

**CITY OF ALAMEDA PLANNING BOARD  
DRAFT RESOLUTION**

**A RESOLUTION OF THE CITY OF ALAMEDA PLANNING BOARD CERTIFYING THE FINAL  
ENVIRONMENTAL IMPACT REPORT, ADOPTING FINDINGS AND A STATEMENT OF  
OVERRIDING CONSIDERATIONS, MITIGATION MEASURES, AND A MITIGATION  
MONITORING AND REPORTING PROGRAM FOR THE ALAMEDA SHIPWAYS  
RESIDENTIAL PROJECT**

WHEREAS, Steelwave Acquisitions, LLC (Developer) owns approximately 8.1 acres of land at a property located at 1100 – 1250 Marina Village Parkway (Alameda Shipways Residential Project Site APNS: 074-1334-067, -024, AND -023); and

WHEREAS, the Developer proposes to redevelop the Alameda Shipways Residential Project Site and construct several new structures on the site; and

WHEREAS, the Developer proposed development of a 292-unit residential apartment complex, a 2.5-acre public waterfront park, and related site improvements (collectively, the Project); and

WHEREAS, pursuant to CEQA and the CEQA Guidelines, the City determined that an Environmental Impact Report (EIR) would be prepared for the Project. On April 4, 2017, the City published a Notice of Preparation (NOP) to prepare an EIR for the Project, which was circulated to responsible agencies and interested groups and individuals for review and comment. A copy of the NOP and the comments thereon are included in Appendix A of the Draft EIR; and

WHEREAS, a public hearing on the Project was held on April 24, 2017 to determine the scope and content of the EIR, and to receive public comment; and

WHEREAS, the City prepared an EIR (State Clearinghouse No. 2017042021) evaluating the potential effects of the proposed development of the Project; and

WHEREAS, the EIR was circulated for comment on April 4, 2018 for a 45-day public review period, which ended on May 18, 2018; and

WHEREAS, the EIR analyzed four alternatives to the Project, including the Multi-Structure Affordable Housing Alternative, examining the environmental impacts and feasibility of each alternative, as well as the ability of the alternatives to meet project objectives; and

WHEREAS, the Historic Advisory Board held a duly noticed public hearing to receive public testimony on the EIR on May 3, 2018, and the Planning Board held a duly noticed public hearing to receive public testimony on the EIR on May 14, 2018, examined pertinent maps and documents, and considered the testimony and written comments received; and

WHEREAS, based on feedback from the Planning Board, Developer revised its application to closely align with the Multi-Structure Affordable Housing Alternative site plan and to increase the residential apartment complex to 329 units, including an increase in both affordable housing units

and market-rate units, and an increase in the size of the public waterfront park to 2.79 acres, and related site improvements (Revised Project); and

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

WHEREAS, the Final EIR, which consists of the EIR and the EIR Appendices, and a Responses to Comments on the EIR volume that contains comments on the EIR, responses to those comments, and revisions to the EIR, was published on January 3, 2019; and

WHEREAS, the Planning Board held a duly noticed public hearing to receive public testimony on the Final EIR on January 14, 2019, examined pertinent maps and documents, and considered the testimony and written comments received; and

WHEREAS, the Final EIR has been presented to and independently reviewed and considered by the Planning Board; and

WHEREAS, the Planning Board has made findings in connection with its review of the EIR pursuant to the California Environmental Quality Act (CEQA) (Pub. Res. Code section 21000 *et seq.*) and the CEQA Guidelines (Cal. Code Regs. title 14, section 15000 *et seq.*); and

WHEREAS, these findings are based on substantial evidence in the entire administrative record and references to specific reports and specific pages of documents are not intended to identify those sources as the exclusive basis for the findings; and

WHEREAS, the environmental impacts of the Revised Project were evaluated in the Final EIR and are within the scope of the analysis of the Multi- Structure Affordable Housing Alternative; and

WHEREAS, the Planning Board by separate resolution adopts the Revised Project evaluated in the EIR, including without limitation through the analysis of the Multi- Structure Affordable Housing Alternative.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board takes the following actions:

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

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## **EXHIBIT A**

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

#### **I. INTRODUCTION**

The City of Alameda (“City”), as lead agency under the California Environmental Quality Act (“CEQA”), Public Resources Code Section 21000 *et seq.*, has prepared the Final Environmental Impact report for the Alameda Shipways Residential Project (State Clearinghouse No. 2017042021) (“Final EIR”). The Final EIR is a project-level EIR pursuant to Section 15161 of the Guidelines for implementation of CEQA (“State CEQA Guidelines”).<sup>1</sup> The Final EIR consists of the April 2018 Public Review Draft Alameda Shipways Residential Project Environmental Impact Report (“EIR”), the January 3, 2019 Response to Comments on the EIR (“Response to Comments document”), and revisions to the EIR contained in the Response to Comments document.

In determining to approve the Revised Project (which includes 329 residential units and a 2.79-acre public waterfront park) that is consistent with the scope of the analysis of the Multi-Structure Affordable Housing Alternative (“Revised Project”), the City makes and adopts the following findings of fact and statement of overriding considerations, and adopts and incorporates into the Revised Project all of the mitigation measures identified in the Final EIR, all based on substantial evidence in the whole record of this proceeding (“administrative record”). Pursuant to Section 15090(a) of the State CEQA Guidelines, the Final EIR was presented to the City, and the City reviewed and considered the information contained in the Final EIR prior to making the findings in Sections IV through XIV, below. The conclusions presented in these findings are based on the Final EIR and other evidence in the administrative record. The findings provide the written analysis and conclusions regarding the Revised Project’s environmental impacts.

#### **II. DESCRIPTION OF ORIGINAL PROJECT AND REVISED PROJECT**

##### **A. ORIGINAL PROJECT**

The proposed original project, as described in Chapter 3 of the EIR, involves the redevelopment of approximately 8.1 acres of land and water encompassing three privately-owned parcels (APNs 074-1334-067, -024, and -023) located at 1100-1250 Marina Village Parkway in the City of Alameda, California (the “Project Site”). The original project proposed to demolish the existing structures on the Project Site and allow for development of up to 292 new housing units and a 2.5-acre public waterfront park, including an extension of the Bay Trail and a kayak launch for direct public access to the water, development of open lawn areas and a children’s play area, establishing locations for launching kayaks and other small watercraft, and a dock that could accommodate a future water shuttle use (the “Original Project”).

Of the 292 apartments, 40 are proposed to be marketed below market rate as affordable units. The proposed affordability levels include 13 units for very-low income households, 10 units for low income households, and 17 units for moderate income households. Other proposed

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

improvements include a landscape buffer between the building and the Marina Village Parkway (consisting of Bay Friendly native and regionally adapted trees, shrubs, and groundcovers) and provide new street trees along Marina Village Parkway as well as renovated pedestrian walkways, and a new internal roadway system and utility infrastructure, and parking throughout the site.

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

- To create a residential community consistent with the Mixed Use Planned Development (MX) zoning district designation and the Multifamily Residential Combining Zone (MF) and City's General Plan Housing, Land Use, and Transportation Elements.
- To create affordable and market rate housing that would significantly contribute to the General Plan's Housing Element goals, and the Association of Bay Area Governments' Regional Housing Needs Allocation for the City of Alameda.
- To create on-site affordable dwelling units, guided by the City's Inclusionary Housing Ordinance (Municipal Chapter 30-16).
- To redevelop a structurally unsound and underutilized parcel, with a mix of market and affordable rental housing and private and public open space amenities.
- To create a significant public waterfront recreation area with access to the Estuary and support an extension of the Bay Trail.
- To develop a financially viable, high-quality residential community with sufficient density to subsidize the affordable dwelling units.

## **B. REVISED PROJECT**

In response to comments from the public and the Planning Board, the applicant revised the Original Project to be similar to the Multi-Structure Affordable Housing Alternative, as described in Chapter 5 of the EIR. The Revised Project reflects the potential for increased development intensity under the state's Density Bonus Law (Government Code § 65915 et seq., Alameda Municipal Code Section 30-17). Additionally, the Revised Project responds to City Planning Department's comments requesting evaluation of an alternative with the building massing separated into multiple structures and allowing for views across the Project Site from the street to the Estuary. The Revised Project would include an increase in both affordable housing units and market-rate units for a total of 329 apartment units, including 54 below market rate units (27 units for very-low income households, 10 units for low income households, and 17 for moderate income households), a 13 percent increase in number of residential units compared to the Original Project. The Revised Project also includes similar amenities as the Original Project, and increases the size of the public "Waterfront Park" to 2.79 acres. The site plan and a visual rendering for the Revised Project are shown in Figures 5-1 and 5-2 of Chapter 5 of the EIR.

The Revised Project would meet the objectives of the Original Project in that it would transform the site into a new waterfront residential community, provide affordable housing, and provide private and public open space amenities to include an extension of the Bay Trail, while developing residential units as allowable under the state's Density Bonus Law.

Like the Multi-Structure Affordable Housing Alternative, the Revised Project would also have less-than-significant construction and operational impacts for aesthetics (no mitigation required); air quality and climate change (with mitigation); biological resources (with mitigation); geology, soils, and geohazards (no mitigation required); hazards and hazardous materials (with mitigation); hydrology and water quality (with mitigation); noise and vibration (with mitigation); land use and planning (no mitigation required); population, housing, and public services (no mitigation required); utilities and service systems (with mitigation); all of which would be similar or the same as the Original Project. The mitigations proposed under the Mitigation Monitoring and Reporting Program would be adequate to reduce these impacts of the Revised Project to less-than-significant levels.

Similar to the Original Project, the Revised Project would also result in significant and unavoidable impacts to cultural resources. It would demolish existing historic structures on the Project Site and replace those structures with new development totaling a similar overall development footprint as the proposed project. As with the Original Project, this impact would remain significant and unavoidable.

Similar to the Original Project, the Revised Project would also result in significant and unavoidable impacts for transportation and traffic impacts, but with marginally greater impacts than identified for the Original Project. Since the Revised Project would have more development than proposed under the Original Project, it would generate more trips and therefore result in significant impacts at the Park Street/Blanding Avenue and Marina Square Drive/Constitution Way intersections. It would generate about 15 percent more peak hour trips than the Original Project. Since it would generate more peak hour trips than the Original Project, the magnitude of the impacts at the study intersections would increase. As with the Original Project, the identified Significant and Unavoidable impact at the Park Street/Blanding Avenue and Marina Square Drive/Constitution Way intersections (Impact 4.L-2) would remain Significant and Unavoidable under the Revised Project.

As described in Chapter 2 of the Final EIR, based on feedback from the Planning Board, Developer revised its application to align with the Multi-Structure Affordable Housing Alternative site plan and to increase the residential apartment complex to 329 units, including an increase in both affordable housing units and market-rate units, and to increase the size of the public waterfront park to 2.79 acres, and related site improvements (the "Revised Project"). The Revised Project is substantially similar to the Multi-Structure Affordable Housing Alternative. The environmental impacts of the Revised Project were evaluated in the Final EIR and are within the scope of the analysis of the Multi-Structure Affordable Housing Alternative.

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

On April 4, 2017, the City issued a Notice of Preparation ("NOP") of the EIR in accordance with CEQA. The NOP requested that agencies with regulatory authority over any aspect of the project describe that authority and identify the relevant environmental issues that should be addressed in the EIR. Interested members of the public were also invited to comment. The NOP was circulated for comment by responsible and trustee agencies and the public, during which time the City held a public scoping meeting on April 24, 2017. Comments on the NOP were received by the City and considered during preparation of the EIR.

The Draft EIR was made available for public review on April 4, 2018, and distributed to responsible and trustee agencies and the public. It was circulated for public review through May 18, 2018, for a total of 45 days, during which time the Alameda Historic Advisory Board held a

public hearing on the Draft EIR on May 3, 2018, and the Planning Board held a public hearing on the Draft EIR on May 14, 2018.

Following the close of the public review period, the Final EIR was prepared, which responds to the written and oral comments received during the public review period and makes revisions to the EIR. The Response to Comments document was issued on January 3, 2019. On January 14, 2019, at a duly noticed public hearing, the Planning Board certified the Final EIR.

#### **IV. ADMINISTRATIVE RECORD**

The record, upon which all findings and determinations related to the certification of the EIR and the approval of the Revised Project are based, includes at a minimum the following:

- The EIR and all documents referenced in or relied upon by the EIR.
- All information (including written evidence and testimony) provided by City staff to the Historic Advisory Board, and/or Planning Board, relating to the EIR, the approvals, the Original Project, and the Revised Project.
- All information (including written evidence and testimony) presented to the Historic Advisory Board and the Planning Board by the environmental consultant and sub-consultants who prepared the EIR or incorporated into reports presented to the Planning Board.
- All information (including written evidence and testimony) presented to the City from other public agencies relating to the Original Project, the Revised Project, and the EIR.
- All final applications, letters, testimony and presentations presented by the Developer and its consultants to the City in connection with the Original Project and Revised Project.
- All final information (including written evidence and testimony) presented at any City public hearing or City workshop related to the Original Project, Revised Project, and the EIR.
- For documentary and information purposes, all City-adopted land use plans and ordinances, including without limitation the general plan, specific plans and ordinances, together with environmental review documents, findings, and mitigation monitoring programs.
- All other documents composing the record pursuant to Public Resources Code section 21167.6(e).

The custodian of the documents and other materials that constitute the record of the proceedings upon which the City's decisions are based is the Community Development Director, or his/her designee. Such documents and other materials are located at the City's Planning, Building and Transportation Department, located at 2263 Santa Clara Avenue, Room 190, Alameda, CA 94501.

#### **V. FINDINGS**

These findings summarize the environmental determinations of the Final EIR about the Revised Project's impacts before and after mitigation, and do not attempt to repeat the full

analysis of each significant impact contained in the Final EIR. Instead, these findings provide a summary description of and basis for each impact conclusion identified in the Final EIR, describe the applicable mitigation measures identified in the Final EIR, and state the City's findings and rationale about the significance of each significant impact following the adoption and incorporation of mitigation measures into the Revised Project. A full explanation of these environmental findings and conclusions can be found in the Final EIR, and these findings hereby incorporate by reference the discussion and analysis in the Final EIR supporting the Final EIR's determination regarding mitigation measures and the Project's impacts.

