

CITY OF ALAMEDA RESOLUTION NO. _____

CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT,
AND ADOPTING FINDINGS AND A STATEMENT OF OVERRIDING
CONSIDERATIONS, MITIGATION MEASURES, AND A MITIGATION
MONITORING AND REPORTING PROGRAM FOR THE GENERAL
PLAN AMENDMENT TO UPDATE THE ALAMEDA GENERAL PLAN

WHEREAS, Government Code section 65300.5 requires the City of Alameda (City) to maintain a General Plan that is an “integrated, internally consistent and compatible statement of policies for the adopting agency”; and

WHEREAS, the General Plan establishes the local development and conservation policies necessary to guide the long-term plan for the physical development of the City and protect the general health, safety and welfare of the community and the environment; and

WHEREAS, the last comprehensive update of the current General Plan occurred 30 years ago and was designed to serve the City for 20 years or until 2010; and

WHEREAS, in August of 2020, the City circulated for public review the first draft Alameda General Plan 2040 for public review and comment; and

WHEREAS, in the fall of 2020, the Alameda Planning Board held four public forums and over 1,500 individuals and over 25 organizations provided written comments and suggestions for improvements to the draft Plan through the General Plan update website, meetings and surveys; and

WHEREAS, on July 20, 2020, the City issued a Notice of Preparation (“NOP”) of the Draft Environmental Impact Report (EIR) for the General Plan update; and

WHEREAS, on March 24, 2021, the City issued a second NOP of the Draft EIR for the General Plan update (State Clearinghouse No. 2021030563); and

WHEREAS, both NOPs were circulated for comment by responsible and trustee agencies and the public for over 45 days, during which time the City held a public scoping meeting on April 26, 2021; and

WHEREAS, the Draft EIR, consisting of two volumes plus the Draft EIR Appendices provided on CD, was published on May 6, 2021 and was circulated for public review through June 25, 2021, during which time the City held a public hearing on the Draft EIR on June 21, 2021; and

WHEREAS, 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 Draft EIR; and

WHEREAS, the City provided written responses to public agencies that commented on the Draft EIR on September 1, 2021; and

WHEREAS, the Final EIR, which consists of the Draft EIR and the Draft EIR Appendices, and a Responses to Comments on the Draft EIR volume that contains comments on the Draft EIR, responses to those comments, and revisions to the Draft EIR, was published on September 1, 2021; and

WHEREAS, the Planning Board held a duly noticed public hearing to receive public testimony on the Final EIR on September 13, 2021, examined pertinent maps and documents, and considered the testimony and written comments received before making its recommendation to the City Council to certify the Final EIR; and

WHEREAS, the City Council held a duly noticed public hearing to receive public testimony on the Final EIR on November 16, 2021, and examined pertinent maps and documents, and considered the testimony and written comments on the Final EIR, which are available at <http://www.alameda2040.org/>.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Alameda hereby certifies that the Final EIR for the Alameda General Plan 2040 has been completed in compliance with CEQA, Public Resources Code section 21000 *et seq.*, the State CEQA Guidelines, California Code of Regulations, title 14, section 15000 *et seq.*, and all applicable state and local guidelines, that the Final EIR reflects the independent judgment and analysis of the City Council, and that the Final EIR was presented to the City Council and that the City Council reviewed and considered the information contained in the Final EIR prior to approving the project; and

BE IT FURTHER RESOLVED, that the City Council of the City of Alameda hereby adopts the findings for the Project, including a Statement of Overriding Considerations, attached hereto as **Exhibit A**, and adopts and incorporates into the Project all of the mitigation measures within the responsibility and jurisdiction of the City of Alameda which are identified in the Findings; and

BE IT FURTHER RESOLVED, that the City Council of the City of Alameda hereby adopts the Mitigation Monitoring and Reporting Program for the Project, attached hereto as **Exhibit B**.

