a considerable net increase of criteria pollutants or 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). (Less than Significant with Mitigation)  | <p><b>SFEIR Mitigation Measure 4.A-2:</b></p> <p>All wood-burning devices, such as woodstoves and open hearth fire places shall be prohibited in residential units associated with the proposed project. Only natural gas fireplaces shall be permitted.</p>   | Provide building plans to City Building Division for review and approval showing compliance with the measure.                            | Project applicant or designee | Prior to issuance of building permits.                   | City of Alameda  |

TABLE 4-1 (Continued)  
ENCINAL TERMINALS MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM

| Impact   | Mitigation Measure  | Action(s)   | Implementing Party            | Timing  | Monitoring Party |
|--|---|---|-------------------------------|---|------------------|
| Air Quality and Climate Change (cont.)   |   |   |                               |   |                  |
| <b>SFEIR Impact 4.A-3:</b> The proposed project would not expose sensitive receptors to substantial pollutant concentrations (Less than Significant with Mitigation)   | <b>GPA EIR Mitigation Measure AIR-3:</b><br><del>The project sponsors.</del> <u>The project applicant or its designee</u> shall ensure that construction contract specifications include a requirement that all off-road diesel-powered construction equipment used for project improvements 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  |
| <b>SFEIR Impact 4.A-5:</b> The proposed project would not conflict with or obstruct the implementation of the applicable air quality plan. (Less than Significant with Mitigation)   | <b>SFEIR Mitigation Measure 4.A-4:</b><br><br>The City shall require that the following measures be implemented, either by the City or subsequent development sponsors the project applicant, or <u>both</u> in combination, to encourage the use of low- and zero-emission vehicles in travel to and from the project site: <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>Promote zero-emission vehicles by providing a neighborhood electric vehicle program to reduce the need to have a car or second car, <u>vehicles</u> as one potential element of a TDM program that would be required of all new developments.</li></ul>  | <b>Pre-construction:</b> Provide parking/construction plans to City Building Division for review and approval showing compliance with measure. <b>Post-construction:</b> Demonstrate compliance with measure to satisfaction of City Building Division and/or City Planning Division. | Project applicant or designee | <b>Pre-construction:</b> Prior to issuance of building permits.<br><b>Post-construction:</b> Prior to issuance of occupancy permits.              | City of Alameda  |
| Biological Resources   |   |   |                               |   |                  |
| <b>SFEIR Impact 4.B-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. (Less than Significant with Mitigation) | <b>SFEIR Mitigation Measure 4.B-1a:</b> <ul style="list-style-type: none"><li>Prior to the start of <del>pier</del> <u>wharf</u> rehabilitation and marina and <del>ferry terminal facilities</del> <u>water shuttle</u> construction, <u>or new building construction that would require pile driving</u>, the City shall require a NMFS-approved sound attenuation monitoring plan to protect fish and marine mammals, if 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):</li><li>To the extent feasible, all pilings shall be installed and removed with vibratory pile drivers only. 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.</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>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 thresholds.</li></ul> | <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.   | Project applicant or designee | <b>Pre-construction:</b> Prior to issuance of demolition/building permits. <b>During -construction:</b> Ongoing per terms of agreement with NMFS. | City of Alameda  |
|  | <b>SFEIR Mitigation Measure 4.B-1b:</b><br><br><del>During the project permitting phase, the City will ensure that any projects requiring in-water work will proceed under one of the programmatic consultations for federal listed species described in the SFEI or a project-level Biological Opinion would be required, include consultation with NMFS to determine if the work can be covered under one of the programmatic consultations for federally listed species described above or if a project-level BO would be required and whether</del> Alternately, the project will obtain an Incidental Harassment Authorization for marine mammals would be needed for dredging or pile driving activities. The project applicant shall also consult with CDFW regarding State special-status   | Provide evidence of regulatory compliance to the City Building Division and/or the City Planning Division as specified in the measure.  | Project applicant or designee | Prior to issuance of demolition/building permits.   | City of Alameda  |

TABLE 4-1 (Continued)  
ENCINAL TERMINALS MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM

| Impact                       | Mitigation Measure  | Action(s)   | Implementing Party            | Timing   | Monitoring Party |
|------------------------------|---|---|-------------------------------|--|------------------|
|                              | fish 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.  |   |                               |  |                  |
| Biological Resources (cont.) |   |   |                               |  |                  |
| SFEIR Impact 4.B-1 (cont.)   | <b>SFEIR Mitigation Measure 4.B-1c:</b><br><br>As part of the NMFS-approved sound attenuation monitoring plan required for pile driving in Mitigation Measure 4-2a, 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: <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-feet (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 sound levels 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>   | <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.   | Project applicant or designee | Prior to issuance of demolition/building permits.  | City of Alameda  |
|                              | <b>SFEIR Mitigation Measure 4.B-1d:</b><br><br>Prior to occupancy, the City shall ensure that the project applicant installs dock lighting on all floating docks that minimizes artificial lighting of Bay waters by using shielded, low-mounted, and low light-intensity fixtures and bulbs.   | <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.   | Project applicant or designee | <b>Pre-construction:</b> Prior to issuance of building permits.<br><b>Post-construction:</b> Prior to issuance of occupancy permits. | City of Alameda  |
|                              | <b>SFEIR Mitigation Measure 4.B-1e:</b><br><br>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, preconstruction survey for nesting birds shall be conducted by a qualified biologist.<br><br>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, 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.<br><br>If active nests are found on either the project site or within the 500-foot survey buffer surrounding the project site, no-work buffer zones shall be established around the nests in coordination with CDFW. No 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.  | 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. | Project applicant or designee | Prior to issuance of demolition/building permits.  | City of Alameda  |
|                              | <b>GPA EIR Mitigation Measure BIO-1 (revised):</b><br><br><del>Proponents of each project in the Northern waterfront CPA area shall engage a qualified biologist to prepare and conduct a preconstruction survey of the project area in order to locate potential roosting bat habitat and active colonies of all buildings scheduled for demolition or renovation shall be conducted no more than two weeks in advance of initiation of building demolition or renovation activities onsite or initiation of construction within 100 feet of structures providing potential bat roosting sites. Potential direct and indirect disturbances to bats shall be identified by locating potential habitat and active colonies and instituting protective measures prior to construction. No activities that could disturb active roosts shall proceed prior to the completed surveys. 30 days prior to the initiation of demolition or renovation activities. Special attention shall be given to buildings where pallid bats were observed during the earlier survey or where</del><br><u>The project applicant shall engage a qualified biologist to prepare and conduct a preconstruction survey of the project area in order to locate potential roosting bat habitat and active colonies of all buildings scheduled for demolition or renovation shall be conducted no more than two weeks in advance of initiation of building demolition or renovation activities onsite or initiation of construction within 100 feet of structures providing potential bat roosting sites. Potential direct and indirect disturbances to bats shall be identified by locating potential habitat and active colonies and instituting protective measures prior to construction. No activities that could disturb active roosts shall proceed prior to the completed surveys. 30 days prior to the initiation of demolition or renovation activities. Special attention shall be given to buildings where pallid bats were observed during the earlier survey or where</u> | Conduct predemolition/preconstruction surveys for bats as specified in the mitigation measure; provide results of surveys to City Building Division and/or City Planning Division; follow monitoring protocols as specified in the mitigation measure.                                    | Project applicant or designee | Prior to issuance of demolition/building permits.  | City of Alameda  |