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

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

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

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

### **A. Impact 4.E-1: Project implementation would cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines, Section 15064.5.**

The City finds that the both the Original Project and Revised Project would include the demolition of Shipways 1 through 4, including approximately 28,300 square feet of existing office space in the head houses. The four shipways at 1100 – 1250 Marina Village Parkway appear eligible for listing in the National Register and California Register under Criterion A/1 (Events), and



for listing on the Alameda Historical Building Study List under an “S” designation, although neither the buildings nor the site are currently listed. Both the Original Project and Revised Project include the demolition of the existing buildings (Shipway 1, 2, 3, and 4) in the project area that also appear as eligible for listing in the National Register, California Register, and on the Alameda Historical Building Study List. The demolition of these structures is considered a significant impact under CEQA. This impact cannot be reduced to a level of less than significant; however, implementation of the following mitigation measures would reduce impacts, to the extent feasible, to historical resources by documenting the resource and preserving the history of the Project Site and buildings. Overall, the Original Project and Revised Project would cause a substantial adverse change in the significance of a historical resource, and this impact would be significant and unavoidable even with mitigation.

**Mitigation Measure 4.E-1a:** The project proponent shall prepare a treatment plan including but not limited to photo documentation and public interpretation of the shipways at 1100 – 1250 Marina Village Parkway (Shipway 1, 2, 3, and 4). Photo documentation will be overseen by a Secretary of the Interior–qualified architectural historian, documenting the affected historical resource in accordance with the National Park Service’s Historic American Buildings Survey (HABS) and/or Historic American Engineering Record (HAER) standards. Such standards typically include large-format photography using (4x5) negatives, written data, and copies of original plans if available. The HABS/HAER documentation packages will be archived at local libraries and historical repositories, as well as the Northwest Information Center of the California Historical Resources Information System.

**Mitigation Measure 4.E-1b:** Public interpretation of historical resources shall be provided and could include a plaque, kiosk, or other method of describing the historic or architectural importance of the shipways to the general public. The design and placement of the display(s) shall be reviewed and approved by the City of Alameda Historic Advisory Board.

As discussed in Part II(B) above, and fully described on pages 5-20 and 5-21 of the EIR, as with the Original Project, the Revised Project would also result in significant and unavoidable impacts to cultural resources. The Revised Project would demolish existing historic structures on the Project Site and replace those structures with new development totaling a similar overall development footprint as the Original Project. As with the Original Project, this impact would remain significant and unavoidable with implementation of the above mitigation measures.

**B. Impact 4.L-2: The proposed project could increase traffic volumes such that traffic conditions at the Park Street/Blanding Avenue intersection would degrade from LOS D to LOS E under Existing Plus Project conditions and at the Marina Square Drive/Constitution Way intersection would degrade LOS E to LOS F and the proposed project could increase traffic volumes by three percent or more under Cumulative (2040) conditions.**

The Final EIR concluded that traffic impacts generated by the Original Project would have a significant impact at the Park Street/ Blanding Avenue intersection (#9), which is located immediately adjacent to the Park Street Bridge by increasing traffic volumes such that the intersection delay would increase by 2 seconds and the operations would deteriorate from LOS D to LOS E during the PM peak hour under Existing Plus Project conditions. Traffic impacts generated by the Original Project in combination with all other future developments would have a

significant impact at the Marina Square Drive/Constitution Way intersection (#3), which would operate at an unacceptable LOS during both peak traffic hours under Cumulative 2040 conditions. Traffic impacts generated by the Original Project that cause an intersection Level of Service to degrade to LOS E or F, or increase traffic volumes by three percent or more at an intersection that is currently operating at LOS E or F are treated as a significant impact for CEQA purposes.

This impact cannot be reduced to a level of less than significant; however, implementation of the following mitigation measure would reduce impacts, to the extent feasible, to traffic conditions by implementing TDM strategies that reduce automobile trips generated by the Original Project. TDM strategies can potentially reduce automobile trips generated by the Original Project and either eliminate or reduce the magnitude of the significant impact at the impacted intersections. Overall, the Original Project could increase traffic volumes such that traffic conditions at the Park Street/Blanding Avenue intersection could degrade from LOS D to LOS E under Existing Plus Project conditions and at the Marina Square Drive/Constitution Way intersection could degrade LOS E to LOS F and the Original Project could increase traffic volumes by three percent or more under Cumulative (2040) conditions, and this impact would be significant and unavoidable with mitigation.

**Mitigation Measure 4.L-2: Transportation Demand Management (TDM).** To reduce the number of automobile trips generated by the Revised Project, the Developer shall prepare a Transportation Demand Management Plan and funding program for Planning Board review and approval. The TDM plan should include a suite of measures to reduce vehicle trips by project residents and visitors, including but are not limited to the following:

- a. Membership in the Alameda Transportation Management Association (ATMA), or equivalent organization that will provide AC Transit Easy Passes or equivalent passes to each of the 329 units in the project. Membership shall include:
  - Annual Transportation Funding: Provide annual funding to the ATMA in the amount of \$116,800 per year (2018 dollars). The annual transportation payment shall be adjusted annually consistent with the increase in the San Francisco-Oakland-Hayward Consumer Price Index (All Items).
  - Annual Monitoring: Conduct an annual survey of the project residents to identify their transportation needs and habits and an annual weekday peak hour car trip count at the project garage entrances and exit. The annual survey and car counts shall be provided annually to the ATMA for the ATMA annual report.
  - Parking Management: Use of the project parking garage shall be regulated and managed by the project ownership. Any resident wishing to use the garage for personal vehicle parking shall be required to pay for garage use. The cost of garage use shall be separated and not bundled into the rent for a housing unit in the building.
  - Electric Car Charging: The parking garage shall be constructed with 30 electric car charging stations for use by project residents.
  - On-site car share services: On-site car share services shall be provided for project residents.
  - Welcome Packet: A welcome packet describing the transportation services and obligations shall be provided to each tenant upon arrival.

As discussed in Part II(B) above, and fully described on pages 5-22 and 5-24 of the EIR, as with the Original Project, the Revised Project would also result in significant and unavoidable (with mitigation) impacts for transportation and traffic impacts, but with marginally greater impacts than

identified for the Original Project. Since the alternative would have more development than proposed under the Original Project, it would generate more trips, and therefore result in significant impacts at the Park Street/Blanding Avenue and Marina Square Drive/Constitution Way intersections. The Revised Project would generate about 15 percent more peak hour trips than the Original Project. Since the Revised Project would generate more peak hour trips than the Original Project, the magnitude of the impacts at the study intersections would increase. As with the Original Project, the identified Significant and Unavoidable impact at the Park Street/Blanding Avenue and Marina Square Drive/Constitution Way intersections (Impact 4.L-2) would remain Significant and Unavoidable under the Revised Project with implementation of the above mitigation measure.

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

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

### **AIR QUALITY, GREENHOUSE GAS EMISSIONS, AND ENERGY**

#### **A. Impact 4.C-1: The proposed project would not result in localized construction dust-related air quality impacts; generate construction emissions that would result in a substantial increase of criteria pollutants and precursors for which the air basin is in nonattainment under an applicable federal or state ambient air quality standard; or expose sensitive receptors to substantial concentrations of toxic air contaminants or respirable particulate matter (PM2.5).**

The Final EIR includes evidence that Original Project related demolition, soil transport, remediation, grading and other construction activities at the Project Site may cause wind-blown dust that could release particulate matter into the atmosphere. Project-related construction would generate air emissions through the use of heavy-duty construction equipment, from vehicle trips hauling materials, and from construction workers traveling to and from the Project site. These emissions would be temporary and limited to the immediate area surrounding the construction site. Based on default assumptions from CalEEMod, construction emissions associated with the Project would be less than significant. The Bay Area Air Quality Management District (BAAQMD) requires implementation of Best Management Practices (BMPs) to reduce construction dust impacts to a less than-significant level. Similar to the Original Project, Mitigation Measure 4.C-1, set forth below, which is hereby adopted and incorporated into the Revised Project, would reduce impacts to less than significant construction and operational impacts to air quality levels.

**Mitigation Measure 4.C-1:** 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 and all conditions of project approval, including

the construction impact plan. The effective implementation of dust abatement programs, incorporating all of the following dust control measures, would reduce the temporary air quality impact associated with construction dust.

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

As described on page 5-20 of the EIR, as with the Original Project, the City finds that this mitigation measure would be adequate to reduce the impacts of the Revised Project to less than significant.

**B. Impact 4.C-5: The proposed project would not conflict with or obstruct the implementation of the applicable air quality plan. (Less than Significant with Mitigation)**

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

The Original Project would not exceed the BAAQMD's significance criteria for air pollutant emissions and would, therefore, be consistent with the first of the criteria for consistency with the Clean Air Plan. The Final EIR finds that the Original Project would result in a less-than-significant impact with respect to exposure to TACs. The Final EIR finds that that with elements identified as part of the Original Project and with implementation of Mitigation Measure 4.C-2 and Mitigation Measure 4.L-2, discussed below, the Original Project would be consistent with applicable control measures of the Clean Air Plan. The Original Project meets the third criteria for consistency with the Clean Air Plan by incorporating applicable control measures, including a TDM program, and implementation of Mitigation Measure 4.C-2. As with the Original Project, with Mitigation Measure 4.C-2 and Mitigation Measure 4.L-2, set forth below, which are hereby adopted and incorporated into the Revised Project, the Revised Project would not substantially conflict with or obstruct implementation of the 2017 Clean Air Plan, and the impact would be less than significant.

**Mitigation Measure 4.C-2:** The City shall require construction plans for the new structures are designed to meet LEED Silver certification or equivalent.

Implement **Mitigation Measure 4.L-2**, as discussed above.

The City finds that these mitigation measures would be adequate to reduce the impacts of the Revised Project to less than significant.

**C. Impact 4.C-6: The proposed project, when combined with past, present and other reasonably foreseeable development in the vicinity, would not result in cumulative air quality impacts**

In accordance with the 2017 BAAQMD CEQA Guidelines, if a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions (BAAQMD, 2009). The Final EIR finds that the Original Project with implementation of Mitigation Measure 4.C-1 would generate less than significant regional emissions. The Original Project would not result in individually significant impacts and therefore would also not make a cumulatively considerable contribution to regional air quality impacts. The Final EIR finds that the Original Project's operational emissions would not exceed the significance thresholds with mitigation. Impacts would therefore be less than significant. As such, combining the Original Project emissions with emissions from other projects would not result in cumulatively significant air quality operational impacts. As with the Original Project, with Mitigation Measure 4.C-1, set forth above, which is hereby adopted and

incorporated into the Revised Project, the Revised Project would not result in cumulative air quality impacts, and the impact would be less than significant.

**Implement Mitigation Measure 4.C-1.**

The City finds that this mitigation measure would be adequate to reduce the impacts of the Revised Project to less than significant.

**D. Impact 4.C-7: The proposed project would not generate greenhouse gas emissions, either directly or indirectly, that would have a significant impact on the environment.**

The Final EIR contains evidence that construction activities would produce combustion emissions from various sources, but that implementation of the construction emission control measures in Mitigation Measure 4.C-1 and Mitigation Measure 4.C-2, set forth above, would further reduce GHG emissions during Project construction. During operations, the Final EIR also finds that the Original Project would generate 606 metric tons of CO<sub>2</sub>e per year, which is below BAAQMD's operational screening threshold of 1,100 metric tons of CO<sub>2</sub>e per year. The Original Project would develop up to 292 residential units which would accommodate a service population of 724 people. Therefore, the Original Project's GHG emissions would result in a GHG efficiency of 3.65 metric tons per service population per year which is below the BAAQMD's threshold of 4.6 metric tons per service population per year for year 2020. According to the BAAQMD, a project would have less-than-significant GHG emissions if it would meet one or more of the criteria. Therefore, because the Original Project results in emissions below BAAQMD's operational screening threshold of 1,100 metric tons of CO<sub>2</sub>e per year and below the 4.6 metric tons CO<sub>2</sub>e per service, the Original Project would not have a significant effect on the environment related to GHG emissions with respect to the GHG reduction goals for year 2020. As described on page 5-20 of the EIR, development under the Revised Project would be greater than under the Original Project, and the would increase the construction period as 37 additional residential units (329 total) would be constructed. The overall intensity of use on the site would be similar to but greater than that envisioned under the Original Project. Although the quantities of air quality and greenhouse gas emissions associated with the Revised Project would be greater, the population would increase proportionally, making for a similar per capita calculation. As a result, similar to the Original Project, the Revised Project would result in a less than significant impact with mitigation.

For year 2030, a new interim goal of a further 40 percent reduction below 1990 levels has been adopted by CARB pursuant to Senate Bill 32. Applying these further needed reductions to the service population threshold results in an operational-related greenhouse gas emissions threshold of 2.8 metric tons of CO<sub>2</sub>e per service population as sufficient to achieve the goals for year 2030 (Vintze, 2016). As currently proposed, the Revised Project would just exceed this year 2030 threshold. However, implementation of Mitigation Measure 4.C-1 and Mitigation Measure 4.C-2 identified above, which are hereby adopted and incorporated into the Revised Project would require the applicant to obtain LEED silver certification or its equivalent for proposed residential structures as well as other measures, including TDM strategies, thereby reducing Project-related GHG emissions and achieving the level of reduction required to mitigate this potential impact.

**Implement Mitigation Measure 4.C-1 and Mitigation Measure 4.C-2.**

The City finds that these mitigation measures would be adequate to reduce the impacts of the Revised Project to less than significant.

**E. Impact 4.C-8: The proposed project would not conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.**

The Final EIR contains evidence that the Original Project could result in an increase in emissions of criteria pollutants during operations, however, the Original Project would be compliant with the GHG reduction initiatives included in the City's 2008 LAPCP, and that the project's mitigated GHG emissions generated by construction and operation of the project would be less than BAAQMD thresholds. The Final EIR also finds that the Original Project would not impair attainment of GHG reduction goals established pursuant to AB 32 in the Climate Change Scoping Plan, because these goals were used in the development of BAAQMD thresholds. With implementation of Mitigation Measure 4.C-2 identified above, which is hereby adopted and incorporated into the Revised Project, the Revised Project would have a less-than-significant impact with regard to GHG reduction-planning efforts, because emissions per service population would be below the thresholds developed based on attainment of AB 32 goals.

Implement	Mitigation	Measure	4.C-2.
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The City finds that these mitigation measures would be adequate to reduce the impacts of the Revised Project to less than significant.