EXHIBIT A

CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE ALAMEDA GENERAL PLAN 2040

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 General Plan 2040 (State Clearinghouse No. 2021030563) (“Final EIR”). The Final EIR is a program EIR pursuant to Section 15168 of the Guidelines for implementation of CEQA (“State CEQA Guidelines”).¹ The Final EIR consists of the May 2021 Public Review Alameda General Plan 2040 Draft Environmental Impact Report (“Draft EIR”), the July 2021 Responses to Comments on the Draft EIR (“Response to Comments document”), and revisions to the Draft EIR contained in the Response to Comments document.

In determining to approve the Alameda General Plan 2040 (“Project”), which is described in more detail in Section II, below, the City makes and adopts the following findings of fact and statement of overriding considerations, and adopts and incorporates into the Project all of the mitigation measures identified in the Final EIR, all based on substantial evidence in the whole record of this proceeding (“administrative record”). Pursuant to Section 15090(a) of the State *CEQA Guidelines*, the Final EIR was presented to the City, and the City reviewed and considered the information contained in the Final EIR prior to making the findings in Sections IV through XIII, below. The conclusions presented in these findings are based on the Final EIR and other evidence in the administrative record.

II. PROJECT DESCRIPTION

The Project, as fully described in Chapter 3 of the Draft EIR, consists of adoption of a comprehensive long-term plan for guiding future physical development within the City of Alameda, in accordance with State Planning Law. The General Plan is a statement of goals, objectives, policies, and actions to guide and manage change to the physical, environmental, economic, and social conditions in the City of Alameda, California. The goals, objectives, policies, and actions are intended to support and facilitate achievement of four broad objectives: (1) protecting the environment and responding to climate change, including sea level rise and other impacts; (2) enhancing mobility and accessibility on an island city; (3) promoting a healthy, equitable, and inclusive city; and (4) preserving and enhancing Alameda’s distinctive character. The General Plan is comprised of six elements, including:

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

Land Use + City Design Element, which establishes goals, policies, and actions to ensure the orderly development of the community and provide a sustainable and high quality of life for current and future generations of Alameda residents, including providing for local and regional housing needs. The Land Use and City Design Element includes the Land Use Diagram for the City, which reflects the existing pattern of land use in the City, but also designates where different types of future land use development should be distributed across the City in support of the land use element, local specific plans, Climate Action and Resiliency Plan (CARP), transportation plans, and goals of the regional sustainable communities plan, *Plan Bay Area*.

Conservation + Climate Action Element, which establishes the City's goals, objectives, policies, and actions necessary to conserve and protect Alameda's natural resources, reduce the community's greenhouse gas emissions and energy use, and to prepare for and address the impacts of climate change.

Mobility Element, which establishes the City's goals, objectives, policies, and actions intended to provide a well-designed, inclusive, multi-modal transportation system that supports a livable, equitable, environmentally sensitive, and thriving community. The policies are intended to foster convenient, safe, and efficient access to food, services, goods, employment, education, entertainment, and recreation, which depend on a well-designed, well-coordinated, and well-managed network of streets and transportation services.

Open Space + Parks Element, which provides for a well-designed and maintained interconnected network of neighborhood and community parks, waterfront open spaces, recreational facilities, and natural habitat areas, which are essential to supporting the health and well-being of the community, sustaining and preserving the quality of the natural environment, sequestering greenhouse gases, and withstanding the impacts of climate change. The policies in this element are intended to ensure that existing parks and community and recreation facilities and programs are well operated and maintained; ensure that every resident is within a safe and convenient 10-minute walk or 6-minute bike ride of an interconnected citywide network of parks, open spaces, trails, and recreational facilities by 2040; and expand and improve the system of parks, open spaces, and recreational facilities in Alameda to accommodate population growth, provide for evolving community recreational needs, prepare for climate change, and protect the natural environment.

Health + Safety Element, which identifies the policies and strategies necessary to reduce the risk of death, injuries, property damage, environmental degradation, economic and social dislocation, and excessive and harmful noise from the natural and man-made hazards and noise sources in the City of Alameda.

The project site consists of the entire City of Alameda in Alameda County, California. The island city is bounded by the Oakland-Alameda Estuary on the north,

San Francisco Bay on the south and west, and by Oakland International Airport on the east.