TABLE 4-1 (Continued)  
ENCINAL TERMINALS MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM

| Impact   | Mitigation Measure  | Action(s)  | Implementing Party            | Timing   | Monitoring Party |
|--|---|--|-------------------------------|--|------------------|
|  | <del>measures to discourage roosting were implemented. If no bats or signs of an active roost are found, no additional measures are required. If a bat roost site is found, then measures shall be implemented to discourage roosting at the site. If a maternity colony of bats is found, the building and the bats shall not be disturbed until the young have dispersed, as determined by a qualified biologist.</del>   |  |                               |  |                  |
| Biological Resources (cont.)   |   |  |                               |  |                  |
| SFEIR Impact 4.B-1 (cont.)   | <p><u>Should potential roosting habitat or active bat roosts be found in structures to be disturbed (i.e. demolished or renovated) under the project, the following measures shall be implemented:</u></p> <ul style="list-style-type: none"><li>• <u>Removal of structures shall occur when bats are active, approximately between the periods of March 1 to April 15 and August 15 to October 15; outside of bat maternity roosting season (approximately April 15 – August 31); and outside of months of winter torpor (approximately October 15 – February 28), to the extent feasible.</u></li><li>• <u>If removal of structures during the periods when bats are active is not feasible and active bat roosts being used for maternity or hibernation purposes are found on or in the immediate vicinity of the project site where structure demolition or renovation is planned, a no-disturbance buffer of 100 feet shall be established around the roost sites until they are determined to be no longer active by a qualified biologist.</u></li><li>• <u>The qualified biologist shall be present during structure disturbance if active bat roosts are present. Structures with active roosts shall be removed only when no rain is occurring or is forecast to occur for three days and when daytime temperatures are at least 50°F.</u></li><li>• <u>Removal of structures containing or suspected to contain active bat roosts shall be dismantled under the supervision of the qualified biologist in the evening and after bats have emerged from the roost to forage. Structures shall be partially dismantled to significantly change the roost conditions, causing bats to abandon and not return to the roost.</u></li><li>• <u>Bat roosts that begin during construction are presumed to be unaffected, and no buffer would be necessary.</u></li><li>• <u>If significant bat roosting habitat (e.g., maternity roosts or large non-maternity roost sites) is destroyed during structure removal, artificial bat roosts shall be constructed in an undisturbed area in the project site vicinity away from human activity and at least 200 feet from project demolition/construction activities. The design and location of the artificial bat roost(s) shall be determined by a qualified bat biologist.</u></li></ul> |  |                               |  |                  |
| SFEIR Impact 4.B-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. (Less than Significant with Mitigation) | <p><b>SFEIR Mitigation Measure 4.B-2a:</b></p> <p>Prior to in-water work related to <del>pier</del> <u>wharf</u> retrofitting, the City shall ensure that the project applicant conducts a pre-construction survey to determine if native oysters, mussels, and eelgrass are present in Alaska Basin and 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 Draft Eelgrass Mitigation Policy (CDEMP) (NMFS 2011), 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 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).</li><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>   | 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. | Project applicant or designee | Prior to issuance of building permits for the affected in-water areas. | City of Alameda  |
|  | <p><b>SFEIR Mitigation Measure 4.B-2b:</b></p>  | Prepare educational materials as specified in the mitigation measure; present materials to the City  | Project applicant or designee | Prior to issuance of occupancy permits and commencement of             | City of Alameda  |

TABLE 4-1 (Continued)  
ENCINAL TERMINALS MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM

| Impact  | Mitigation Measure   | Action(s)  | Implementing Party            | Timing  | Monitoring Party |
|---|--|--|-------------------------------|---|------------------|
|   | Prior to occupancy the City shall ensure that the marina project applicant prepares 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.   | and cooperating agencies for review and approval.  |                               | marina operations.  |                  |
| Biological Resources (cont.)  |  |  |                               |   |                  |
| SFEIR Impact 4.B-2 (cont.)  | 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.  |  |                               |   |                  |
|   | <b>SFEIR Mitigation Measure 4.B-2c:</b><br><br>The City shall require that the project applicant develop <u>or its designee</u> 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 federal and state agencies as may be appropriate. Provisions of the plan shall include but not be limited to the following: <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 <i>Undaria</i> and <i>Sargasso</i>.</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 qualified marine biologists to assist the contractor in the identification and proper handling of any invasive species on removed Port 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> | 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.  | Project applicant or designee | <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). | City of Alameda  |
| <b>SFEIR Impact 4.B-3:</b> 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. (Less than Significant with Mitigation) | <b>GPA EIR Mitigation Measure BIO-2:</b><br><br>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 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.   | Submit to the City an approved plan and/or required regulatory permits showing compliance with applicable requirements as specified in the mitigation measure.   | Project applicant or designee | Prior to issuance of dredging and construction permits within the affected in-water areas.  | City of Alameda  |
| <b>SFEIR Impact 4.B-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. (Less than Significant with Mitigation)  | <b>Implement SFEIR Mitigation Measures 4.B-1a, 4.B-1b, and 4.B-1c.</b><br><br><b>SFEIR Mitigation Measure 4.B-4:</b><br><br><del>Prior to the issuance of the first building permit for each new building, or for any exterior renovation that would increase the surface area of glazing by 50 percent or more or that would replace 50 percent or more of existing glazing,</del> 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.<br><br>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: <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></ul>   | 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. | Project applicant or designee | <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.                                    | City of Alameda  |

TABLE 4-1 (Continued)  
ENCINAL TERMINALS MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM

| Impact                       | Mitigation Measure  | Action(s) | Implementing Party | Timing | Monitoring Party |
|------------------------------|---|-----------|--------------------|--------|------------------|
|                              | <ul style="list-style-type: none"><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></ul></li></ul>  |           |                    |        |                  |
| Biological Resources (cont.) |   |           |                    |        |                  |
| SFEIR Impact 4.B-4 (cont.)   | <ul style="list-style-type: none"><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><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><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</p> |           |                    |        |                  |