**BIOLOGICAL RESOURCES**

**F. Impact 4.D-1: The proposed project would not have a substantial adverse effect, either directly or through habitat modifications, on species identified as candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or USFWS.**

The Final EIR contains evidence that sensitive aquatic communities, special status fish, and marine mammals that occur in the Alameda Estuary could be adversely impacted by project activities such as in-water work associated with demolition of the craneways, welding platform and shipways, excavations and filling necessary to bring the development site to proper elevations for residential uses and access and landscaping improvements along the shoreline; pile driving in uplands adjacent to the shoreline; and during construction of the floating dock. Construction activities also have the potential to impact special status species of birds that may forage on the Alameda Estuary near the project site. Mitigation Measure 4.D-1a commits the applicant to completing the necessary permit authorizations from USFWS and/or NMFS pertaining to special status fish species. Mitigation Measure 4.D-1b outlines protocols for reducing noise impacts to sensitive fish species. As discussed on page 5-20 of the EIR, the Revised Project would result in less than significant (with mitigation) impacts on biological resources, the same as identified with the Original Project. Implementation of Mitigation Measure 4.D-1a and Mitigation Measure 4.D-1b, which are hereby adopted and incorporated into the Revised Project, would reduce the impacts to a less than significant level.

**Mitigation Measure 4.D-1a:** The applicant shall obtain all necessary authorizations related to potential impacts to special status fish species from USFWS and NMFS during the permit phase

of the project. Such authorizations could be required for in-water demolition work or pile driving activities in areas adjacent to the shoreline and could consist of authorization under one of the programmatic consultations for federally-listed species described above or a separate Biological Opinion. The project applicant shall submit to the City copies of any Biological Opinion received.

**Mitigation Measure 4.D-1b:** If it is determined that pile installation using impact hammers along the shoreline would exceed established thresholds for injury or mortality to fish as set forth in FHA 2008 Caltrans 2015, and/or NMFS 2016 (see References), the City shall require a NMFS-approved sound attenuation monitoring plan to protect fish. This plan shall provide detail on a system to accomplish sound attenuation during pile driving, provide detail on 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 the greatest extent feasible. The sound monitoring results shall be made available to the NMFS. The plan shall incorporate, but not be limited to, the following best management practices (BMPs):

- To 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” and the related USFWS and NOAA Section 7 consultation which establishes general procedures for minimizing impacts to natural resources associated with projects in or adjacent to jurisdictional waters.
- All piling installation using impact hammers and all demolition work along the shoreline required for removal of the craneways, welding platform and concrete shipways and work associated with pile driving and excavation/filling adjacent to the shoreline during site preparation shall be conducted between June 1 and November 30, if feasible, when the likelihood of sensitive fish species being present in the work area is minimal.
- 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.
- The impact hammer shall be cushioned using a 12-inch thick wood cushion block during all impact hammer pile driving operations.
- If pile installation using impact hammers must occur at times other than the approved work window, the project applicant shall obtain incidental take authorization from NMFS and CDFW, as necessary, to address potential impacts on steelhead trout, chinook salmon, and Pacific herring and implement all requested actions to avoid impacts.
- The project applicant shall monitor and verify sound levels during pile driving activities. The sound monitoring results will be made available to the City.
- In the event that exceedance of noise thresholds established and approved by NMFS occurs, a contingency plan involving the use of bubble curtains or air barrier for work completed in-water shall be implemented to attenuate sound levels to below thresholds.

The City finds that these mitigation measures would be adequate to reduce the impacts of the Revised Project to less than significant.

**G. Impact 4.D-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 CDFW or USFWS.**



The Final EIR contains evidence that although there is no riparian habitat located in the vicinity of the project site, some sensitive natural communities are present in the vicinity of the project site that could be adversely impacted by project development. Dredging and pile removal associated with the project could potentially affect submerged aquatic vegetation on the Bay floor or attached to wharf pilings, as well as affect native oysters. In-water work could result in the release and spread of marine invasive species, especially problem algal species such as *Undaria* and *Sargasso*. Potentially significant adverse impacts on sensitive aquatic communities resulting from in-water work would be reduced to less-than-significant levels through implementation of Mitigation Measure 4.D-2a, which is hereby adopted and incorporated into the Revised Project.

**Mitigation Measure 4.D-2a:** The applicant shall develop and implement a Marine Invasive Species Control Plan prior to commencement of any in-water work and submit such plan to the City for review and approval. Provisions of the plan shall include (i) environmental training of construction personnel involved in in-water work; (ii) actions to be taken to prevent the release and spread of marine invasive species, especially algal species such as *Undaria* and *Sargasso*; (iii) procedures for the safe removal and disposal of any invasive species observed on the removed structures; (iv) the onsite presence of a qualified marine biologist to assist the contractor in the identification and proper handling of any invasive species removed from equipment or materials; and (v) preparation of a post-construction report identifying any invasive species attached to equipment and materials following removal from the water, and describing the treatment or handling of identified invasive species. Reports shall be submitted to the City.

The City finds that this mitigation measure would be adequate to reduce the impacts of the Revised Project to less than significant.

**H. Impact 4.D-4: Development facilitated by the proposed project would not interfere with the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.**

The Final EIR contains evidence that development facilitated by the project has the potential to interfere with the movement or migratory corridors of native resident or migratory avian and bat species, and could adversely impact the movement of fish and marine mammals within project area waters. Some disturbance to movement of migratory and resident waterbirds is possible during (i) in water work during demolition and construction activities, (ii) excavation or filling activities adjacent to the shoreline necessary to create suitable elevations for residential uses and development of public access and landscaping along the shoreline, (iii) pile-driving, and (iv) during operation of the proposed water taxi service across the Alameda Estuary between the Project Site and Oakland. These activities also have the potential to affect the movement or migratory corridors of, or impede the use of nursery sites by harbor seals, Chinook salmon, Coho salmon, Steelhead trout, green sturgeon, Pacific herring, and several FMP-managed fish species. Implementation of Mitigation Measure 4.D-1a, Mitigation Measure 4.D-1b, Mitigation Measure 4.D-4a, Mitigation Measure 4.D-4b, which are hereby adopted and incorporated into the Revised Project, would reduce impacts to special-status fish species or EFH to a less than significant level. Implementation of Mitigation Measure 4.D-1b, in addition to Mitigation Measure 4.D-4a and Mitigation Measure 4.D-4b, which are hereby adopted and incorporated into the Revised Project, would reduce potential impacts to Pacific harbor seals and California sea lions to a less than significant level.

Depending on timing of the proposed construction, impacts could also result to nesting birds covered by the MBTA and California Fish and Game Code or to roosting bats that could potentially be found under or within the shipways or associated with the craneways or welding platform. Implementation of Mitigation Measure 4.D-5a and Mitigation Measure 4.D-5b, which are hereby adopted and incorporated into the Revised Project, would reduce potential impacts to nesting migratory birds to less than significant. Implementation of Mitigation Measure 4.D-6a, which is hereby adopted and incorporated into the Revised Project, requiring a preconstruction bat survey will reduce the potential for impacts to bat populations to levels less than significant.

Additionally, ground-disturbing activities could promote erosion and allow elevated levels of sediment to wash into the Alameda Estuary, where potential impacts to fish and wildlife species would be possible. Implementation of Mitigation Measure 4.D-7a, which is hereby adopted and incorporated into the Revised Project, will reduce water quality concerns to a less than significant level.

Increased artificial illumination of Bay waters at night related to the project could alter normal swimming and foraging behavior of fish, marine mammals, and seabirds. Implementation of Mitigation Measure 4.D-8a, which is hereby adopted and incorporated into the Revised Project, requiring the use of shielded, low-mounted, and low light-intensity fixtures and bulbs would reduce this impact to a less than significant level.

Implementation of **Mitigation Measure 4.D-1a** and **Mitigation Measures 4.D-1b**.

**Mitigation Measure 4.D-4a:** If pile driving during in-water project work would result in exceedance of thresholds as set forth in FHA 2008 Caltrans 2015, and/or NMFS 2016 (see References), the project applicant shall obtain Incidental Harassment Authorization from NMFS for Pacific harbor seals or California sea lions related to potential noise impacts resulting from pile driving activities and in-water work.

**Mitigation Measure 4.D-4b:** The sound attenuation monitoring plan required in Mitigation Measures 4.D-1b shall include an evaluation of the potential effects of sound on marine mammals, and shall determine appropriate measures to be employed if sound levels exceed thresholds established by MMPA regulations. If it is found that sound levels would be exceeded a NMFS-approved biological monitor shall conduct daily surveys before and during impact hammer pile driving for the presence of marine mammals. Monitoring will be completed within “safety zones” that are established in the sound attenuation and monitoring plan based on modeled sound levels resulting from pile driving. If marine mammals enter zones that could result in injury or death to individuals, pile driving shall cease and shall not resume until the individual has left the safety zone or has not been observed for 15 minutes.

**Mitigation Measure 4.D-5a:** If feasible, construction work shall take place outside of the February 1 to August 31 breeding window for nesting birds. If construction is to be conducted during the breeding season, a qualified biologist shall conduct a pre-construction breeding bird survey in areas of suitable habitat within 15 days prior to the onset of construction activity. If active bird nests are found, appropriate buffer zones shall be established around all active nests to protect nesting adults and their young from construction disturbance. Size of buffer zones shall be determined by a qualified biologist based on site conditions and species involved. In general, CDFW recommends a 150-foot construction exclusion zone around the nests of active passerine songbirds during the

breeding season, and a 300-foot buffer for nesting raptors. Buffer zones should be maintained until it can be documented that either the nest has failed or the young have fledged.

**Mitigation Measure 4.D-5b:** If demolition of the shipways buildings is planned to occur during the bird nesting season (February 1 to August 31), the applicant shall use protective nests or tarps or other measures to reduce the potential for establishment of active nests, including, for example: cover potential nesting sites in the eaves of the Shipways buildings for cliff swallows to prevent initiation of nesting by swallows that could impede demolition of the Shipways buildings. Such features would need to be installed with the assistance of qualified wildlife biologists during the non-nesting season (prior to January 31) to ensure that no nesting birds are harmed by their placement. The protective nets or tarps would remain until the commencement of demolition work for the subject building or could remain throughout the nesting season (until after August 31).

**Mitigation Measure 4.D-6a:** Prior to the issuance of construction permits, the City shall ensure the project applicant conducts a preconstruction bat survey and implements any warranted measures necessary to protection of bat populations, including special status bat species.

- A daytime bat habitat assessment should be conducted by a qualified bat biologist of all structures slated for demolition (including craneways, the welding platform and shipways). No activities that could disturb active roosts shall proceed prior to completion of the survey. The habitat survey will include a detailed survey of all accessible portions of the exteriors and interiors of structures. If structures contain past or present evidence of roosting bats (fecal pellet accumulations, urine or fur staining at entrances, insect prey remains, live or dead bats, characteristic odor, etc.) and there are walls or other portions of the structure that cannot be completely surveyed, it will be assumed that roosting bats are present unless a detailed visual survey or night emergence survey can be conducted that verifies the absence of bats. Demolition of structures containing roosting bats or signs of past or present use by bats would be delayed until between March 1 (weather permitting) and April 15 to avoid mortality of torpid overwintering bats, and between September 1 and October 15 to prevent mortality of young that are not yet self-sufficiently volant.
- If no bats are determined to be present at the project site, appropriate steps shall be taken based on recommendation of the qualified biologist to ensure that accessible entrances are closed off to ensure that a colony does not become established.
- 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.
- Removal of structures containing or presumed 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.
- If significant bat roosting habitat (e.g., maternity roosts or large non-maternity roost sites) is destroyed during structure removal, mitigation shall be required based on recommendations of the surveying biologist. Mitigation would be determined based on the biological requirements of the specific bat species identified, and may include 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, on-site

bat roosts, or other on-site or off-site measures. The design and location of the artificial bat roost(s) shall be determined by a qualified bat biologist.

**Mitigation Measure 4.D-7a:** Best Management Practices and all requirements as detailed in the SWPPP (or stormwater quality control plan) shall be implemented to control erosion and migration of sediments off-site. Implementation of water quality controls shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association Stormwater Best Management Handbook-Construction. In addition, vegetation shall only be cleared from the permitted construction footprint. Areas cleared of vegetation, pavement, or other substrates should be stabilized as quickly as possible to prevent erosion and runoff.

**Mitigation Measure 4.D-8a:** Through the Design Review application process, the City shall ensure that the project applicant installs lighting on docks, piers, and along the shoreline that minimizes artificial lighting of Bay waters by using shielded, low-mounted, and low light-intensity fixtures and bulbs.

**Mitigation Measure 4.D-9a:** The project Design Review plans shall be designed to minimize the risk of bird strikes. 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 buildings to ensure that the potential for bird strikes is sufficiently minimized. The project applicant shall provide the City a written description of the measures and features of the building design that are intended to address potential impacts on birds. Specific features shall include limits on reflective building materials so building appear less transparent and limitations on night lighting.

The City finds that these mitigation measures would be adequate to reduce the impacts of the Revised Project to less than significant.

## **CULTURAL RESOURCES**

- I. Impact 4.E-2: Project construction could potentially cause a substantial adverse change in the significance of an archaeological resource, including those determined to be a historical resource defined in Section 15064.5 or a unique archaeological resource defined in PRC 21083.2.**

The Final EIR contains evidence that based on records at the NWIC, the Project Site area contains no recorded archaeological resources. There is, however, a moderate to high potential for unrecorded Native American resources in the project area as such resources have been found in areas marginal to the bayshore and inland near intermittent and perennial fresh watercourses in this part of Alameda County. Ground disturbing construction activities have the potential to uncover and disturb previously unidentified archaeological resources, which would be a potentially significant impact. This impact is reduced to a less than significant level through implementation of Mitigation Measure 4.E-2a and Mitigation Measure 4.E-2b, which are hereby adopted and incorporated into the Revised Project.

**Mitigation Measure 4.E-2a:** During construction, if prehistoric or historic-era cultural materials are encountered, all construction activities within 100 feet shall halt and the City shall be notified. Prehistoric archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil ("midden") containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g.,

mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; artifact filled wells or privies; and deposits of metal, glass, and/or ceramic refuse.

The project applicant shall ensure that a Secretary of the Interior-qualified archaeologist inspect the find within 24 hours of discovery. If the find is determined to be potentially significant, the archaeologist, shall follow the guidelines provided in Mitigation Measure 4.E-2b.

**Mitigation Measure 4.E-2b:** If a find is determined to be potentially significant, the project applicant shall ensure an archaeological testing and data recovery program (as well as archaeological monitoring, if warranted) consistent with a professionally developed Archaeological Resources Management Plan are undertaken as follows:

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

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

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

The City finds that these mitigation measures would be adequate to reduce the impacts of the Revised Project to less than significant.

**J. Impact 4.E-3: Project construction could potentially disturb human remains, including those interred outside of formal cemeteries.**

The Final EIR contains evidence that ground disturbing construction activities within the project area have the potential for the discovery of human remains. Disturbance of human remains would be a significant impact. Implementation of Mitigation Measure 4.E-3, which is hereby adopted and incorporated into the Revised Project, would ensure that impacts to human remains would be less-than-significant.