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

- Provide a comprehensive, internally consistent, up-to-date General Plan for the City of Alameda as required by State Planning Law.
- Establish consistency between the City of Alameda General Plan, City of Alameda Climate Action and Resiliency Plan (CARP), the 2023-2031 Regional Housing Needs Allocation, and the Plan Bay Area, the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) for the protection of the regional and global environment.
- Protect the environment, respond to the climate crisis and meet regional responsibilities.
- Enhance mobility and accessibility on an island city.
- Promote a healthy, equitable and inclusive city.
- Preserve and enhance Alameda's distinctive character.

III. ENVIRONMENTAL REVIEW PROCESS

A. PREPARATION OF THE EIR

On July 20, 2020, the City issued a Notice of Preparation ("NOP") of the Draft EIR. The NOP requested that agencies with regulatory authority over any aspect of the project describe that authority and identify the relevant environmental issues that should be addressed in the EIR. Interested members of the public were also invited to comment. Because it was subsequently discovered that the NOP was never posted by the State Clearinghouse for CEQA operated by the Governor's Office of Planning and Research, a second NOP was prepared and filed with the State Clearinghouse on March 24, 2021. The NOP was circulated for comment by responsible and trustee agencies and the public for a total of 34 days from March 24, 2021 through April 27, 2021, during which time the City held a public scoping meeting on April 26, 2021. Comments on the NOP were received by the City and considered during preparation of the Draft EIR.

The Draft EIR was made available for public review on May 6, 2021, and distributed to responsible and trustee agencies and the public. It was circulated for public review through June 21, 2021, for a total of 39 days, during which time the City held a public hearing on the Draft EIR on June 14, 2021.

The Response to Comments document was issued on September 1, 2021. On September 13, 2021, at a duly noticed public hearing, the Planning Board recommended that the City Council certify the Final EIR.

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

IV. FINDINGS

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

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

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

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

The Final EIR identifies the following significant and unavoidable adverse impact associated with the approval of the Project, which can be reduced, although not to a less-than-significant level, through implementation of a wide variety of policies included in the proposed General Plan. No additional feasible mitigation measures were identified in the Final EIR. Therefore, as explained below, the impact will remain significant and unavoidable. It is hereby determined that any remaining significant and unavoidable adverse impact is acceptable for the reasons specified in Section XII,

below. Pub. Resources Code § 21081(a)(3). As explained in Section IX, 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 10-2: The *Alameda General Plan 2040* would result in average household VMT per capita or commute VMT per worker that exceeds 15 percent below the average baseline rate for the Bay Area region.

The Final EIR finds that although the Project would result in a reduction in vehicle miles traveled (VMT) by commuting workers by 2040, the reduction would be only 7 percent below the projected 2040 Bay Area average VMT per worker. Because the threshold of significance is a minimum of 15 percent below the projected 2040 Bay Area average VMT per worker, this would be a significant impact.

Implementation of proposed General Plan policies such as ME-20, ME-LU-16, LU-34, and CC-10 would reduce the VMT generated by new developments by requiring the implementation of Transportation Demand Management (TDM) programs and plans, as well as through limiting parking supplies. Such TDM programs include increasing on-island job opportunities to reduce off-island commuting; improving transit, bus, and ferry access regionally and locally to increase use of these alternative transportation modes; improving pedestrian and bicycle access; and requiring new residential and commercial development to implement TDM programs to incentivize transit use and discourage automobile use for commute trips. However, the Alameda County Transportation Commission's (CTC) Countywide Travel Demand Model used to calculate the City's existing and projected future VMT does not account for implementation of some of these policies because their effectiveness cannot be quantified at this time. Although implementation of a robust TDM plan can be expected to considerably reduce the VMT generated by a typical office development served by local and regional multi-modal transportation infrastructure, the VMT analysis presented in the EIR does not make assumptions about the ultimate content and effectiveness of future TDM programs over the course of the next 20 years, and therefore conservatively assumes that the VMT reduction due to implementation of TDM plans would not be adequate to reduce the impact to a less-than-significant level. Because the *Alameda General Plan 2040* includes numerous mitigating policies in addition to those cited above, no additional mitigation measures are identified in the EIR. Accordingly, this impact would remain significant and unavoidable.