TABLE 4-1 (Continued)  
ENCINAL TERMINALS MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM

| Impact  | Mitigation Measure  | Action(s)  | Implementing Party            | Timing  | Monitoring Party           |
|---|---|--|-------------------------------|---|----------------------------|
|   | 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.  |  |                               |   |                            |
| Biological Resources (cont.)  |   |  |                               |   |                            |
| <b>SFEIR Impact 4.B-5:</b> 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. (Less than Significant with Mitigation) | <b>Implement GPA EIR Mitigation Measure BIO-1 and SFEIR Mitigation Measures 4.B-1a through 4.B-1e, SFEIR Mitigation Measures 4.B-2a through 4.B-2c, GPA EIR Mitigation Measure BIO-2, and SFEIR Mitigation Measure 4.B-3.</b>   | See measures listed above.   | See measures listed above.    | See measures listed above.  | See measures listed above. |
| <b>SFEIR Impact 4.B-6:</b> Development facilitated by the proposed project would conflict with an adopted local, regional, or State Habitat Conservation Plan. (Less than Significant with Mitigation)  | <b>Implement GPA EIR Mitigation Measures BIO-1 and BIO-2, SFEIR Mitigation Measures 4.B-1a through 4.B-1e, 4.B-2a through 4.B-2c, and 4.B-3.</b>  | See measures listed above.   | See measures listed above.    | See measures listed above.  | See measures listed above. |
| <b>SFEIR Impact 4.B-7:</b> The proposed project, in conjunction with other past, current, or foreseeable development in Alameda, could result in cumulative impacts on biological resources. (Less than Significant with Mitigation)                      | <b>Implement GPA EIR Mitigation Measures BIO-1 and BIO-2, SFEIR Mitigation Measures 4.B-1a through 4.B-1e, SFEIR Mitigation Measures 4.B-2a through 4.B-2c, and SFEIR Mitigation Measure 4.B-3.</b>   | See measures listed above.   | See measures listed above.    | See measures listed above.  | See measures listed above. |
| Cultural Resources  |   |  |                               |   |                            |
| <b>Initial Study Impact 5b:</b> The proposed project could cause an adverse change in the significance of an archaeological resource pursuant to California Public Resources Code §15064.5. (Less than Significant with Mitigation)                       | <p><b>GPA EIR Mitigation Measure CULT-1:</b></p> <p><u>Prior to the issuance of demolition and/or grading permits, the project applicant or its designee shall provide to the City evidence of retention of a Registered Professional Archaeologist. The archaeologist shall be retained to provide readily-available evaluation services in the event that previously unidentified cultural resources are encountered on the site during demolition and/or grading activities. Similar evidence shall be provided to the City concerning the identification and retention of applicable tribal personnel to provide readily-available evaluation services in the event of these same resources.</u> In the event that previously unidentified cultural resources are discovered during site preparation or construction, work shall cease in the immediate area until such time as a the qualified archaeologist, tribal personnel, and City of Alameda personnel can assess the significance of the find. The following measures shall be implemented at the time of the find:</p> <ul style="list-style-type: none"><li>Activity in the vicinity of the suspected resources shall be immediately suspended and City of Alameda personnel and a qualified archaeologist shall evaluate the find. Project personnel shall not alter any of the uncovered materials or their context.</li><li>If archeological resources are discovered, the City and the cultural resource consultant shall determine whether the resource is unique based on the criteria provided in the CEQA Guidelines and the criteria listed above. The City and developer, in consultation with a cultural resource expert, shall seek to avoid damaging effects on the resource wherever feasible.</li><li>If the City determines that avoidance is not feasible, a qualified cultural resource consultant shall prepare an excavation plan for mitigating the impact on the qualities that make the resource unique. The mitigation plan shall be prepared in accordance with CEQA Guidelines and shall be submitted to the City for review and approval.</li></ul> | 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. | Project applicant or designee | Prior to issuance of construction contracts and/or construction bid solicitation. | City of Alameda            |
| <b>Initial Study Impact 5c:</b> The proposed project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature (Less than Significant with Mitigation)  | <p><b>GPA EIR Mitigation Measure CULT-3:</b></p> <p>If paleontological resources are encountered during site preparation or construction activities, the following mitigation measures shall be implemented:</p> <ul style="list-style-type: none"><li>Activity in the vicinity of the suspected resource(s) shall be immediately suspended, and City of Alameda personnel and a qualified paleontological resource consultant shall be contacted to evaluate the find. Project personnel shall not alter any of the uncovered materials or their context.</li><li>If paleontological resources are discovered and the City and the paleontological resource consultant found that the resource is significant based on the criteria provided in the CEQA Guidelines and criteria listed above, the City and project developer, in consultation with a</li></ul>  | 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. | Project applicant or designee | Prior to issuance of construction contracts and/or construction bid solicitation. | City of Alameda            |



TABLE 4-1 (Continued)  
ENCINAL TERMINALS MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM

| Impact  | Mitigation Measure   | Action(s)  | Implementing Party            | Timing   | Monitoring Party |
|---|--|--|-------------------------------|--|------------------|
|   | <p>paleontological resource expert, shall seek to avoid damaging effects on the resource wherever feasible.</p> <ul style="list-style-type: none"><li>If the City determines that avoidance is not feasible, a qualified paleontological resource consultant shall prepare a salvage plan for mitigating the effect of the project on the qualities which make the resource unique. The project developer, in consultation with a qualified paleontologist, shall complete a paleontological resource inventory, declaration, and mitigation plan in accordance with the CEQA Guidelines and submit it to the City for review and approval.</li></ul>  |  |                               |  |                  |
| Cultural Resources (cont.)  |  |  |                               |  |                  |
| <b>Initial Study Impact 5d:</b> The proposed project could disturb human remains, including those interred outside of formal cemeteries (Less than Significant with Mitigation)   | <p><b>GPA EIR Mitigation Measure CULT-2:</b></p> <p>If human remains are encountered, work shall halt within 50 feet of the find and the County Coroner shall be notified immediately. A qualified archaeologist <u>and applicable Native American representatives</u> shall also be contacted to evaluate the situation. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. Pursuant to Section 5097.98 of the Public Resources Code, the Native American Heritage Commission will identify a Native American Most Likely Descendent to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. Section 7050.5 of the California Health and Safety Code states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined whether or not the remains are subject to the coroner's authority.</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.   | Project applicant or designee | Prior to issuance of construction contracts and/or construction bid solicitation.  | City of Alameda  |
| Geology, Soils, and Seismicity  |  |  |                               |  |                  |
| <b>Initial Study Impact 6a:</b> The proposed project could expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking, seismic-related ground failure, and liquefaction (Less than Significant with Mitigation) | <p><b>GPA EIR Mitigation Measure GEO-1:</b></p> <p>While the potential impacts of strong seismic ground shaking cannot be eliminated in the <del>Northern Waterfront</del> <b>GPA</b> area, the following steps shall be implemented to reduce the impacts related to expected strong ground shaking:</p> <ul style="list-style-type: none"><li>Grading, foundation, and structural design should be based on the anticipated strong seismic shaking associated with a future major earthquake on the Hayward fault. The Hayward fault is considered to be a Type A seismic source (with active slip and capable of a magnitude 7.0 or greater earthquake). All structures shall be designed in accordance with the most recent edition of the California Building Code.</li><li>The applicant shall prepare an earthquake preparedness and emergency response plan for all public use facilities. The plan should be submitted for review and approval by the Community Development and/or Public Works Department, prior to occupancy of the structures.</li><li>Prior to marketing residential or commercial units for sale, the developer shall prepare an earthquake hazards information document. This document should be made available to any potential occupant prior to purchase or rental of the housing units or commercial spaces. The document should describe the potential for strong ground shaking at the site, potential effects of such shaking, and earthquake preparedness procedures.</li></ul> | Submit project plans to the City Building Division for review and approval that meet the requirements of the mitigation measure; prepare an earthquake preparedness and emergency response plan and an earthquake hazards information document, with cooperation and approval by applicable City agencies. | Project applicant or designee | <b>CBC compliance:</b> Prior to issuance of building permits for each project phase, and as part of final inspection for all project phases. <b>Earthquake Preparedness and Response Plan:</b> Prior to issuance of occupancy permits for each project phase. <b>Earthquake hazards information documentation:</b> Prior to sale/lease of first occupied unit within each project phase. | City of Alameda  |
|   | <p><b>GPA EIR Mitigation Measure GEO-2:</b></p> <p>The following mitigation measures shall be implemented to reduce the potential impact of seismic-induced ground failure.</p> <ul style="list-style-type: none"><li><del>Earthworks and foundation design shall be conducted in accordance with all recommendations contained in the Weyerhaeuser/Chipman Parcels geotechnical report by Lowney Associates (December 1998) for that parcel.</del> Additional liquefaction potential analyses shall be conducted and a liquefaction mitigation program developed for each development within the Northern Waterfront GPA area. All structures proposed for the project area shall be designed and constructed in accordance with the most recently adopted version of the City of Alameda Building Code, and the seismic design considerations of the most recent California Building Code as adopted by the City of Alameda, and in accordance with CGS Special Publication 117A.</li><li>Prior to the issuance of any grading or building permits, geotechnical investigations shall be conducted for the Del Monte Warehouse (URS Corporation report, 2002), Encinal Terminals, or Fortman Marina sub-areas of the Northern Waterfront GPA area. Reports for these studies shall evaluate the liquefaction potential for each site in accordance with the Standard of</li></ul>  | Submit listed studies/investigations that meet the requirements of the mitigation measure to the City Building Division for review and approval; provide evidence of satisfactory implementation of the requirements contained therein, to the satisfaction of the City Building Division.                 | Project applicant or designee | Prior to issuance of relevant grading/building permits.  | City of Alameda  |

TABLE 4-1 (Continued)  
ENCINAL TERMINALS MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM

| Impact  | Mitigation Measure   | Action(s)  | Implementing Party            | Timing  | Monitoring Party |
|---|--|--|-------------------------------|---|------------------|
|   | <p>Practice for Geotechnical Engineering and shall provide recommendations for stabilization or resistance of structures from the potential effect of liquefaction of sediments. The potential for lurch cracking and lateral spreading shall also be evaluated. Stability of the bulkhead for projects adjacent to bulkheads shall also be evaluated. Reports shall be submitted to the City of Alameda Public Works Department for review and approval.</p> <ul style="list-style-type: none"><li>Prior to commencement of construction of the project the existing wharfs/piers and the bank protection along the northern shoreline, including the shall be evaluated for suitability by a California licensed structural/geotechnical engineering firm. Any recommendations made shall be incorporated into the project design.</li></ul>   |  |                               |   |                  |
| Geology, Soils, and Seismicity (cont.)  |  |  |                               |   |                  |
| Initial Study Impact 6a (cont.)   | <ul style="list-style-type: none"><li>Prior to commencement of construction on the Clement Avenue extension, a slope stability evaluation of the offshore areas of the project site and the Alaska Basin bulkhead shall be performed by a California licensed structural/geotechnical engineering firm. Any recommendations made in accordance with the most recent California Building Code requirements shall be incorporated into the project design plans for the Clement Avenue Extension. The project applicant shall pay a fair share contribution with the Del Monte project toward this study and the subsequent recommendations.</li></ul>   |  |                               |   |                  |
| Initial Study Impact 6c: The proposed project could be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse (Less than Significant with Mitigation) | <p><b>GPA EIR Mitigation Measure GEO-3:</b></p> <p><del>Proponents for all projects within the Northern Waterfront GPA area</del> The project applicant or its designee shall be required to prepare a geotechnical report for review and approval by the City of Alameda that specifies all measures necessary to limit consolidation including minimization of structural fills and use (when necessary) of lightweight and low plasticity fill materials to reduce the potential for excessive loading caused by fill placement. The placement of artificial fill should be limited to reduce the potential for increased loading and associated settlement in areas underlain by thick younger Bay Mud. Increased area settlement could have implications for flooding potential as well as foundation design. Reconditioning (compaction) of existing subgrade materials would be preferable to placement of fill. The report shall present recommendations for specific foundation designs, which minimize the potential for damage related to settlement. The design of utilities shall consider differential settlements along utility alignments constructed in filled areas of the Northern Waterfront GPA area.</p> | Submit listed studies/investigations that meet the requirements of the mitigation measure to the City Building Division for review and approval; provide evidence of satisfactory implementation of the requirements contained therein, to the satisfaction of the City Building Division. | Project applicant or designee | Prior to issuance of relevant grading/building permits. | City of Alameda  |
| Initial Study Impact 6d: The proposed project could be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property (Less than Significant with Mitigation)  | <p><b>GPA EIR Mitigation Measure GEO-4:</b></p> <p>The required geotechnical report shall require that subgrade soils for pavements consist of moisture-conditioned, lime-treated, or non-expansive soil, and that surface (including roof drainage) and subsurface water be directed away from foundation elements and into storm drains to minimize variations in soil moisture.</p>   | Submit listed studies/investigations that meet the requirements of the mitigation measure to the City Building Division for review and approval; provide evidence of satisfactory implementation of the requirements contained therein, to the satisfaction of the City Building Division. | Project applicant or designee | Prior to issuance of relevant grading/building permits. | City of Alameda  |
| Hazards and Hazardous Materials   |  |  |                               |   |                  |
| Initial Study Impact 8a: The proposed project could create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (Less than Significant with Mitigation)   | <p><b>Initial Study Mitigation Measure 8-1a:</b></p> <p>The <del>project sponsor</del> project applicant or its designee shall ensure that all proposed areas for demolition shall be assessed by qualified licensed contractors for the potential presence of lead-based paint or coatings, asbestos containing materials, and PCB-containing equipment prior to issuance of a demolition permit.</p>   | Submit appropriate disposal plans and/or permits to the City Building Division.  | Project applicant or designee | Prior to issuance of demolition permits.                | City of Alameda  |
|   | <p><b>Initial Study Mitigation Measure 8-1b:</b></p> <p>If the assessment required by Mitigation Measure 8-1a finds presence of lead-based paint, asbestos, and/or PCBs, the project applicant shall create and implement a health and safety plan to protect workers from risks associated with hazardous materials during demolition or renovation of affected structures. The health and safety plan shall include emergency notification protocols, appropriate personal protective equipment for workers and visitors, material safety data sheets, and training requirements.</p>  | Submit health and safety plan meeting the requirements of the mitigation measure for review and approval by the City Building Division.  | Project applicant or designee | Prior to issuance of building permits.                  | City of Alameda  |
|   | <p><b>Initial Study Mitigation Measure 8-1c:</b></p> <p>If the assessment required by Mitigation Measure 8-1a finds presence of lead-based paint, the project applicant shall develop and implement a lead-based paint removal plan. The plan shall specify, but not be limited to, the following elements:</p> <ul style="list-style-type: none"><li>Develop a removal specification approved by a Certified Lead Project Designer.</li><li>Ensure that all removal workers are properly trained.</li></ul>   | Submit appropriate disposal plans and/or permits to the satisfaction of the City Building Division.  | Project applicant or designee | Prior to issuance of demolition permits.                | City of Alameda  |