**Mitigation Measure 4.E-3:** Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.98 of the Public Resources Code of the State of California, the project applicant shall ensure the following:

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

The City finds that this mitigation measure would be adequate to reduce the impacts of the Revised Project to less than significant.

**K. Impact 4.E-6: The project, in combination with past, present, and probable future projects, could potentially result in cumulative adverse impacts on archaeological resources and human remains.**

The Final EIR contains evidence that the geographic scope for cumulative effects on archaeological resources in Alameda includes projects in Alameda that would also involve excavation or similar ground disturbance in locations with previously recorded or as yet unknown archaeological resources, potentially with human remains. Cumulative projects in the project's vicinity could have a significant impact on both recorded and unrecorded archaeological resources, including human remains interred outside of formal cemeteries, given the amount of construction-related ground disturbance that could occur for many of the cumulative projects. The potential impacts of the project when considered together with similar impacts from other probable future projects in the vicinity could result in a significant cumulative impact on archaeological resources and human remains. The proposed project's contribution to this impact could be cumulatively considerable, as documented above under Impacts 4.E-2 and 4.E-3. With implementation of Mitigation Measure 4.E-2a, Mitigation Measure 4.E-2b, and Mitigation Measure 4.E-3, as set forth above, which are hereby adopted

and incorporated into the Revised Project, the proposed project's contribution to cumulative impacts to archaeological resources and human remains would not be considerable, and the impact would be less than significant.

Implement **Mitigation Measure 4.E-2a**, **Mitigation Measure 4.E-2b**, and **Mitigation Measure 4.E-3**.

The City finds that these mitigation measures would be adequate to reduce the impacts of the Revised Project to less than significant.

## **HAZARDS AND HAZARDOUS MATERIALS**

- L. Impact 4.G-1: Demolition of the existing structures on the project site which likely contain hazardous building materials—such as lead-based paint, asbestos, and PCBs—could potentially expose workers, the public, or the environment to hazardous materials from the transport, use, or disposal of these hazardous materials and waste.**

The Final EIR contains evidence that demolition of existing structures on the Project site may expose construction workers, the public, or the environment to hazardous materials such as LBP, ACMs, and PCBs. As discussed on page 5-21 of the EIR, the Revised Project would result in less than significant (with mitigation) impact related to hazard and hazardous materials, the same as identified with the Original Project. Implementation of Mitigation Measures 4.G-1a through 4.G-1e, set forth below, which are hereby adopted and incorporated into the Revised Project, would reduce construction period impacts to less-than-significant levels.

**Mitigation Measure 4.G-1a:** Prior to issuance of any demolition permit, the project applicant shall submit to the Alameda County Department of Environmental Health a hazardous building material assessment prepared by qualified licensed contractors for any structure intended for demolition indicating whether asbestos-containing materials, lead-based paint, and/or PCB-containing equipment, are present.

**Mitigation Measure 4.G-1b:** If the assessment required by Mitigation Measure 4.G-1a indicates the presence of asbestos-containing materials, lead-based paint, and/or PCBs, the project applicant shall create and implement a health and safety plan in accordance with local, state, and federal requirements to protect demolition and construction workers and the public from risks associated with such hazardous materials during demolition or renovation of affected structures.

**Mitigation Measure 4.G-1c:** If the assessment required by Mitigation Measure 4.G-1a finds asbestos, the project applicant shall prepare an asbestos abatement plan and shall ensure that asbestos abatement is conducted by a licensed contractor prior to building demolition. Abatement of known or suspected asbestos-containing materials 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 asbestos-containing materials shall be removed and appropriately disposed of by a state certified asbestos contractor.

**Mitigation Measure 4.G-1d:** If the assessment required by Mitigation Measure 4.G-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 for

implementation:

- Develop a removal specification approved by a Certified Lead Project Designer.
- Ensure that all removal workers are properly trained.
- Contain all work areas to prohibit off-site migration of paint chip debris.
- 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/or disposal of intact lead-based paint on all materials to be cut and/or removed during the demolition
- 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.
- Clean up and/or vacuum paint chips with a high efficiency particulate air (HEPA) filter.
- Collect, segregate, and profile waste for disposal determination.
- Properly dispose of all waste.

**Mitigation Measure 4.G-1e:** If the assessment required by Mitigation Measure 4.G-1a finds presence of PCBs, the project applicant shall ensure that PCB abatement in compliance with applicable regulations is conducted prior to building demolition or renovation. PCBs shall be removed by a qualified contractor and transported in accordance with Caltrans requirements.

The City finds that these mitigation measures would be adequate to reduce the impacts of the Revised Project to less than significant.

**M. Impact 4.G-2: Construction at the project site would potentially disturb contaminated soil, which could expose construction workers, the public, or the environment to adverse conditions related to the transport, use, or disposal of hazardous materials and waste.**

The Final EIR contains evidence that construction activities would include demolition of some existing buildings, excavation and trenching, which could potentially intercept and/or disturb or uncover impacted soil and/or groundwater. To reduce worker health risks associated with potentially contaminated soil, a detailed Site-Specific Environmental Health and Safety Plan (HASP) would be prepared by the selected site contractor as required by Mitigation Measure 4.G-2a. To reduce environmental risks associated with encountering contaminated soil discovered during grading and construction, the Site Management Plan (SMP), as required by Mitigation Measure 4.G-2b, would include protocols to isolate any suspected contaminated soil, notify the appropriate regulatory overseeing agency, sample for hazardous material content, and manage it in accordance with all applicable state, federal, and local laws and regulations. Implementation of Mitigation Measures 4.G-2a and 4.G-2b, set forth below, which are hereby adopted and incorporated into the Revised Project, would reduce impacts to less than significant levels.

**Mitigation Measure 4.G-2a:** Prior to issuance of any demolition permit, the project applicant shall submit to the City a Site-Specific Environmental Health and Safety Plan (HASP). The HASP shall be consistent with State and federal OSHA standards for hazardous waste operations (California Code of Regulations, Title 8, Section 5192 and 29 Code of Federal Regulations 1910.120, respectively) and any other applicable health and safety standards. The HASP shall include



descriptions of health and safety training requirements for onsite personnel and levels of personal protective equipment to be used, and any other applicable precautions to be undertaken to minimize direct contact with soil and to a lesser degree, groundwater if it is encountered. The HASP shall be adhered to during construction and excavation activities. All workers onsite should read and understand the HASP and copies shall be maintained onsite during construction and excavation at all times.

**Mitigation Measure 4.G-2b:** Prior to issuance of a building or grading permit for any ground breaking activities within the project site, the project applicant shall prepare a Site Management Plan (SMP) consistent with US EPA, DTSC, and Water Board standards for incorporation into construction specifications. The SMP shall be present on site at all times and readily available to site workers. The SMP shall specify protocols and requirements for excavation, stockpiling, and transport of soil and for disturbance of groundwater. At a minimum, the SMP shall include the following components:

- Dust control measures: Dust generation shall be minimized by any or all appropriate measures. These measures may include:
  - Misting or spraying water while existing soils at the site are disturbed;
  - Limiting vehicle speeds onsite to 5 miles per hour;
  - Controlling earth-moving activities to minimize the generation of dust;
  - Minimizing drop heights if/when loading transportation vehicles; and
  - Covering any soil stockpiles of soil potentially impacted by contaminants of concern with plastic sheeting or tarps.
- Decontamination measures: Decontamination methods shall include scraping, brushing, and/or vacuuming to remove dirt on vehicle exteriors and wheels. In the event that these dry decontamination methods are not adequate, methods such as steam cleaning, high-pressure washing, and cleaning solutions shall be used, as necessary, to thoroughly remove accumulated dirt and other materials. Wash water resulting from decontamination activities shall be collected and managed in accordance with all applicable laws and regulations.
- Stormwater pollution control measures: Should rainfall occur during construction on exposed soils at the site stormwater pollution controls shall be implemented to minimize stormwater runoff from exposed soil containing contaminants of concern at the site and to prevent sediment from leaving the site, in accordance with all laws and regulations. Stormwater pollution controls shall be based on BMPs to comply with State and local regulations. Sediment and erosion protection controls may include but are not limited to:
  - Constructing berms or erecting silt fences at entrances to the project site;
  - Placing straw bale barriers around catch basins and other entrances to the storm drains;
  - During significant rainfall events, covering with plastic sheeting or tarps any soil stockpiles generated as a result of excavating soil potentially impacted by contaminants of concern.

The City finds that these mitigation measures would be adequate to reduce the impacts of the Revised Project to less than significant.

**N. Impact 4.G-5: Construction and operational activities would handle hazardous materials within one-quarter mile of an existing preschool.**

The Final EIR contains evidence that construction activities associated with the Project would disturb structures potentially containing hazardous building materials (Impact 4.G-1), temporarily expose contaminated soils at the site (Impact 4.G-2), and utilize common construction hazardous materials such as fuels, oils, solvents, and glues (Impact 4.G-3). The Project Site is located approximately 0.20 miles from the Peter Pan Preschool. With compliance with existing regulatory requirements and implementation of identified Mitigation Measures 4.G-1a through 4.G-1e, 4.G-2a and 4.G-2b, which are hereby adopted and incorporated into the Revised Project, impacts related to handling of hazardous materials within one-quarter mile of a school would be less than significant.

Implement **Mitigation Measures 4.G-1a through 4.G-1e, 4.G-2a and 4.G-2b.**

The City finds that these mitigation measures would be adequate to reduce the impacts of the Revised Project to less than significant.

**O. Impact 4.G-6: Development of the project would be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and could result in a safety hazard to the public or environment through exposure to previous contamination of the site.**

The Final EIR contains evidence that the Project Site includes one former regulatory site related to the leaking UST that was previously removed from the site. This case was closed in 1995. Additionally, there is indication that the dredged fill and undocumented fill at the site could contain contaminants. Additionally, the Final EIR finds that recent site investigations (Engeo, 2016) indicated that contaminants above screening levels for residential use were discovered in the dredged fill (polycyclic aromatic hydrocarbons) and undocumented fill (petroleum hydrocarbons, lead, polycyclic aromatic hydrocarbons, volatile organic compounds, and polycyclic aromatic hydrocarbons) underlying the site. Implementation of Mitigation Measure 4.G-3, which is hereby adopted and incorporated into the Revised Project, would reduce the potential impact of exposure to previous contamination of the site to a less than significant level.

**Mitigation Measure 4.G-3:** Prior to issuance of a building permit for residential building construction activities within the project site, the project applicant shall provide documentation to the City detailing that contamination levels at the site are within acceptable levels for residential development. While not considered likely given the conclusions of the site investigations, if it is alternatively determined that elevated contamination levels could impact future residents and/or site users, the project applicant shall prepare a Remedial Risk Management Plan (RRMP). The RRMP shall be developed and followed by current and future owners, tenants, and operators. The RRMP shall include the implementation of any needed corrective action remedies and engineering design necessary to reduce exposures to contaminants to a less than significant level.

The City finds that this mitigation measure would be adequate to reduce the impacts of the Revised Project to less than significant.

## **HYDROLOGY AND WATER QUALITY**

**P. Impact 4.H-4: Development of the proposed project would not substantially contribute to runoff water that would exceed the capacity of existing or**

**planned stormwater drainage systems or provide substantial additional sources of polluted runoff.**

The Final EIR contains evidence that stormwater from the Project Site could expose pollution or contaminants released onsite and flow into the Alameda Estuary and then into the Bay through direct discharge. The Final EIR also finds that the project's compliance with the existing water quality protection requirements of the RWQCB and Alameda County, in addition to implementation of Mitigation Measure 4.H-1 would effectively reduce surface water pollutants and the potential water quality impact to a less-than-significant level. As described on page 5-21 of the EIR, the Revised Project would result in less than significant (with mitigation) impacts on hydrology and water quality, the same as identified with the Original Project. With implementation of Mitigation Measure 4.H-1, described below, which is hereby adopted and incorporated into the Revised Project, the Revised Project would have a less-than-significant impact with regard stormwater drainage systems or substantial additional sources of polluted runoff.

**Mitigation Measure 4.H-1:** The project applicants shall implement Integrated Pest Management measures to reduce fertilizer and pesticide contamination of receiving waters, as follows:

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

The City finds that this mitigation measure would be adequate to reduce the impacts of the Revised Project to less than significant.

## **NOISE AND VIBRATION**

**Q. Impact 4.J-1: Construction of proposed project elements could expose persons to or generate noise levels in excess of the City noise standards or result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.**

The Final EIR contains evidence that construction noise would temporarily elevate ambient noise levels in and around the Project area. The loudest source of noise during construction of the Original Project would be generated through use of an impact pile driver, which could be required for pile driving in certain proposed in portions of the Project Site. In addition, the Original Project would result in a violation of the City's noise standards if construction activity would occur outside of the allowable daytime hours specified by the City noise ordinance. As described on page 5-22 of the EIR, the Revised Project would result in less than significant (with mitigation) construction and operational noise impacts, similar to the Original Project. Implementation of Mitigation Measure 4.J-1, set forth below, which is hereby

adopted and incorporated into the Revised Project, would reduce these impacts to less-than-significant levels.

**Mitigation Measure 4.J-1:** The applicant shall require contractors to limit construction activities to daytime hours between 7:00 am and 7:00 pm Monday through Friday and 8:00 am to 5:00 pm on Saturdays.

The City finds that this mitigation measure would be adequate to reduce the impacts of the Revised Project to less than significant.

**R. Impact 4.J-4: The proposed project would result in exposure of people to cumulative increases in construction noise levels.**

The Final EIR contains evidence that the Original Project may be constructed during the same time and duration as other cumulative projects that could contribute to construction noise levels in the Project's vicinity. As described on page 5-22 of the EIR, the Revised Project would result in less than significant (with mitigation) construction and operational noise impacts, similar to the Original Project. With implementation of Mitigation Measure 4.J-1, discussed above, which is hereby adopted and incorporated into the Revised Project, noise levels generated during the construction would be reduced to less-than-significant levels by requiring the applicant to adhere to the City's allowed construction hours.

Implement **Mitigation Measure 4.J-1.**

The City finds that this mitigation measure would be adequate to reduce the impacts of the Revised Project to less than significant.