Mitigation Measure 10-2:

None feasible.

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

The Final EIR identifies the following significant or potentially significant impacts associated with the Project. These impacts are eliminated or reduced to a less-than-

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

A. Impact 11-2: Construction of new development allowed under the Alameda General Plan 2040 could result in a cumulatively considerable net increase of a criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

The Final EIR finds that future construction activities for new development allowed under the proposed General Plan would generate an increase in criteria air pollutants. Construction emissions from buildout of future projects within the City would primarily consist of: (1) exhaust emissions from off-road diesel-powered construction equipment; (2) dust generated by demolition, grading, earthmoving, and other construction activities; (3) exhaust emissions from on-road vehicles; and (4) off-gas emissions of ROGs from application of asphalt, paints, and coatings. Future development projects would be subject to project-level environmental review to assess potential impacts under the Bay Area Air Quality Management District's (BAAQMD's) project-level thresholds. Future projects would also be required to comply with BAAQMD's Rules and Regulations, such as Regulation 8-3-301, which limits the allowed volatile organic compound (VOC) levels in the architectural coatings applied onto buildings within the City, and Regulation 11, Rule 2, which limits asbestos emissions during demolition. Although BAAQMD's project-level significance thresholds consider fugitive dust impacts to be less than significant with implementation of best management practices (BMPs). However, without implementation of BMPs for fugitive dust, construction of future development allowed under the proposed General Plan would have a potentially significant impact on air quality.

Implementation of Mitigation Measure 11-2, by adoption and implementation of the following General Plan policy set forth below, which is hereby adopted and incorporated into the Project, would avoid or reduce these impacts to less-than-significant levels.

Mitigation Measure 11-2:

Policy HS-68 Construction Period Air Quality Impacts. *Minimize air quality impacts as the result of construction activities.*

Actions:

- a. ***Construction Mitigations.*** *As a condition of approval, future discretionary projects shall implement the following measures or equivalent, expanded, or modified measures based on project- and site-specific conditions: all exposed*

surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered at least two times per day; all haul trucks transporting soil, sand, or other loose material off-site shall be covered; all visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping shall be prohibited; all vehicle speeds on unpaved roads shall be limited to 15 mph; all roadways, driveways, and sidewalks to be paved shall be completed as soon as possible; idling times shall be minimized either by shutting equipment off when not in use or reducing maximum idling time to 5 minutes; 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; a publicly visible sign shall be posted with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours; and the Air District's phone number shall also be visible to ensure compliance with applicable regulations.

B. Impact 11-4: New development allowed under the *Alameda General Plan 2040* could expose sensitive receptors to substantial pollutant concentrations.

The Final EIR finds that future development allowed under the proposed General Plan could expose sensitive receptors to emissions of toxic air contaminants (TACs) in two ways: (1) from exposure to new sources of TACs, and (2) from siting sensitive receptors (e.g., through creation of new residential development) within 1,000 feet of existing sources of TACs. In the first instance, construction activities and various industrial and commercial processes (e.g., warehousing, manufacturing, dry cleaning, gasoline stations, generators, etc.) associated with future projects allowed under the proposed General Plan would be expected to release TACs. TAC emissions generated by stationary and point sources in the San Francisco Bay Air Basin are regulated and controlled by the BAAQMD, and would require permits from the BAAQMD prior to development and operation. Emissions of TACs from mobile sources, including trucks with transport refrigeration units (TRUs), are regulated by State rules and regulations, not by the BAAQMD, and also have the potential to generate substantial concentrations of air pollutants. Another source of TAC emissions generated by the Project would be construction activities associated with future development under the proposed General Plan located within 1,000 feet of existing sensitive receptors, which would have the potential to expose sensitive receptors to substantial concentrations of air pollutants and exceed BAAQMD's project-level thresholds for health impacts. Individual projects within 1,000 feet of sensitive receptors that include more than 100 truck trips per day, 40 trucks with TRUs per day, or where TRU unit operations exceed 300 hours per week could potentially exceed the BAAQMD's project-level risks and hazards significance thresholds, which would be a potentially significant impact.