TABLE 4-1 (Continued)  
ENCINAL TERMINALS MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM

| Impact                                  | Mitigation Measure  | Action(s)  | Implementing Party            | Timing  | Monitoring Party |
|---|---|--|-------------------------------|---|------------------|
|   | <ul style="list-style-type: none"><li>Contain all work areas to prohibit off-site migration of paint chip debris.</li><li>Remove all peeling and stratified lead-based paint 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 disposal of intact lead-based paint on all equipment to be cut and/or removed during the demolition.</li><li>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></ul>   |  |                               |   |                  |
| Hazards and Hazardous Materials (cont.) |   |  |                               |   |                  |
| Initial Study Impact 8a (cont.)         | <ul style="list-style-type: none"><li>Clean up and/or vacuum paint chips with a high efficiency particulate air (HEPA) filter.</li><li>Collect, segregate, and profile waste for disposal determination.</li><li>Properly dispose of all waste.</li></ul>   |  |                               |   |                  |
|   | <b>Initial Study Mitigation Measure 8-1d:</b><br><br>If the assessment required by Mitigation Measure 8-1a finds asbestos, the project applicant shall ensure that asbestos abatement shall be 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.   | Submit remediation verification to the satisfaction of the City Building Division, in compliance with applicable laws and regulations.   | Project applicant or designee | Prior to issuance of demolition permits.          | City of Alameda  |
|   | <b>Initial Study Mitigation Measure 8-1e:</b><br><br>If the assessment required by Mitigation Measure 8-1a finds PCBs, the project applicant shall ensure that PCB abatement shall be conducted prior to building demolition or renovation. PCBs shall be removed by a qualified contractor and transported in accordance with Caltrans requirements.   | Submit remediation verification to the satisfaction of the City Building Division, in compliance with applicable laws and regulations.   | Project applicant or designee | Prior to issuance of demolition permits.          | City of Alameda  |
|   | <b>GPA EIR Mitigation Measure HAZ-1:</b><br><br>Prior to the approval of any specific development projects within the Northern Waterfront GPA area, documentation from a qualified professional shall be provided to the City of Alameda stating that adequate soils and ground water investigations and, where warranted, remediation, have been conducted to ensure that there would be no significant hazard related risks to future site users. If the soil and groundwater investigations indicate that hazardous materials are present and pose a risk to construction workers and future site users, the following additional mitigation measures shall be implemented, and the City of Alameda would refer the site to the appropriate State and County agencies (such as Alameda County Environmental Health, the State Department of Toxic Substances Control and/or the San Francisco Bay Regional Water Quality Control Board) for oversight of the specific development project. | Submit of appropriate Environmental Site Assessment(s) and remediation verification (if required) to the satisfaction of the City Building Division, in compliance with applicable laws and regulations. | Project applicant or designee | Prior to issuance of demolition permits.          | City of Alameda  |
|   | <b>GPA EIR Mitigation Measure HAZ-1a:</b><br><br>If required as a result of the information obtained from Mitigation Measure HAZ-1, the City shall condition the subject development project to record a restrictive covenant prohibiting the installation or use of water wells into the shallow groundwater at the site for drinking water prior to transfer of the property.   | Submit proof of recordation of restrictive covenant to the City Building Division, if indicated by site soil investigations.   | Project applicant or designee | Prior to transfer of properties.                  | City of Alameda  |
|   | <b>GPA EIR Mitigation Measure HAZ-1b:</b><br><br>The City shall condition the subject Project to require preparation by a qualified registered professional of a Site Management Plan (SMP) for the subject Project site as a condition of its approval as a specific development project. The SMP would provide site specific information for contractors (and others) developing the Project site that would improve their management of environmental and health and safety contingencies. Topics covered by the SMP shall include, but not be limited to: <ul style="list-style-type: none"><li>Land use history, including known hazardous material use, storage, disposal, and spillage, for specific areas within the Project site.</li><li>The nature and extent of previous environmental investigation and remediation at the Project site.</li><li>The nature and extent of ongoing remedial activities and the nature and extent of unremediated</li></ul>                        | Submit appropriate reports and plans and/or permits to the satisfaction of the City Building Division, in compliance with applicable laws and regulations.   | Project applicant or designee | Prior to issuance of demolition/building permits. | City of Alameda  |