**S. Impact 4.J-5: The proposed project would contribute to cumulative construction that could expose buildings, and persons within the project vicinity, to significant vibration.**

The Final EIR includes evidence that if project-related activities were to coincide with another development in close physical proximity, the combined effect could result in the exposure of sensitive land uses or buildings to higher vibration levels than what was predicted for the proposed project due to the use of impact pile drivers. As described on page 5-22 of the EIR, the Revised Project would result in less than significant (with mitigation) construction and operational noise impacts, similar to the Original Project. With implementation of Mitigation Measure 4.J-1 and Mitigation Measure 4.D-1b (construction impacts to fish species), discussed above, which are hereby adopted and incorporated into the Revised Project, noise and vibration levels generated during the construction would be reduced to less-than-significant levels.

Implement **Mitigation Measure 4.J-1** and **Mitigation Measure 4.D-1b.**

The City finds that these mitigation measures would be adequate to reduce the impacts of the Revised Project to less than significant.

## **UTILITIES AND SERVICE SYSTEMS**

**T. Impact 4.M-2: 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.**

The Final EIR contains evidence that the Original Project's 292 new residential units would generate less than 0.06 mgd of sewage. The East Bay regional wastewater collection system experiences a current average dry weather flow of approximately 63 mgd and dry weather flow capacity of 168 mgd, and that 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. The Original Project would include installation of a new onsite storm drainage system consisting of new inlets and pipelines that would reduce wet weather flows to EBMUD's Main Wastewater Treatment Plant. As described on page 5-24 of the EIR, the Revised Project's 329 new residential units would result in less than significant (with mitigation) impacts on utilities and service systems, similar to the Original Project. Implementation of Mitigation Measure 4.M-1, which is hereby adopted and incorporated into the Revised Project, would ensure the project implements the necessary improvements to reduce I&I flow to the maximum extent feasible.

**Mitigation Measure 4.M-1:** The project sponsors shall: 1) replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines to ensure that such systems and lines are free from defects or, alternatively, disconnected from the sanitary sewer system, and 2) ensure any new wastewater collection systems, including new lateral lines, for the project are constructed to prevent infiltration and inflow (I&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.

The City finds that this mitigation measure would be adequate to reduce the impacts of the Revised Project to less than significant.

**U. Impact 4.M-6: The proposed project, in combination with other past, present, existing, approved, pending, and reasonably foreseeable future project, would not result in cumulatively considerable impacts to utilities and service systems.**

The East Bay regional wastewater collection system experiences a current average dry weather flow of approximately 63 mgd and dry weather flow capacity of 168 mgd, and that system experiences exceptionally high peak flows during storms due to excessive I&I that enters the system through cracks and misconnections in both public and private sewer lines. Under a 2009 Stipulated Order for Preliminary Relief from the U.S. EPA, SWRCB, and RWQCB, EBMUD is required to implement several measures in order to address inadequately treated sewage to San Francisco Bay during wet weather conditions (City of Alameda, 2013). EBMUD's Satellite Agencies are obligated to improve management of their wastewater collection systems, to address sanitary sewer overflows, and to reduce I&I in their collection systems. To support these efforts, Mitigation Measure 4.M-1 is hereby adopted and incorporated into the Revised Project. As described on page 5-24 of the EIR, the Revised Project's 329 new residential units would result in less than significant (with mitigation) impacts on utilities and service systems, similar to the Original Project.

#### Implement **Mitigation Measure 4.M-1.**

The City finds that this mitigation measure would be adequate to reduce the impacts of the Revised Project to less than significant.

### **VII. GROWTH INDUCING IMPACTS**

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

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

A project can have direct and/or indirect growth-inducement potential. Direct growth inducement would result if a project involved construction of new housing that would result in new residents moving to the area. A project can have indirect growth-inducement potential if it would establish substantial new permanent employment opportunities (e.g., commercial, industrial or governmental enterprises) or if it would involve a substantial construction effort with substantial short-term employment opportunities and indirectly stimulate the need for additional housing and services to support the new employment demand. Similarly, under CEQA, a project would indirectly induce growth if it would remove an obstacle to additional growth and development, such as removing a constraint on a required public service. Increases in population could tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. The CEQA Guidelines also require analysis of the characteristics of projects that may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

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

The population growth resulting from both the Original Project and Revised Project is generally consistent with the population growth projections in the City's General Plan Housing Element, which are based on those estimates provided by the ABAG RHNA. The projections are also consistent with the Alameda County Transportation Commission's population growth projections for the City. Hence, the development of the Revised Project has been anticipated by the City in its long-range planning as well as in the regionally forecast growth of the Bay Area. Thus, while the Revised Project would not result in unplanned growth, it would accommodate an increase in both population and employment growth in Alameda as compared to the existing condition.

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

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

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

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

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

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

The Revised Project involves redevelopment of an underutilized site. The Revised Project would demolish the existing structures and provide residential units and park use on the site. The Project Site is fully bound by developed properties and the Alameda Estuary, and the redevelopment of the Project Site would not facilitate population growth on any other property. While the Revised Project would improve infrastructure that serves the site, these improvements would allow for growth to occur only on the Project Site and would not facilitate population growth on any other property.

The Original Project would result in the addition of up to 292 new residential units. Assuming an average of 2.48 persons per unit, consistent with persons per household in the City as a whole, the project could result in an increase in residential population of about 724 people. Using the same calculations, the Revised Project would result in the addition of up to 329 new residential units, with an increase in residential population of about 816 people. The population growth resulting from both the Original Project and the Revised Project is generally consistent with the population growth projections in the City's General Plan Housing Element, which are based on those estimates provided by the ABAG RHNA. Therefore, the growth in housing units proposed by both the Original Project and Revised Project, and thus population growth generated by both the Original Project and Revised Project, would be within the ABAG projections for the City of Alameda.

Both the Original Project and the Revised Project would result in the construction of new housing in the Bay Area where regionally housing growth is outpaced by job and population growth, resulting in a housing shortage. As such, neither the Original Project nor the Revised Project would adversely impact the jobs/housing imbalance at a regional level (ABAG, 2015). Both the Original Project and the Revised Project include affordable housing, which is an identified need in Alameda and the region. The proposed Project Site is located in an area with available public transit options, which is consistent with population, housing, transportation, and

GHG reduction (global warming) policies established by the State of California (most recently by SB 375 and AB 32), the Metropolitan Transportation Commission, and ABAG.

Both the Original Project and the Revised Project would constitute infill development within a developed urban area, and new roads and infrastructure would not be extended into an undeveloped area. For the above-described reasons, neither the Original Project nor the Revised Project would cause a new impact related to a substantial increase in population growth, and would be in line with the projected growth planned for the area. The effects of the Revised Project related to removal of obstacles to Population Growth would not be a significant environmental effect.

## **IX. ALTERNATIVES**

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

Brief summaries of the alternatives, including the Environmentally Superior Alternative, are provided below. As explained in Section X, below, the findings in this Section are based on the Final EIR, the discussion and analysis in which is hereby incorporated in full by this reference, as well as evidence in the record as a whole, including but not limited to an independent financial feasibility analysis by BAE Urban Economics. The City further finds that each of the reasons given for rejecting an alternative discussed below is a separate and independent basis for rejecting that alternative.

### **A. Alternative 1: No Project Alternative**

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

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



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

The Final EIR concluded that the environmentally superior alternative would be the No Project Alternative. The No Project Alternative would avoid most of the environmental impacts associated with the Original Project, but would not meet any of the project objectives. As such, the No Project Alternative is rejected as infeasible.

As required by CEQA Guidelines Section 15126.6(e)(2), because the environmentally superior alternative is the No Project Alternative, this Final EIR identifies an environmentally superior alternative from among the other alternatives. Therefore, the Reduced Density Alternative, discussed below, would be the Environmentally Superior Alternative for the purpose of this analysis, even though it would still result in some of the significant and unavoidable impacts associated with the Original Project.

## **B. Alternative 2: Reduced Density Alternative**

The Reduced Density Alternative assumes the same development footprint across the Project Site, including both residential development and the proposed waterfront park, but with substantially fewer residential units than under the proposed project. The Reduced Density Alternative would include a 50 percent reduction in residential units—from 292 under the Original Project to 146 units, which was chosen as that necessary to avoid the Original Project's cumulatively considerable contribution to the significant traffic impacts (Impact 4.L-2). The reduction in unit count would also result in a reduction (by up to about 50%) in total square footage (with the potential for slightly larger units and/or amenity areas). Overall, it is assumed that the massing of the proposed residential development would be reduced in size when compared with the Original Project, resulting in fewer floors and lower overall height.

The Reduced Density Alternative would result in less than significant (with mitigation) impacts related to air quality and greenhouse gas emissions; noise and vibration; population, housing and public services; utilities and service systems; although, all of which would be to a lesser degree than those identified with the Original Project. The Reduced Density Alternative would also have less-than-significant construction and operational impacts for biological resources (with mitigation); geology, soil, and geohazards (no mitigation required); hazards and hazardous materials (with mitigation); hydrology and water quality (with mitigation); land use and planning (no mitigation required); all of which would be similar or the same as the Original Project.

Similar to the Original Project, the Reduced Density Alternative would also result in significant and unavoidable impacts to cultural resources. The Reduced Density Alternative would demolish the existing historic structures and replace those structures with new development totaling the same overall development footprint as the Original Project. As with the Original Project, this impact would remain significant and unavoidable.

The Reduced Density Alternative would result in less than significant (with mitigation) impacts related to transportation and traffic, which represents a reduction of the significant and

unavoidable impact identified with the Original Project. Since the alternative would have less development, it would generate fewer trips and therefore not result in significant impacts at the Park Street/Blanding Avenue and Marina Square Drive/Constitution Way intersections. VMT per capita under this alternative would remain similar as the proposed project because both the Reduced Density Alternative and the Original Project would have the same use and the project residents would make the same types and numbers of trips per capita under either scenario. Thus, the impact on VMT would remain less than significant. All other less than significant transportation and traffic impacts identified for the Original Project would remain under the Reduced Density Alternative.

For the following reasons, the Reduced Density Alternative is rejected as infeasible; each reason, independent and separate from other reasons, is sufficient to justify a finding that the Reduced Density Alternative is infeasible. CEQA generally defines “feasible” to mean the ability to be accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors (CEQA Guidelines section 15364). The following factors may also be considered: site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and the ability of the proponent to attain site control (CEQA Guidelines section f(f)(1)).

- The Reduced Density Alternative would not meet the project’s objective to fulfill the City’s planning goals and vision for the Project Site. The Project Site would not contribute to fulfilling the goals of the City’s Housing Element or help meet the City’s Regional Housing Need Allocation. The State’s Housing Accountability Act (“HAA”), section 65589.5 et seq. of the Government Code, applies to the project and restricts the City’s ability to deny, reduce the density of, or make infeasible the project when it is consistent with objective development standards, putting the burden of proof on the City to justify any action to deny, reduce the density of, or make such a housing project infeasible. (Government Code § 65589.5(j)(1).) The project sponsor has proposed to include the maximum residential density allowed by the City’s zoning ordinance and the General Plan in order to comply with the stated policies and goals of the HAA, and to address the social factors relating to California’s housing crisis. The City finds that the proposed Project would not result in a specific, adverse impact on public health and safety that cannot be mitigated in any other way.
- The state’s Density Bonus Law (Government Code § 65915 et seq.) also applies to the Project. Under the Density Bonus Law, the project is permitted to request maximum density based on gross acreage. (Gov.Code § 65915(f).) The Reduced Density Alternative only provides 146 units and does not permit a 35 percent density bonus based on gross acreage as required by state law.
- Based on an independent financial feasibility analysis by BAE Urban Economics, the Reduced Density Alternative is not financially feasible because it would not generate a sufficient rate of return to attract reasonably prudent investors upon completion based on the costs associated with the entitlement process and the construction process, and considering the financial risk premium associated with development of the Reduced Density Alternative. Under current economic conditions, the Reduced Density Alternative would not be likely to attract equity investors or obtain commercially available debt financing needed to undertake development.

For the foregoing reasons, the Reduced Density Alternative is rejected as infeasible.

### **C. Alternative 3: Multi-Structure Affordable Housing Alternative**

As discussed in Section II(B) above, the City adopts the Revised Project, which is substantially similar to the Multi-Structure Affordable Housing Alternative, as the approved project. Under the Multi-Structure Affordable Housing Alternative, the Project Site would be developed at the maximum density allowed under the State Density Bonus law. This alternative was not chosen to address environmental impacts, but rather to acknowledge the potential for increased development intensity under the state's Density Bonus Law and ensure the analysis considered this potentiality. Additionally, this alternative responds to City Planning Department comments requesting evaluation of an alternative with the building massing separated into multiple structures and allowing for views across the Project Site from the street to the Estuary. The Multi-Structure Affordable Housing Alternative would include an increase in both affordable housing units and market-rate units for a total of 329 apartment units (27 units for very-low income households, 10 units for low income households, and 17 for moderate income households), a 13 percent increase in number of residential units compared to the Original Project. This alternative would also include similar amenities as the Original Project, and would also include the approximately 2.5-acre public "Waterfront Park" proposed under the Original Project. The Revised Project includes 329 new apartment units and increases the size of the public waterfront park to 2.79 acres.

The Multi-Structure Affordable Housing Alternative would also have less-than-significant construction and operational impacts for aesthetics (no mitigation required); air quality and climate change (with mitigation); biological resources (with mitigation); geology, soils, and geohazards (no mitigation required); hazards and hazardous materials (with mitigation); hydrology and water quality (with mitigation); noise and vibration (with mitigation); land use and planning (no mitigation required); population, housing, and public services (no mitigation required); utilities and service systems (with mitigation); all of which would be similar or the same as the Original Project.

Similar to the Original Project, the Multi-Structure Affordable Housing Alternative would also result in significant and unavoidable impacts to cultural resources. As with the Original Project, the Multi-Structure Affordable Housing Alternative would demolish the existing historic structures and replace those structures with new development totaling a similar overall development footprint as the proposed project. As with the Original Project, this impact would remain significant and unavoidable.

Similar to the Original Project, the Multi-Structure Affordable Housing Alternative would also result in significant and unavoidable impacts for transportation and traffic impacts, but with marginally greater impacts than identified for the proposed project. Since the alternative would have more development than proposed under the Original Project, it would generate more trips and therefore result in significant impacts at the Park Street/Blanding Avenue and Marina Square Drive/Constitution Way intersections. The Multi-Structure Affordable Housing Alternative would generate about 15 percent more peak hour trips than the Original Project. Since the Multi-Structure Affordable Housing Alternative would generate more peak hour trips than the Original Project, the magnitude of the impacts at the study intersections would increase. The identified Significant and Unavoidable impact at the Park Street/Blanding Avenue and Marina Square Drive/Constitution Way intersections (Impact 4.L-2) would remain Significant and Unavoidable under the Multi-Structure Affordable Housing Alternative.