The other avenue of potential health risk would be from siting new sensitive receptors within 1,000 feet of existing sources of TACs. These sources could be

stationary point sources subject to permitting by BAAQMD or mobile line sources, such as roadways with more than 10,000 annual average daily traffic (AADT), highways, and freeways. Within the City of Alameda, there are currently approximately 80 permitted stationary sources within the City, and State Route (SR) 61, SR 260, and Park Street are roadways having more than 10,000 AADT. Although future development proposals allowed under the *Alameda General Plan 2040* would be subject to separate environmental review pursuant to CEQA in order to identify and mitigate potentially significant health impacts, absent mitigation, future development siting sensitive receptors within 1,000 feet of existing TAC sources that exceed BAAQMD's cumulative risks and hazards significance thresholds would have a potentially significant impact on the health of sensitive receptors.

Implementation of Mitigation Measures 11-4(a) and 11-4(b), by adoption and implementation of the following General Plan policy set forth below, which are hereby adopted and incorporated into the Project, would avoid or reduce these impacts to less-than-significant levels.

Policy HS-69 Toxic Air Contaminants. *Minimize and avoid exposure to toxic air contaminants.*

Actions:

a. New Sources. *As a condition of approval, future discretionary projects that generate substantial toxic air contaminant (TAC) emissions (that are not regulated by the Bay Area Air Quality Management District (BAAQMD, such as construction activities lasting greater than two months or facilities that include more than 100 truck trips per day, 40 trucks with transport refrigeration units (TRUs) per day, or where TRU unit operations exceed 300 hours per week)) that are located within 1,000 feet of sensitive receptors shall submit a Health Risk Assessment (HRA) prepared in accordance with policies and procedures of the State Office of Environmental Health Hazard Assessment and the BAAQMD prior to discretionary project approval.. If the HRA shows that the incremental cancer risk, PM_{2.5} concentrations, or the appropriate non-cancer hazard index exceeds BAAQMD's project-level thresholds, then the applicant shall be required to identify and demonstrate that mitigation measures are capable of reducing potential PM_{2.5} concentrations, cancer risks, and non-cancer risks to below BAAQMD's project-level significance thresholds.*

b. New Sensitive Receptors. *As a condition of approval, proposed new sensitive receptor uses proposed within 1,000 feet of existing major sources of toxic air contaminants (TACs) (e.g., permitted stationary sources, highways, freeways and roadways with over 10,000 annual average daily traffic (AADT)) shall submit a Health Risk Assessment (HRA) to the City prior to future discretionary project approval. If the HRA shows that the incremental cancer risk, PM_{2.5} concentrations, or the appropriate non-cancer hazard index exceeds BAAQMD's cumulative-level thresholds, then the applicant*

shall be required to identify and demonstrate that mitigation measures (e.g., electrostatic filtering systems) are capable of reducing potential cancer and noncancer risks to below BAAQMD's significance thresholds.

C. Impact 14-6: Construction of new development allowed under the Alameda General Plan 2040 could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

The Final EIR finds that future development and redevelopment allowed under the proposed General Plan involving grading, excavation, or other subsurface disturbance could encounter buried paleontological resources, potentially damaging or destroying the resources during construction activities. Although the potential for encountering paleontological resources is considered low because the artificial fill overlying estuarine mud that underlies most of the City has a very low potential for the presence of paleontological resources, as does the Merritt Sand that underlies the rest of the City, there remains some possibility for paleontological resources to be present in the subsurface of future development/redevelopment sites that could be damaged or destroyed during ground-disturbing construction work, which would be a potentially significant impact.

Implementation of Mitigation Measure 11-2, by adoption and implementation of the following General Plan policy set forth below, which are hereby adopted and incorporated into the Project, would avoid or reduce these impacts to less-than-significant levels.