TABLE 4-1 (Continued)  
ENCINAL TERMINALS MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM

| Impact   | Mitigation Measure  | Action(s)   | Implementing Party            | Timing  | Monitoring Party           |
|--|---|---|-------------------------------|---|----------------------------|
|  | <p>areas of the Project site, including the nature and occurrence of marsh crust and hazardous materials associated with the dredge material used as fill at the Project site.</p> <ul style="list-style-type: none"><li>• A listing and description of institutional controls, such as the City's excavation ordinance and other local, State, and federal laws and regulations, that will apply to development of the Project site.</li><li>• Requirements for site specific Health and Safety Plans (HASPs) to be prepared by all contractors at the Project site. The HASPs should be prepared by a Certified Industrial Hygienist and would protect construction workers and interim site users adjacent to</li></ul>  |   |                               |   |                            |
| Hazards and Hazardous Materials (cont.)  |   |   |                               |   |                            |
| Initial Study Impact 8a (cont.)  | <p>construction activities by including engineering controls, monitoring, and security measures to prevent unauthorized entry to the construction site and to reduce hazards outside the construction site. The HASPs would address the possibility of encountering subsurface hazards and include procedures to protect workers and the public. If prescribed exposure levels were exceeded, personal protective equipment would be required for workers in accordance with DOSH regulations.</p> <ul style="list-style-type: none"><li>• A description of protocols for the investigation and evaluation of previously unidentified hazardous materials that may potentially be encountered during Project development, including engineering controls that may be required to reduce exposure to construction workers and future users of the Project site.</li><li>• Requirements for site specific construction techniques at the site, based on proposed development, such as minimizing the transport of contaminated materials to the surface during construction activities by employing pile driving techniques that consist of driving the piles directly without boring, where practical.</li><li>• The SMP shall be distributed to all contractors at the Project site; implementation of the SMP shall be a condition of approval for excavation, building, and grading permits at the Project site. The contractors will be required to hold a daily safety meeting with all construction workers and subcontractors on lands identified with Hazardous Material risks.</li></ul>  |   |                               |   |                            |
| Initial Study Impact 8d: The proposed project could be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment (Less than Significant with Mitigation) | Implement GPA EIR Mitigation Measures HAZ-1, -1a, and -1b.  | See measures listed above.  | See measures listed above.    | See measures listed above.                        | See measures listed above. |
| Hydrology and Water Quality  |   |   |                               |   |                            |
| Initial Study Impact 9a: The proposed project could violate water quality standards and/or waste discharge requirements (Less than Significant with Mitigation)  | <p><b>GPA EIR Mitigation Measure HYD 1:</b></p> <p>All specific development projects approved pursuant to the Northern Waterfront GPA, that involve site clearing, grading or excavation as part of the proposed construction activity and that result in soil disturbances of one or more acres, (and for projects of less than one acre if the construction activity is part of a larger common plan of development), shall be required to prepare a Stormwater Pollution Prevention Plan (SWPPP). To avoid unnecessary duplication of effort, the SWPPP prepared for the first site or development project within the Northern Waterfront GPA area may be used as the basis for a SWPPP required for subsequent projects, provided that each version of the SWPPP is modified as necessary to maintain compliance with the qualitative standards set forth in this EIR and with applicable regulations and standards of the RWQCB.</p> <p>Each SWPPP shall be designed to reduce potential impacts to surface water quality through the construction and life of the Project for which it is prepared. The SWPPP shall conform to the requirements of the Alameda County Clean Water Program which set new standards effective February 2003, and to the standards set forth herein. The SWPPP would act as the overall program document designed to provide measures to mitigate potential water quality impacts associated with implementation of the proposed Project. Preparers of the SWPPP should review the Conditions of Approval (including General Conditions for Construction, Residential Development/Construction Conditions, and Commercial/Industrial Conditions) established by the City.</p> <p>The SWPPP shall include the following three elements to address construction, post-construction and pest management issues:</p> | Submit Stormwater Pollution Prevention Plan (SWPPP) that meets the requirements of the mitigation measure and is compliant with applicable laws and regulations. The SWPPP shall be subject to review and approval by the City Building Division and/or regulatory agencies, as applicable. | Project applicant or designee | Prior to issuance of demolition/building permits. | City of Alameda            |

TABLE 4-1 (Continued)  
ENCINAL TERMINALS MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM

| Impact                              | Mitigation Measure  | Action(s)  | Implementing Party            | Timing   | Monitoring Party |
|-------------------------------------|---|--|-------------------------------|--|------------------|
|                                     | <ul style="list-style-type: none"><li><i>Specific and Detailed Best Management Practices (BMPs) Designed to Mitigate Construction-related Pollutants.</i> These controls shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with storm water. The SWPPP shall specify properly designed centralized storage areas that keep these materials out of the rain. The contractor(s) shall submit details, design and procedures for compliance with storage area requirements. An important component of the storm water quality protection effort is knowledge on the part of on-site construction and maintenance supervisors and workers. To educate on-site personnel and maintain awareness of the importance of storm water quality protection, site supervisors shall conduct regular</li></ul>  |  |                               |  |                  |
| Hydrology and Water Quality (cont.) |   |  |                               |  |                  |
| Initial Study Impact 9a (cont.)     | <p>meetings to discuss pollution prevention. The SWPPP shall establish a frequency for meetings and require all personnel to attend. The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor, and must include both dry and wet weather inspections. City of Alameda personnel shall conduct regular inspections to ensure compliance with the SWPPP. BMPs designed to reduce erosion of exposed soil may include, but are not limited to: soil stabilization controls, watering for dust control, perimeter silt fences, placement of hay bales and sediment basins. If grading must be conducted during the rainy season, the primary BMPs selected shall focus on erosion control (i.e., keeping sediment on the site). End of pipe sediment control measures (e.g., basins and traps) shall be used only as secondary measures. If hydroseeding is selected as the primary soil stabilization method, these areas shall be seeded by September 1 and irrigated to ensure that adequate root development has occurred prior to October 1. Entry and egress from the construction site shall be carefully controlled to minimize off-site tracking of sediment. Vehicle and equipment wash-down facilities shall be designed to be accessible and functional both during dry and wet conditions.</p> <ul style="list-style-type: none"><li><i>Measures Designed to Mitigate Post-Construction-Related Pollutants.</i> The SWPPP shall include measures designed to mitigate potential water quality degradation of runoff from all portions of the completed development. It is important that post construction storm water quality controls are required in the initial design phase of redevelopment projects and not simply added after the site layout and building footprints have been established. The specific BMPs that would be required of a project can be found in SF Bay Regional Water Quality Control Board Staff Recommendations for New and Redevelopment Controls for Storm Water Programs. In addition, the design team should include design principles contained in the Bay Area Stormwater Management Agencies Association's manual, Start at the Source, Design Guidance Manual for Stormwater Quality Protection. The selection of BMPs required for a specific project is based on the size of the development and the sensitivity of the area. The Estuary is considered a sensitive area by the RWQCB. In general, passive, low maintenance BMPs (e.g., grassy swales, porous pavements) are preferred. If the SWPPP includes higher maintenance BMPs (e.g., sedimentation basins, fossil filters), then funding for long term maintenance needs must be specified in the SWPPP as a condition of approval of the grading, excavation, or building permits, as appropriate (the City would not assume maintenance responsibilities for these features).</li><li><i>Integrated Pest Management Plan.</i> An Integrated Pest Management Plan (IPM) shall be prepared and implemented by the Project for all common landscaped areas. Each IPM shall be prepared by a qualified professional. The IPMs shall address and 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. Special attention in the IPMs shall be directed toward avoiding runoff of pesticides and nitrates into sensitive drainages or leaching into the shallow groundwater table. Pesticides shall be used only in response to a persistent pest problem. Preventative chemical use shall not be employed. Cultural and biological approaches to pest control shall be fully integrated into the IPMs, with an emphasis toward reducing pesticide application.</li><li>The City of Alameda Department of Public Works shall review and approve the SWPPP prior to the approval of the Development Plan for each Project phase to ensure that the selected BMPs would adequately protect water quality. The City and the RWQCB are empowered to levy considerable fines for non-compliance with the SWPPP.</li></ul> |  |                               |  |                  |
|                                     | <p><b>GPA EIR Mitigation Measure HYD-2:</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, a program developed by 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 dredging and the disposal of dredge materials in an environmentally sound manner.</p>  | Submit to the City Building Division an approved plan and/or required regulatory permits showing compliance with applicable requirements as specified in the mitigation measure. | Project applicant or designee | Prior to issuance of dredging and construction permits within the affected in-water areas. | City of Alameda  |