The Multi-Structure Affordable Housing Alternative would generally meet the objectives of the Original Project in that it would transform the Project Site into a new waterfront residential community, provide affordable housing, and provide private and public open space amenities to include an extension of the Bay Trail.

The Multi-Structure Affordable Housing Alternative would meet the Original Project's objective to fulfill the City's planning goals and vision for the Project Site. The Project Site would contribute to fulfilling the goals of the City's Housing Element and would help meet the City's Regional Housing Need Allocation. The State's Housing Accountability Act (HAA), section 65589.5 et seq. of the Government Code, applies to the Project and restricts the City's ability to deny, reduce the density of, or make infeasible the Project when it is consistent with objective development standards, putting the burden of proof on the City to justify any action to deny, reduce the density of, or make such a housing project infeasible. (Government Code § 65589.5(j)(1).) The Multi-Structure Affordable Housing Alternative includes the maximum residential density allowed by the City's zoning ordinance and the General Plan in order to comply with the stated policies and goals of the HAA, and address the social factors relating to California's housing crisis. The City finds that the proposed Multi-Structure Affordable Housing Alternative would not result in a specific, adverse impact on public health and safety that cannot be mitigated in any other way. The State's Density Bonus Law (Government Code § 65915 et seq.) also applies to the Project. Under the Density Bonus Law, the Project is permitted to request maximum density based on gross acreage. (Gov. Code § 65915(f).) The Multi-Structure Affordable Housing Alternative provides 329 units, which represents a 35 percent density bonus based on gross acreage, as required by state law.

#### **D. Alternative 4: Partial Preservation Alternative**

The Partial Preservation Alternative includes the preservation of Shipways 1 and 4 in their current state, which includes approximately 28,300 square feet of existing office space in the head houses. Residential development along the center of the Project Site would be flanked by the preserved shipways on either side. Behind the head houses, where the shipways slope to the water, the shipways would be visible from surrounding and proposed internal development, but public access beyond the head houses would not be allowed as the structures are not structurally sound. While not accessible, remnants of the shipways structures would be left in place in the water. The residential development portion would include podium-level parking and multi-structure residential buildings with views between the buildings from the street to the Estuary that would accommodate 272 residential units. This alternative does not include the 2.5-acre public waterfront park, though access for the Bay Trail would be provided in the approximately 15-foot strip along the water side of the Project Site.

The Partial Preservation Alternative would have less-than-significant construction and operational impacts for aesthetics (no mitigation required); air quality and climate change (with mitigation); biological resources (with mitigation); geology, soils, and geohazards (no mitigation required); hazards and hazardous materials (with mitigation); hydrology and water quality (with mitigation); noise and vibration (with mitigation); land use and planning (no mitigation required); population, housing, and public services (no mitigation required); utilities and service systems (with mitigation); all of which would be similar or the same as the Original Project.

The Partial Preservation Alternative would also result in significant and unavoidable impacts to cultural resources, but to a lesser degree than identified with the proposed project or the Multi-Structure Affordable Housing Alternative. The Partial Preservation Alternative would include

preservation of Shipways 1 and 4, including approximately 28,300 square feet of existing office space in the head houses and the entire shipways structures that slope down to the water. Overall impacts on the historic structures would be reduced through the preservation of two of the four shipways, but would nonetheless remain significant and unavoidable with the demolition of the other two shipways.

The Partial Preservation Alternative would also result in significant and unavoidable impacts for transportation and traffic impacts, but with marginally greater impacts than identified for the Original Project. The Partial Preservation Alternative would have a reduction in residential units, and therefore a reduction in residential traffic from that of the Original Project. However, because half of the existing office uses and office traffic would be retained, the Partial Preservation Alternative would actually result in a greater net increase in trips than would the Original Project. The identified Significant and Unavoidable impact at the Park Street/Blanding Avenue and Marina Square Drive/Constitution Way intersections (Impact 4.L-2) would remain Significant and Unavoidable under the Partial Preservation Alternative.

The Partial Preservation Alternative would generally meet some of the objectives of the Original Project in that it would transform the Project Site into a new waterfront residential community, provide affordable housing, and support an extension of the Bay Trail. Although the Partial Preservation Alternative would achieve more of the project objectives than the No Project Alternative, it would not achieve the project objectives as well as the Original Project or the Multi-Structure Affordable Housing Alternative.

For the following reasons, the Partial Preservation Alternative is rejected as infeasible; each reason, independent and separate from other reasons, is sufficient to justify a finding that the Partial Preservation Alternative is infeasible. CEQA generally defines “feasible” to mean the ability to be accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors (CEQA Guidelines section 15364). The following factors may also be considered: site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and the ability of the proponent to attain site control (CEQA Guidelines section f(f)(1)).

- The Partial Preservation Alternative would not generate as many housing opportunities and would be less effective than the Original Project with regard to fulfilling the goals of the City’s Housing Element and helping to meet the City’s Regional Housing Needs Allocation (“RHNA”). The state’s Housing Accountability Act (“HAA”), section 65589.5 et seq. of the Government Code, applies to the project and restricts the City’s ability to deny, reduce the density of, or make infeasible the project when it is consistent with objective development standards, putting the burden of proof on the City to justify any action to deny, reduce the density of, or make such a housing project infeasible. (Government Code § 65589.5(j)(1).) From a regional perspective, limiting development of the property to 272 new housing units would increase pressure to allow future development to locate further from the urban centers, which would result in longer Bay Area commutes and increased greenhouse emissions from vehicles. The City finds that the proposed project would not result in a specific, adverse impact on public health and safety that cannot be mitigated in any other way.

- The State's Density Bonus Law (Government Code § 65915 et seq.) also applies to the project. Under the Density Bonus Law, the project is permitted to request maximum density based on gross acreage. (Gov. Code § 65915(f).) The Partial Preservation Alternative only provides 272 units and does not permit a 35 percent density bonus based on gross acreage as required by state law.
- The Partial Preservation Alternative would also prohibit the development of an aesthetically pleasing, cohesive pedestrian-oriented development that would activate and reconnect the community to the waterfront because a significant portion of the Project Site would have to retain its historic commercial and industrial configuration. To that end, the Partial Preservation Alternative results in a significant portion of the Project Site being maintained in an underdeveloped state in conflict with the project objective to redevelop a structurally unsound and underutilized parcel, with a mix of market and affordable rental housing and private and public open space amenities. Retaining the head-houses and shipways at the expense of a public open space and residential units would underutilize the Project Site.
- The Partial Preservation Alternative would cause the retained elements of the Project Site to be located at a different grade than the Original Project and, thus, would not be protected from sea-level rise. Similarly, there would be insufficient width to the pedestrian access along the border to of the Project Site to provide an appropriate grade between the shipways and the trail/EVA access without substantial retaining walls. The construction of retaining walls immediately adjacent to the shipways would further undermine their already deteriorated condition. Therefore, the trail/EVA would also not be protected from sea-level rise.
- The Partial Preservation Alternative would require additional maintenance and security on the Project Site, as the retained shipways could be an attractive nuisance for children and other members of the public using the adjacent trail. Due to the deteriorated condition of the shipways, public access would not be permitted on the retained elements, which would result in substantially reduced open space compared to the Revised Project or Original Project. The deteriorated concrete structure immediately adjacent to recreational facilities could also pose a hazard due to deterioration that could result in concrete falling onto trails or total collapse in a significant earthquake.
- Based on an independent financial feasibility analysis, the Partial Preservation Alternative is not financially feasible because it would not generate sufficient profits upon completion based on the costs associated with the entitlement process and the construction process, and considering the financial risk premium associated with development of the Reduced Density Alternative. The approximately 28,300 square feet of existing office space in the head houses would be Class B office space that would not generate sufficient revenues to preserve and maintain the shipways structure in an economically feasible manner. Under current economic conditions, the Partial Preservation Alternative would not be likely to attract reasonably prudent equity investors or obtain commercially available debt financing needed to undertake development.
- Existing spacing between the buildings, the size of the streets, and the orientation of the buildings do not allow the opportunity to create public amenities and opportunities for gathering spaces, or allow for the development of a new 2.5-acre waterfront park amenity for the public to access the shoreline

edge. The Preservation Alternative would therefore be unable to meet the project objective of creating a significant public waterfront recreation area with access to the Estuary and support an extension of the Bay Trail.

For the foregoing reasons, the Partial Preservation Alternative is rejected as infeasible.

#### **X. INCORPORATION BY REFERENCE**

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

#### **XI. RECORD OF PROCEEDINGS**

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

#### **XII. RECIRCULATION NOT REQUIRED**

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

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

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

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

- A.** The Revised Project will reconnect the community to the waterfront by extending the existing City trail infrastructure into the Project site, and allow the public to access the shoreline edge by developing new open space areas and the Bay Trail.
- B.** The Revised Project will increase the City's housing supply, including affordable housing, for Alameda and the region. It will construct up to 329 residential units that would provide housing for a mix of household types and incomes. Of the 329 apartments, the project would provide 54 below market rate units at a variety of affordability levels.
- C.** The Revised Project will replace and rehabilitate substandard infrastructure systems that may contribute to regional water quality impacts. It will apply sustainability principles in the design and development of open spaces, recreation facilities, buildings, and infrastructure, including wastewater, storm water, electrical and transportation systems. The Revised Project will protect the local, regional, and global environment and facilitate sustainable reuse and redevelopment of the Oakland-Alameda Estuary by creating opportunities for transit-oriented development consistent with SB 375 and the regional Sustainable Communities Strategy: Plan Bay Area.
- D.** The Revised Project will produce community benefits for the Alameda community as a whole by creating new waterfront amenities, including a 2.79-acre park that will offer both passive and active recreational uses. The Revised Project will enhance views of water and public access to the waterfront and creatively encourage the usage of the waterfront by providing waterfront access, open space, and other public amenities, including an extension of the Bay Trail and development of a kayak dock as a public access amenity. It will create human-scale, tree-lined walkable streets and bicycle routes around the Project Site and extend the street grid street pattern that is characteristic of the existing city neighborhoods.
- H.** The Revised Project will promote use of alternative modes of transportation through preparation and implementation of a Transportation Demand Management (TDM) Program.

Based on the entire record, including the Final EIR, the specific economic, social, and environmental benefits of the Revised Project, as stated above, outweigh and override any significant unavoidable environmental effects that would result from future Revised Project implementation. The City has determined that any significant environmental effects caused by the Revised Project have been mitigated to the extent feasible through the mitigation measures identified herein and adopted and incorporated into the Revised Project, and, where mitigation is



not feasible, have been outweighed and counterbalanced by the economic, legal, social, technological and other benefits of the Revised Project, including region-wide or statewide environmental benefits.

#### **XIV. SUMMARY**

- A. Based on the foregoing Findings and the information contained in the record, the City has made one or more of the following Findings with respect to each of the significant environmental effects of the Revised Project:
  - 1. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects identified in the Final EIR.
  - 2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
  - 3. Specific economic, legal, social, technological, or other considerations, make infeasible the alternatives, other than the Multi-Structure Affordable Housing Alternative, identified in the environmental impact report.
- B. Based on the foregoing Findings and the information contained in the record,  
it is determined that:
  - 1. All significant effects on the environment due to the approval of the Revised Project have been eliminated or substantially lessened where feasible. All mitigations measures have been adopted and incorporated into the Revised Project.
  - 2. Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations in Section XIII.

Mitigation Monitoring and Reporting Program  
Exhibit B

TABLE 4-1  
ALAMEDA SHIPWAYS RESIDENTIAL PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
Air Quality, Greenhouse Gas Emissions, and Energy					
<b>Impact 4.C-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 (PM <sub>2.5</sub> ). (Less than Significant with Mitigation)	<b>Mitigation Measure 4.C-1:</b> The project applicant shall be required to demonstrate compliance with all applicable City regulations and operating procedures prior to issuance of building or grading permits, including standard dust control measures, and all conditions of project approval, including the construction impact plan. The effective implementation of dust abatement programs, incorporating all of the following dust control measures, would reduce the temporary air quality impact associated with construction dust. <ul style="list-style-type: none"><li>• All active construction areas shall be watered two times daily using equipment and staff provided by the project applicant or prime contractor, as needed, to avoid visible dust plumes. Appropriate non-toxic dust palliative or suppressant, added to water before application, may be used.</li><li>• All trucks hauling soil, sand and other loose materials shall be covered.</li><li>• All unpaved access roads, parking areas and construction staging areas shall be either paved, watered as necessary to avoid visible dust plumes, or subject to the application of (non-toxic) soil stabilizers.</li><li>• All paved access roads, parking areas and staging areas at the construction site shall be swept daily with water sweepers. The use of dry power sweeping is prohibited.</li><li>• If visible soil material is carried onto adjacent public streets, these streets shall be swept daily with water sweepers. The use of dry power sweeping is prohibited.</li><li>• All stockpiles of debris, soil, sand or other materials that can be blown by the wind shall either be covered or watered as necessary to avoid visible dust plumes.</li><li>• An off-pavement speed limit of 15 miles per hour for all construction vehicles shall be incorporated into the construction contract and enforced by the prime contractor.</li><li>• All inactive portions of the project site (those areas which have been previously graded, but inactive for a period of ten days or more) shall be watered with an appropriate dust suppressant, covered or seeded.</li><li>• All earth-moving or other dust-producing activities shall be suspended when the above dust control measures prove ineffective in avoiding visible dust plumes during periods of high winds. The wind speed at which this suspension of activity will be required may vary, depending on the moisture conditions at the project site, but suspension of such activities shall be required in any case when the wind speed exceeds 25 miles per hour.</li><li>• All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</li><li>• Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</li><li>• All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</li><li>• Post a publicly visible sign with the telephone number and person to contact at the City of Alameda regarding dust complaints. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.</li></ul>	Provide Dust Abatement Plan that meets the requirements of the mitigation measure to the City Building Division for review and approval.	Project applicant or designee	Prior to issuance of demolition and/or building permits.	City of Alameda
<b>Impact 4.C-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>Mitigation Measure 4.C-2:</b> The City shall require construction plans for the new structures are designed to meet LEED Silver certification or equivalent.  Implementation of <b>Mitigation Measure 4.L-2</b>	Provide construction 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)  
ALAMEDA SHIPWAYS RESIDENTIAL PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
<b>Impact 4.C-6:</b> The proposed project, when combined with past, present and other reasonably foreseeable development in the vicinity, would not result in cumulative air quality impacts (Less than Significant with Mitigation)	Implementation of <b>Mitigation Measure 4.C-1</b>	See measure listed above.	See measure listed above.	See measure listed above.	See measure listed above.
<b>Impact 4.C-7:</b> The proposed project would not generate greenhouse gas emissions, either directly or indirectly, that would have a significant impact on the environment. (Less than Significant with Mitigation)	Implementation of <b>Mitigation Measures 4.C-1 and 4.C-2</b>	See measures listed above.	See measures listed above.	See measures listed above.	See measures listed above.
<b>Impact 4.C-8:</b> The proposed project would not conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases. (Less than Significant with Mitigation)	Implementation of <b>Mitigation Measure 4.C-2</b>	See measure listed above.	See measure listed above.	See measure listed above.	See measure listed above.
<b>Biological Resources</b>					
<b>Impact 4.D-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 CDFW or USFWS. (Less than Significant with Mitigation)	<p><b>Mitigation Measure 4.D-1a:</b> The applicant shall obtain all necessary authorizations related to potential impacts to special status fish species from USFWS and NMFS during the permit phase of the project. Such authorizations could be required for in-water demolition work or pile driving activities in areas adjacent to the shoreline and could consist of authorization under one of the programmatic consultations for federally-listed species described above or a separate Biological Opinion. The project applicant shall submit to the City copies of any Biological Opinion received.</p> <p><b>Mitigation Measure 4.D-1b:</b> If it is determined that pile installation using impact hammers along the shoreline would exceed established thresholds for injury or mortality to fish as set forth in FHA 2008 Caltrans 2015, and/or NMFS 2016 (see References), the City shall require a NMFS-approved sound attenuation monitoring plan to protect fish. This plan shall provide detail on a system to accomplish sound attenuation during pile driving, provide detail on 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 the greatest extent feasible. 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):</p> <ul style="list-style-type: none"><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" and the related USFWS and NOAA Section 7 consultation which establishes general procedures for minimizing impacts to natural resources associated with projects in or adjacent to jurisdictional waters.</li><li>• All piling installation using impact hammers and all demolition work along the shoreline required for removal of the craneways, welding platform and concrete shipways and work associated with pile driving and excavation/filling adjacent to the shoreline during site preparation shall be conducted between June 1 and November 30, if feasible, when the likelihood of sensitive fish species being present in the work area is minimal.</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 impact hammer shall be cushioned using a 12-inch thick wood cushion block during all impact hammer pile driving operations.</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 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 for work completed in-water shall be implemented to attenuate sound levels to below thresholds.</li></ul>	<p><b>Pre-construction:</b> Provide evidence of regulatory compliance to the City Building Division and/or the City Planning Division as specified in the measure. Provide NMFS-approved sound attenuation and monitoring plan to the City Planning Division.</p> <p><b>During construction:</b> Provide monitoring reports as specified in agreement with NMFS.</p>	Project applicant or designee	<p><b>Pre-construction:</b> Prior to issuance of demolition/building permits.</p> <p><b>During construction:</b> Ongoing per terms of agreement with NMFS.</p>	City of Alameda
<b>Impact 4.D-2:</b> Development facilitated by the proposed project would not have a substantial adverse effect on riparian habitat or other	<b>Mitigation Measure 4.D-2a:</b> The applicant shall develop and implement a Marine Invasive Species Control Plan prior to commencement of any in-water work and submit such plan to the City for review and approval. Provisions of the plan shall include (i) environmental training of	Prepare Marine Invasive Species Control Plan with cooperation and oversight from relevant agencies as specified in the mitigation measure; implement	Project applicant or designee	<b>Pre-construction:</b> Prior to issuance of demolition/building	City of Alameda

TABLE 4-1 (Continued)  
ALAMEDA SHIPWAYS RESIDENTIAL PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
sensitive natural communities identified in local or regional plans, policies, regulations, or by CDFW or USFWS. (Less than Significant with Mitigation)	construction personnel involved in in-water work; (ii) actions to be taken to prevent the release and spread of marine invasive species, especially algal species such as Undaria and Sargasso; (iii) procedures for the safe removal and disposal of any invasive species observed on the removed structures; (iv) the onsite presence of a qualified marine biologist to assist the contractor in the identification and proper handling of any invasive species removed from equipment or materials; and (v) preparation of a post-construction report identifying any invasive species attached to equipment and materials following removal from the water, and describing the treatment or handling of identified invasive species. Reports shall be submitted to the City.	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.		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).	
<b>Impact 4.D-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)	<p>Implement <b>Mitigation Measures 4.D-1a</b> and <b>4.D-1b</b>.</p> <p><b>Mitigation Measure 4.D-4a:</b> If pile driving during in-water project work would result in exceedance of thresholds as set forth in FHA 2008 Caltrans 2015, and/or NMFS 2016 (see References), the project applicant shall obtain Incidental Harassment Authorization from NMFS for Pacific harbor seals or California sea lions related to potential noise impacts resulting from pile driving activities and in-water work.</p> <p><b>Mitigation Measure 4.D-4b:</b> The sound attenuation monitoring plan required in Mitigation Measures 4.D-1b shall include an evaluation of the potential effects of sound on marine mammals, and shall determine appropriate measures to be employed if sound levels exceed thresholds established by MMPA regulations. If it is found that sound levels would be exceeded a NMFS-approved biological monitor shall conduct daily surveys before and during impact hammer pile driving for the presence of marine mammals. Monitoring will be completed within "safety zones" that are established in the sound attenuation and monitoring plan based on modeled sound levels resulting from pile driving. If marine mammals enter zones that could result in injury or death to individuals, pile driving shall cease and shall not resume until the individual has left the safety zone or has not been observed for 15 minutes.</p> <p><b>Mitigation Measure 4.D-5a:</b> If feasible, construction work shall take place outside of the February 1 to August 31 breeding window for nesting birds. If construction is to be conducted during the breeding season, a qualified biologist shall conduct a pre-construction breeding bird survey in areas of suitable habitat within 15 days prior to the onset of construction activity. If active bird nests are found, appropriate buffer zones shall be established around all active nests to protect nesting adults and their young from construction disturbance. Size of buffer zones shall be determined by a qualified biologist based on site conditions and species involved. In general, CDFW recommends a 150-foot construction exclusion zone around the nests of active passerine songbirds during the breeding season, and a 300-foot buffer for nesting raptors. Buffer zones should be maintained until it can be documented that either the nest has failed or the young have fledged.</p> <p><b>Mitigation Measure 4.D-5b:</b> If demolition of the shipways buildings is planned to occur during the bird nesting season (February 1 to August 31), the applicant shall use protective nests or tarps or other measures to reduce the potential for establishment of active nests, including, for example: cover potential nesting sites in the eaves of the Shipways buildings for cliff swallows to prevent initiation of nesting by swallows that could impede demolition of the Shipways buildings. Such features would need to be installed with the assistance of qualified wildlife biologists during the non-nesting season (prior to January 31) to ensure that no nesting birds are harmed by their placement. The protective nets or tarps would remain until the commencement of demolition work for the subject building or could remain throughout the nesting season (until after August 31).</p> <p><b>Mitigation Measure 4.D-6a:</b> Prior to the issuance of construction permits, the City shall ensure the project applicant conducts a preconstruction bat survey and implements any warranted measures necessary to protection of bat populations, including special status bat species.</p> <ul style="list-style-type: none"><li>A daytime bat habitat assessment should be conducted by a qualified bat biologist of all structures slated for demolition (including craneways, the welding platform and shipways). No activities that could disturb active roosts shall proceed prior to completion of the survey. The habitat survey will include a detailed survey of all accessible portions of the exteriors and interiors of structures. If structures contain past or present evidence of roosting bats (fecal pellet accumulations, urine or fur staining at entrances, insect prey remains, live or dead bats, characteristic odor, etc.) and there are walls or other portions of the structure that cannot be completely surveyed, it will be assumed that roosting bats are present unless a detailed visual survey or night emergence survey can be conducted that verifies the absence of bats. Demolition of structures containing roosting bats or signs of past or present use by bats would be delayed until between March 1 (weather permitting) and April 15 to avoid mortality of torpid overwintering bats, and between September 1 and October 15 to prevent mortality of young that are not yet self-sufficiently volant.</li></ul>	<p><b>Pre-construction:</b> Provide NMFS-approved sound attenuation and monitoring plan to the City Planning Division.</p> <p>Provide evidence of regulatory compliance to the City Building Division and/or the City Planning Division as specified in the measure.</p> <p>Conduct pre-construction surveys for nesting birds if construction is proposed during specified times; provide results of surveys to City Building Division and/or City Planning Division; conduct construction activities according to the protocol described in the mitigation measure.</p> <p>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.</p> <p>Provide lighting plans to City Building Division for review and approval showing compliance with measure.</p> <p>Submittal of building, lighting, and structural plans to the City Building Division that meet the requirements of the bird-strike avoidance specifications as specified in the mitigation measure; preparation of education materials for future building occupants; peer review and approval of all of the above by a qualified biologist with appropriate expertise, with oversight by City staff; documentation of all of the above as specified in the mitigation measure.</p> <p><b>During construction:</b> Provide monitoring reports as specified in agreement with NMFS.</p> <p><b>Post-construction:</b> Demonstrate compliance with measure to satisfaction of the City Building Division.</p>	Project applicant or designee	<p><b>Pre-construction:</b> Prior to issuance of demolition/building permits.</p> <p><b>Post-construction:</b> Prior to issuance of occupancy permits.</p>	City of Alameda

TABLE 4-1 (Continued)  
ALAMEDA SHIPWAYS RESIDENTIAL PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
	<ul style="list-style-type: none"><li>If no bats are determined to be present at the project site, appropriate steps shall be taken based on recommendation of the qualified biologist to ensure that accessible entrances are closed off to ensure that a colony does not become established.</li><li>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.</li><li>Removal of structures containing or presumed 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.</li><li>If significant bat roosting habitat (e.g., maternity roosts or large non-maternity roost sites) is destroyed during structure removal, mitigation shall be required based on recommendations of the surveying biologist. Mitigation would be determined based on the biological requirements of the specific bat species identified, and may include 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, on-site bat roosts, or other on-site or off-site measures. The design and location of the artificial bat roost(s) shall be determined by a qualified bat biologist.</li></ul> <p><b>Mitigation Measure 4.D-7a:</b> Best Management Practices and all requirements as detailed in the SWPPP (or stormwater quality control plan) shall be implemented to control erosion and migration of sediments off-site. Implementation of water quality controls shall be consistent with the BMP requirements in the most recent version of the California Stormwater Quality Association Stormwater Best Management Handbook-Construction. In addition, vegetation shall only be cleared from the permitted construction footprint. Areas cleared of vegetation, pavement, or other substrates should be stabilized as quickly as possible to prevent erosion and runoff.</p> <p><b>Mitigation Measure 4.D-8a:</b> Through the Design Review application process, the City shall ensure that the project applicant installs lighting on docks, piers, and along the shoreline that minimizes artificial lighting of Bay waters by using shielded, low-mounted, and low light-intensity fixtures and bulbs.</p> <p><b>Mitigation Measure 4.D-9a:</b> The project Design Review plans shall be designed to minimize the risk of bird strikes. 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 buildings to ensure that the potential for bird strikes is sufficiently minimized. The project applicant shall provide the City a written description of the measures and features of the building design that are intended to address potential impacts on birds. Specific features shall include limits on reflective building materials so building appear less transparent and limitations on night lighting.</p>				
Cultural Resources					
<b>Impact 4.E-1:</b> Project implementation would cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines, Section 15064.5. (Significant and Unavoidable with Mitigation)	<p><b>Mitigation Measure 4.E-1a:</b> The project proponent shall prepare a treatment plan including but not limited to photo documentation and public interpretation of the shipways at 1100 – 1250 Marina Village Parkway (Shipway 1, 2, 3, and 4). Photo documentation will be overseen by a Secretary of the Interior–qualified architectural historian, documenting the affected historical resource. in accordance with the National Park Service’s Historic American Buildings Survey (HABS) and/or Historic American Engineering Record (HAER) standards. Such standards typically include large-format photography using (4x5) negatives, written data, and copies of original plans if available. The HABS/HAER documentation packages will be archived at local libraries and historical repositories, as well as the Northwest Information Center of the California Historical Resources Information System.</p> <p><b>Mitigation Measure 4.E-1b:</b> Public interpretation of historical resources shall be provided and could include a plaque, kiosk, or other method of describing the historic or architectural importance of the shipways to the general public. The design and placement of the display(s) shall be reviewed and approved by the City of Alameda Historic Advisory Board.</p>	Submit treatment 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 construction contracts and/or construction bid solicitation.	City of Alameda
<b>Impact 4.E-2:</b> Project construction could potentially cause a substantial adverse change in the significance of an archaeological resource, including those determined to be a historical resource defined in Section 15064.5 or a unique archaeological resource defined in PRC 21083.2. (Less than Significant with Mitigation)	<p><b>Mitigation Measure 4.E-2a:</b> During construction, if prehistoric or historic-era cultural materials are encountered, all construction activities within 100 feet shall halt and the City shall be notified. Prehistoric archaeological materials might include obsidian and chert flaked-stone tools (e.g., projectile points, knives, scrapers) or toolmaking debris; culturally darkened soil (“midden”) containing heat-affected rocks, artifacts, or shellfish remains; and stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; artifact filled wells or privies; and deposits of metal, glass, and/or ceramic refuse.</p>	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)  
ALAMEDA SHIPWAYS RESIDENTIAL PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
	<p>The project applicant shall ensure that a Secretary of the Interior-qualified archaeologist inspect the find within 24 hours of discovery. If the find is determined to be potentially significant, the archaeologist, shall follow the guidelines provided in Mitigation Measure 4.E-2b.</p> <p><b>Mitigation Measure 4.E-2b:</b> If a find is determined to be potentially significant, the project applicant shall ensure an archaeological testing and data recovery program (as well as archaeological monitoring, if warranted) consistent with a professionally developed Archaeological Resources Management Plan are undertaken as follows:</p> <ul style="list-style-type: none"><li>• Preservation in Place. A qualified archaeologist, in consultation with the City of Alameda, the project applicant, and the appropriate Native American representative(s) shall determine whether preservation in place of the site is feasible. Consistent with CEQA Guidelines Section 15126.4(b)(3), this may be accomplished through planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement.</li></ul> <p>If it is determined that preservation in place is not feasible for the resource and another type of mitigation would better serve the interests protected by CEQA, mitigation shall include testing and data recovery through archaeological investigations and the project applicant shall undertake the following:</p> <ul style="list-style-type: none"><li>• Archaeological Resources Management Plan. The project proponent shall retain a Secretary of the Interior-qualified archaeologist, in consultation with a Native American representative(s), to prepare and implement an Archaeological Resources Management Plan (ARMP). The ARMP shall include a preliminary testing program to identify the types of expected archaeological materials, the testing methods to be used to define site boundaries and constituents, and the locations recommended for testing. The purpose of the testing program will be to determine to the extent possible the presence or absence of archaeological materials in the proposed areas of disturbance for the project and to determine whether those materials contribute to the significance of the site. If a significant contributing element to the site is in the project area, the project proponent shall conduct a data recovery program as outlined in the ARMP. The ARMP will include how the data recovery program would preserve the significant information the archaeological resource is expected to contain. Treatment would consist of (but would not be not limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim of targeting the recovery of important scientific data contained in the portion(s) of the significant resource to be impacted by the project. The ARMP shall include provisions for analysis of data in a regional context; reporting of results within a timely manner and subject to review and comments by the appropriate Native American representative, before being finalized; curation of artifacts and data at a local facility acceptable to the City and appropriate Native American representative; and dissemination of final confidential reports to the appropriate Native American representative, the Northwest Information Center of the California Historical Resources Information System and the City.</li></ul>				
<b>Impact 4.E-3:</b> Project construction could potentially disturb human remains, including those interred outside of formal cemeteries. (Less than Significant with Mitigation)	<p><b>Mitigation Measure 4.E-3:</b> Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.98 of the Public Resources Code of the State of California, the project applicant shall ensure the following:</p> <ul style="list-style-type: none"><li>• Project construction personnel shall be informed of the potential of encountering human remains during construction, and the proper procedures to follow in the event of the discovery of human remains during construction.</li><li>• In the event of the discovery of human remains during construction, work shall stop in that area and within 100 feet of the find. The Alameda County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to their authority, they shall notify the Native American Heritage Commission who shall identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the project applicant shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further ground disturbance.</li></ul>	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>Impact 4.E-5:</b> The project, in combination with past, present, and probable future projects, would substantially contribute to cumulative adverse historic architectural resources impacts. (Significant and Unavoidable with Mitigation)	Implementation of <b>Mitigation Measures 4.E-1a and 4.E-1b</b>	See measures listed above.	See measures listed above.	See measures listed above.	See measures listed above.