TABLE 4-1 (Continued)  
ENCINAL TERMINALS MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM

| Impact   | Mitigation Measure   | Action(s)   | Implementing Party            | Timing  | Monitoring Party |
|--|--|---|-------------------------------|---|------------------|
| <b>Initial Study Impact 9G, H, I:</b> The proposed project could place housing within a 100-year flood hazard area; place within a 100-year flood hazard area structures that would impede or redirect flood flows; and expose people or structures to a significant risk of loss, injury or death involving flooding.                                   | <b>Initial Study Mitigation Measure 9-1:</b><br><br>The City shall require that any new construction be constructed at a minimum elevation of 4.5 feet above the 100-year flood risk elevation. In addition, the City shall implement the following steps prior to project implementation: <ul style="list-style-type: none"><li>Apply for membership in the National Flood Insurance Program (NFIP) Community Rating System (CRS), and as appropriate through revisions to the City Code, obtain reductions in flood insurance rates offered by the NFIP to community residents.</li></ul>  | Submit project plans meeting the requirements of the mitigation measure for review and approval by the City Building Division.  | Project applicant or designee | Prior to issuance of building permits.  | City of Alameda  |
| Hydrology and Water Quality (cont.)  |  |   |                               |   |                  |
| <b>Initial Study Impact 9G, H, I (cont.)</b>   | <ul style="list-style-type: none"><li>Cooperate with FEMA in its efforts to comply with recent congressional mandates to incorporate predictions of sea level rise into its Flood Insurance Studies and FIRM.</li><li>Implement climate adaptation strategies such as avoidance/planned retreat, enhance levees, setback levees to accommodate habitat transition zones, buffer zones and beaches, expanded tidal prisms for enhanced natural scouring of channel sediments, raising and flood-proofing structures, or provisions for additional floodwater pumping stations, and inland detention basins to reduce peak discharges.</li></ul>   |   |                               |   |                  |
| Noise  |  |   |                               |   |                  |
| <b>SFEIR Impact 4.D-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. (Less than Significant with Mitigation) | <b>GPA EIR Mitigation Measure NOISE-1a (revised):</b><br><del>Developers and/or contractors</del> <u>The project applicant or its designee</u> shall create and implement development-specific noise <u>and vibration</u> reduction plans, which shall be enforced via contract specifications. Contractors may elect any combination of legal, non-polluting methods to maintain or reduce noise <u>and Vibration</u> to threshold levels or lower, as long as those methods do not result in other significant environmental impacts or create a substantial public nuisance. <u>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.</u> 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. | 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  |
|  | <b>GPA EIR Mitigation Measure NOISE-1b (revised):</b><br><br>To reduce pile driving noise, “vibratory” pile driving <u>or drilled and cast-in-place piles</u> 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.   | 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>SFEIR Impact 4.D-3:</b> Transportation-related 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. (Less than Significant with Mitigation)  | <b>GPA EIR Mitigation Measure NOISE-2a (revised):</b><br><br>Acoustical studies, describing how the exterior and interior noise standards will be met, <del>should</del> <u>shall</u> 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 attached, hotels, motels, etc., regulated by Title 24.   | 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  |
|  | <b>GPA EIR Mitigation Measure NOISE-2b (revised):</b><br><br><del>All new projects</del> <u>The applicant</u> shall show that <u>the proposed project will</u> <del>they</del> 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.  | 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>GPA EIR Mitigation Measure NOISE-3 (revised):</b><br><br><del>New projects in the Northern Waterfront GPA should</del> <u>The project applicant or its designee shall</u> <del>submit</del> <u>require</u> acoustical studies, describing how the exterior and interior noise level standards will be met for the proposed project as well as any impacts on adjacent projects. Studies shall also satisfy the acoustical requirements of <u>the City’s General Plan, Title 24, of the Uniform Building Code.</u>   | 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  |
| Transportation and Traffic   |  |   |                               |   |                  |
| <b>SFEIR Impact 4.G-2:</b> The proposed project would increase traffic volumes at study intersections. (Significant and Unavoidable)   | <b>GPA EIR Mitigation Measure TRN-4b (revised):</b><br><br><u>To reduce the number of automobile trips generated by the project and reduce automobile level of service impacts at the Webster Street and Park Street gateways to the City, it is required that the project include a Transportation Demand Management Plan and funding program for Planning</u>  | 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)  
ENCINAL TERMINALS MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM

| Impact                             | Mitigation Measure  | Action(s)   | Implementing Party            | Timing  | Monitoring Party |
|------------------------------------|---|---|-------------------------------|---|------------------|
|                                    | <p>Board review and approval. The TDM plan should include a suite of measures intended to reduce vehicle trips by project residents, employees, and visitors to the site, that may include but are not limited to the following:</p> <ul style="list-style-type: none"><li>• <u>Annual funding for operations of transit services between the site, the Northern waterfront area, and Oakland BART stations.</u></li><li>• <u>AC Transit Easy Passes for all project residents and employees.</u></li><li>• <u>On-Site Car Share Parking</u></li><li>• <u>On-Site Bicycle Parking</u></li></ul>   |   |                               |   |                  |
| Transportation and Traffic (cont.) |   |   |                               |   |                  |
| SFEIR Impact 4.G-2 (cont.)         | <ul style="list-style-type: none"><li>• <u>Dedicated on-site carpool parking</u></li><li>• <u>Residential Website/Source for Transportation Info</u></li><li>• <u>Collaborative Work Space</u></li><li>• <u>Unbundled Parking</u></li><li>• <u>On-Site Transportation Coordinator</u></li><li>• <u>Transportation “Welcome Packet”</u></li><li>• <u>Real-Time Transit Information (e.g., TransitScreen)</u></li><li>• <u>Designated Pick-Up/Drop-Off Ridesourcing Services</u></li><li>• <u>Pre-Tax Commuter Benefits</u></li><li>• <u>Transit Pass Subsidy Program (e.g., AC Transit EasyPass)</u></li><li>• <u>The Planning Board may also consider a congestion pricing system to increase the cost for automobile entering or leaving the project site during peak commute hours.</u></li><li>• <u>The plan shall include well-defined mechanisms to ensure the long-term sustainability of TDM measures that require on-going support and administration, such as funding, operations, and responsibility for overall long-term administration.</u></li><li>• <u>The plan shall include implementation and monitoring protocols to ensure the progress and effective implementation of each measure. A report shall be submitted to the City on an annual basis that tracks the program's progress and efficacy. The effectiveness of each measure shall also be studied so that the plan may be adjusted over time to continue to reduce the project's contribution to citywide and regional vehicle trips through the life of the project.</u></li></ul> |   |                               |   |                  |
|                                    | <p><b>SFEIR Mitigation Measure 4.G-2:</b></p> <p>To minimize automobile level of service impacts in the vicinity of the project require that the project signalize the intersections at Entrance and Clement and at Entrance and Buena Vista. If the project or other parties construct the final extension of Clement Avenue through the Shell Oil facility, the signalization of Entrance and Buena Vista may not be necessary. The completion of the extension will reduce automobile and truck trips on Buena Vista and eliminate the need for southbound vehicles from the project to use the Buena Vista.</p>   | Signalize identified intersection in time and manner specified in the mitigation measure, to satisfaction of City Department of Public Works. | Project applicant or designee | Prior to issuance of occupancy permits.                                   | City of Alameda  |
|                                    | <p><b>SFEIR Mitigation Measure 4.G-3:</b></p> <p>To minimize automobile level of service impacts in the vicinity of the project require the Encinal Terminals project to pay for a fair share of the Clement Extension project including fair share contribution to the completion of the Clement Avenue Extension (pedestrian, bicycle, transit, and automobile extensions) and intersection signalization from Atlantic Avenue to Grand Avenue. If the Del Monte project fails to begin construction of the Clement Avenue extension from Atlantic to Entrance Road prior to approval of the Encinal Terminals project, require the Encinal Terminals project to construct the extension with a later fair share contribution to be provided by the Del Monte project and other developments within the area.</p>   | Pay fair share fees in time and manner specified in the mitigation measure.   | Project applicant or designee | Prior to issuance of occupancy permits for each phase of the development. | City of Alameda  |
|                                    | <p><b>SFEIR Mitigation Measure 4.G-4:</b></p> <p>To minimize automobile level of service impacts at the Webster Street and Park Street gateways to the City, require the Encinal Terminals project to pay a fair share contribution to citywide transportation improvements identified in the Citywide Development Impact Fee Ordinance.</p>  | Pay fair share fees in time and manner specified in the mitigation measure.   | Project applicant or designee | Prior to issuance of occupancy permits for each phase of the development. | City of Alameda  |

TABLE 4-1 (Continued)  
ENCINAL TERMINALS MASTER PLAN MITIGATION MONITORING AND REPORTING PROGRAM

| Impact   | Mitigation Measure  | Action(s)  | Implementing Party            | Timing                                       | Monitoring Party           |
|--|---|--|-------------------------------|--|----------------------------|
| <b>SFEIR Impact 4.G-3:</b> Implementation of the proposed project would cause the Pedestrian LOS to degrade to worse than LOS B, but would not create a safety hazard for pedestrians. (Less than Significant)   | <b>SFEIR Mitigation Measure 4.G-3a:</b><br><br>Prior to project occupancy, the project applicant <u>or its designee</u> shall fund the signal optimization at the Buena Vista Avenue and Sherman Street intersection during the p.m. peak hour to reduce pedestrian delays.   | Pay fees in time and manner specified in the mitigation measure.   | Project applicant or designee | Prior to issuance of first occupancy permit. | City of Alameda            |
|  | <b>SFEIR Mitigation Measure 4.G-3b:</b><br><br>Prior to project occupancy, the project applicant <u>or its designee</u> shall fund the signal optimization at the Challenger Drive and Marina Village Drive intersection during the p.m. peak hour to reduce pedestrian delays.   | Payment of fees in time and manner specified in the mitigation measure.  | Project applicant or designee | Prior to issuance of first occupancy permit. | City of Alameda            |
| <b>SFEIR Impact 4.G-11:</b> The proposed project would result in cumulative transportation impact to intersection levels of service. (Significant and Unavoidable)   | <b>Implement Revised GPA Mitigation Measure TRN-4b and SFEIR Mitigation Measures 4.G-2, 4.G-3, 4.G-4, 4.G-3a, and 4.G-3b.</b>   | See measures listed above.   | See measures listed above.    | See measures listed above.                   | See measures listed above. |
| <b>Utilities and Service Systems</b>   |   |  |                               |  |                            |
| <b>SFEIR Impact 4.H-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. (Less than Significant with Mitigation) | <b>Mitigation Measure 4.H-2:</b><br><br>The project <del>sponsors</del> <u>applicant or its designee</u> 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&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. | Comply with terms of the mitigation measure to the satisfaction of the City Department of Public Works and applicable utility providers. | Project applicant or designee | Prior to issuance of first occupancy permit. | City of Alameda            |



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