TABLE 4-1 (Continued)  
ALAMEDA SHIPWAYS RESIDENTIAL PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
<b>Impact 4.E-6:</b> The project, in combination with past, present, and probable future projects, could potentially result in cumulative adverse impacts on archaeological resources and human remains. (Less than Significant with Mitigation)	Implementation of <b>Mitigation Measures 4.E-2a, 4.E-2b, and 4.E-3</b>	See measures listed above.	See measures listed above.	See measures listed above.	See measures listed above.
<b>Hazards and Hazardous Materials</b>					
<b>Impact 4.G-1:</b> Demolition of the existing structures on the project site which likely contain hazardous building materials—such as lead-based paint, asbestos, and PCBs—could potentially expose workers, the public, or the environment to hazardous materials from the transport, use, or disposal of these hazardous materials and waste. (Less than Significant with Mitigation)	<p><b>Mitigation Measure 4.G-1a:</b> Prior to issuance of any demolition permit, the project applicant shall submit to the Alameda County Department of Environmental Health a hazardous building material assessment prepared by qualified licensed contractors for any structure intended for demolition indicating whether asbestos-containing materials, lead-based paint, and/or PCB-containing equipment, are present.</p> <p><b>Mitigation Measure 4.G-1b:</b> If the assessment required by Mitigation Measure 4.G-1a indicates the presence of asbestos-containing materials, lead-based paint, and/or PCBs, the project applicant shall create and implement a health and safety plan in accordance with local, state, and federal requirements to protect demolition and construction workers and the public from risks associated with such hazardous materials during demolition or renovation of affected structures.</p> <p><b>Mitigation Measure 4.G-1c:</b> If the assessment required by Mitigation Measure 4.G-1a finds asbestos, the project applicant shall prepare an asbestos abatement plan and shall ensure that asbestos abatement is conducted by a licensed contractor prior to building demolition. Abatement of known or suspected asbestos-containing materials 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 asbestos-containing materials shall be removed and appropriately disposed of by a state certified asbestos contractor.</p> <p><b>Mitigation Measure 4.G-1d:</b> If the assessment required by Mitigation Measure 4.G-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 for implementation:</p> <ol style="list-style-type: none"><li>1. Develop a removal specification approved by a Certified Lead Project Designer.</li><li>2. Ensure that all removal workers are properly trained.</li><li>3. Contain all work areas to prohibit off-site migration of paint chip debris.</li><li>4. Remove all peeling and stratified 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/or disposal of intact lead-based paint on all materials to be cut and/or removed during the demolition.</li><li>5. Provide on-site personnel and area air monitoring during all removal activities to ensure that workers and the environment are adequately protected by the control measures used.</li><li>6. Clean up and/or vacuum paint chips with a high efficiency particulate air (HEPA) filter.</li><li>7. Collect, segregate, and profile waste for disposal determination.</li><li>8. Properly dispose of all waste.</li></ol> <p><b>Mitigation Measure 4.G-1e:</b> If the assessment required by Mitigation Measure 4.G-1a finds presence of PCBs, the project applicant shall ensure that PCB abatement in compliance with applicable regulations is conducted prior to building demolition or renovation. PCBs shall be removed by a qualified contractor and transported in accordance with Caltrans requirements.</p>	Submit appropriate disposal plans and/or permits to the City Building Division.  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 demolition/building permits.	City of Alameda
<b>Impact 4.G-2:</b> Construction at the project site would potentially disturb contaminated soil, which could expose construction workers, the public, or the environment to adverse conditions related to the transport, use, or disposal of hazardous materials and waste. (Less than Significant with Mitigation)	<p><b>Mitigation Measure 4.G-2a:</b> Prior to issuance of any demolition permit, the project applicant shall submit to the City a Site-Specific Environmental Health and Safety Plan (HASP). The HASP shall be consistent with State and federal OSHA standards for hazardous waste operations (California Code of Regulations, Title 8, Section 5192 and 29 Code of Federal Regulations 1910.120, respectively) and any other applicable health and safety standards. The HASP shall include descriptions of health and safety training requirements for onsite personnel and levels of personal protective equipment to be used, and any other applicable precautions to be undertaken to minimize direct contact with soil and to a lesser degree, groundwater if is encountered. The HASP shall be adhered to during construction and excavation activities. All workers onsite should read and understand the HASP and copies shall be maintained onsite during construction and excavation at all times.</p> <p><b>Mitigation Measure 4.G-2b:</b> Prior to issuance of a building or grading permit for any ground breaking activities within the project site, the project applicant shall prepare a Site Management Plan (SMP) consistent with US EPA, DTSC, and Water Board standards for incorporation into</p>	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)  
ALAMEDA SHIPWAYS RESIDENTIAL PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
	construction specifications. The SMP shall be present on site at all times and readily available to site workers. The SMP shall specify protocols and requirements for excavation, stockpiling, and transport of soil and for disturbance of groundwater. At a minimum, the SMP shall include the following components:  1. Dust control measures: Dust generation shall be minimized by any or all appropriate measures. These measures may include: a. Misting or spraying water while existing soils at the site are disturbed; b. Limiting vehicle speeds onsite to 5 miles per hour; c. Controlling earth-moving activities to minimize the generation of dust; d. Minimizing drop heights if/when loading transportation vehicles; and e. Covering any soil stockpiles of soil potentially impacted by contaminants of concern with plastic sheeting or tarps.  2. Decontamination measures: Decontamination methods shall include scraping, brushing, and/or vacuuming to remove dirt on vehicle exteriors and wheels. In the event that these dry decontamination methods are not adequate, methods such as steam cleaning, high-pressure washing, and cleaning solutions shall be used, as necessary, to thoroughly remove accumulated dirt and other materials. Wash water resulting from decontamination activities shall be collected and managed in accordance with all applicable laws and regulations.  3. Stormwater pollution control measures: Should rainfall occur during construction on exposed soils at the site stormwater pollution controls shall be implemented to minimize stormwater runoff from exposed soil containing contaminants of concern at the site and to prevent sediment from leaving the site, in accordance with all laws and regulations. Stormwater pollution controls shall be based on BMPs to comply with State and local regulations. Sediment and erosion protection controls may include but are not limited to: a. Constructing berms or erecting silt fences at entrances to the project site; b. Placing straw bale barriers around catch basins and other entrances to the storm drains; c. During significant rainfall events, covering with plastic sheeting or tarps any soil stockpiles generated as a result of excavating soil potentially impacted by contaminants of concern.				
<b>Impact 4.G-5:</b> Construction and operational activities would handle hazardous materials within one-quarter mile of an existing preschool. (Less than Significant with Mitigation)	Implementation of <b>Mitigation Measures 4.G-1a through 4.G-1e and 4.G-2a and 4.G-2b</b>	See measures listed above.	See measures listed above.	See measures listed above.	See measures listed above.
<b>Impact 4.G-6:</b> Development of the project would be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and could result in a safety hazard to the public or environment through exposure to previous contamination of the site. (Less than Significant with Mitigation)	<b>Mitigation Measure 4.G-3:</b> Prior to issuance of a building permit for residential building construction activities within the project site, the project applicant shall provide documentation to the City detailing that contamination levels at the site are within acceptable levels for residential development. While not considered likely given the conclusions of the site investigations, if it is alternatively determined that elevated contamination levels could impact future residents and/or site users, the project applicant shall prepare a Remedial Risk Management Plan (RRMP). The RRMP shall be developed and followed by current and future owners, tenants, and operators. The RRMP shall include the implementation of any needed corrective action remedies and engineering design necessary to reduce exposures to contaminants to a less than significant level.	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 building permits.	City of Alameda
<b>Hydrology and Water Quality</b>					
<b>Impact 4.H-4:</b> Development of the proposed project would not substantially contribute to runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. (Less than Significant with Mitigation)	<b>Mitigation Measure 4.H-1:</b> The project applicants shall implement Integrated Pest Management measures to reduce fertilizer and pesticide contamination of receiving waters, as follows: <ul style="list-style-type: none"><li>Prepare and Implement an Integrated Pest Management Plan (IPM) for all common landscaped areas. The IPM shall be prepared by a qualified professional and shall recommend methods of pest prevention and turf grass management that use pesticides as a last resort in pest control. Types and rates of fertilizer and pesticide application shall be specified.</li><li>The IPM shall specify methods of avoiding runoff of pesticides and nitrates into receiving storm drains and surface waters or leaching into the shallow groundwater table. Pesticides shall be used only in response to a persistent pest problem that cannot be resolved by non-pesticide measures. Preventative chemical use shall not be employed.</li></ul>	Submit an IPM that meets the requirements of the mitigation measure and is compliant with applicable laws and regulations. The IPM shall be subject to review and approval by the City Building Division.	Project applicant or designee	Prior to issuance of demolition/building permits.	City of Alameda



TABLE 4-1 (Continued)  
ALAMEDA SHIPWAYS RESIDENTIAL PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
	<ul style="list-style-type: none"><li>The IPM shall fully integrate considerations for biological resources into the IPM with an emphasis toward reducing pesticide application.</li></ul>				
Noise					
<b>Impact 4.J-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>Mitigation Measure 4.J-1:</b> 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.	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>Impact 4.J-4:</b> The proposed project would result in exposure of people to cumulative increases in construction noise levels. (Less than Significant with Mitigation)	Implementation of <b>Mitigation Measure 4.J-1</b>	See measures listed above.	See measures listed above.	See measures listed above.	See measures listed above.
<b>Impact 4.J-5:</b> The proposed project would contribute to cumulative construction that could expose buildings, and persons within the project vicinity, to significant vibration. (Less than Significant with Mitigation)	Implementation of <b>Mitigation Measure 4.J-1</b>	See measures listed above.	See measures listed above.	See measures listed above.	See measures listed above.
Transportation and Traffic					
<b>Impact 4.L-2:</b> The proposed project would increase traffic volumes such that traffic conditions at the Park Street/Blanding Avenue intersection would degrade from LOS D to LOS E under Existing Plus Project conditions and at the Marina Square Drive/Constitution Way intersection would degrade LOS E to LOS F and the proposed project could increase traffic volumes by three percent or more under Cumulative (2040) conditions. (Significant and Unavoidable)	<b>Mitigation Measure 4.L-2: Transportation Demand Management (TDM).</b> To reduce the number of automobile trips generated by the project, the project shall prepare a Transportation Demand Management Plan and funding program for Planning Board review and approval. The TDM plan should include a suite of measures to reduce vehicle trips by project residents and visitors, including but are not limited to the following: <ul style="list-style-type: none"><li>Membership in a Transportation Management Agency, which will provide access to transportation information, rideshare programs, and a transportation coordinator. Membership shall include:<ul style="list-style-type: none"><li>Annual funding for operations of transit services between the site and Oakland BART stations and/or a water taxi between Alameda and Oakland across the Estuary.</li><li>Annual funding for AC Transit Easy Passes</li><li>On-site Car Share parking</li><li>On-site bicycle parking</li><li>On-site carpool parking</li><li>Unbundling parking costs from the unit rent</li><li>Transportation “Welcome Packet”</li><li>Real-time transit information (e.g., TransitScreen)</li><li>Designated Pick-Up/Drop-Off Ridesourcing Services</li></ul></li><li>Annual surveys and reports to document implementation of each measure, relative success of each measure to reduce automobile trips, annual automobile trip count to and from the project at peak periods, and annual recommendations for changes to the program, to reduce the project's contribution to citywide and regional vehicle trips through the life of the project.</li></ul>	Submit 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
Utilities and Service Systems					
<b>Impact 4.M-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.M-1:</b> The project sponsors shall: 1) replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines, to ensure that such systems and lines are free from defects or, alternatively, disconnected from the sanitary sewer system; and 2) ensure any new wastewater collection systems, including new lateral lines, for the project are constructed to prevent infiltration and inflow (I&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
<b>Impact 4.M-6:</b> The proposed project, in combination with other past, present, existing, approved, pending, and reasonably foreseeable future projects, would not result in cumulatively	Implementation of <b>Mitigation Measure 4.M-1</b>	See measures listed above.	See measures listed above.	See measures listed above.	See measures listed above.

TABLE 4-1 (Continued)  
ALAMEDA SHIPWAYS RESIDENTIAL PROJECT MITIGATION MONITORING AND REPORTING PROGRAM

Impact	Mitigation Measure	Action(s)	Implementing Party	Timing	Monitoring Party
considerable impacts to utilities and service systems. (Less than Significant with Mitigation)					