CC-35 Paleontological Resources. *Protect paleontological resources, such as fossilized bone, teeth, shell, tracks, trails, casts, molds, or impressions, during site grading and construction activities.*

Actions:

- a. **Discoveries.** *If resources are discovered during construction, halt all ground disturbance within 100 feet of the find until the services of a qualified paleontologist can be retained to identify and evaluate the scientific value of the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s). Significant paleontological resources should be salvaged and deposited in an accredited and permanent scientific institution, such as the University of California Museum of Paleontology.*

D. Impact 18-2: Construction of new development allowed under the Alameda General Plan 2040 could involve subsurface disturbance that could potentially encounter and damage previously undiscovered buried historical or prehistoric archaeological resources, including tribal cultural resources.

The Final EIR finds that future residential, commercial, mixed-use, and industrial development could be constructed under the proposed General Plan that in many cases

would require ground-disturbing grading, trenching, and/or excavation that would penetrate into subsurface soils to varying degrees, and these activities could potentially encounter a previously undiscovered significant historical or archaeological resource, including a tribal cultural resource. Were any significant cultural resources to be present in the subsurface of a construction site, mechanical excavation could damage or destroy the resource(s), which would be a potentially significant impact.

Implementation of Mitigation Measure 18-2, by adoption and implementation of the following General Plan policy set forth below, which are hereby adopted and incorporated into the Project, would avoid or reduce these impacts to less-than-significant levels.

CC-36 Prehistoric or Historic Cultural Resources. *Protect prehistoric or historic cultural resources during construction activities.*

Actions:

- a. **Discoveries.** *In the event that prehistoric or historic cultural resources are encountered during excavation and/or grading of the project site, all activity within a 100-foot radius of the find shall be stopped, the City shall be notified, and a qualified archaeologist shall examine the find to evaluate the significance of the encountered resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s). The results of any additional archaeological effort required shall be presented in a professional-quality report, to be submitted to the City of Alameda and the Northwest Information Center at Sonoma State University in Rohnert Park.*
- b. **Preservation In Place.** *In the event that any cultural resources encountered during subsurface disturbance are determined to be historical resources, the project sponsor shall implement preservation in place as the preferred manner of mitigating impacts to buried historic resources.*
- c. **Tribal Consultation.** *If any Native American tribal representatives have requested consultation with the City of Alameda regarding general or specific development projects in Alameda, prior to issuance of a grading permit, the City shall notify the tribal representative(s) in writing soliciting their input regarding the protection of tribal cultural resources (TCRs) during project construction in accordance with California Public Resources Code Section 21080.3.2. Mitigation measures to reduce impacts to TCRs shall be developed in coordination with the consulting tribal group. The consultation required by Senate Bill (SB) 18 and Assembly Bill (AB) 52 is considered complete when either the parties agree to measures to mitigate or avoid any significant impact on TCRs, or if one of the parties, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.*
- d. **Human Remains.** *In the event that any human remains are encountered, all ground-disturbing work in the vicinity of the remains shall cease immediately until*

the coroner of Alameda County has been contacted, in accordance with Section 7050.5 of the California Health and Safety Code. If the coroner determines that the human remains are of Native American origin, the Native American Heritage Commission (NAHC) must be contacted within 24 hours, and the project sponsor shall comply with State laws relating to the disposition of Native American burials, regulated by the NAHC (Pub. Res. Code Sec. 5097 et seq.). No further excavation or disturbance of the site shall occur until the coroner of the County has been informed and has determined that no investigation of the cause of death is required; and if the remains are of Native American origin, the Coroner's Office will notify the NAHC of the find as provided in Public Resources Code Section 5097.98.

E. Impact 18-3: Construction of new development allowed under the Alameda General Plan 2040 could involve subsurface disturbance that could potentially encounter and damage human remains, including those interred outside of formal cemeteries.

The Final EIR finds that ground-disturbing construction activity associated with new development allowed under the proposed General Plan could potentially encounter buried Native American or other unrecorded human remains. Buried Native American remains have previously been discovered in Alameda, and given the City's known prehistoric occupation by Native Americans, the potential remains for future discovery of buried human remains. Disturbance of buried human remains during future development consistent with the General Plan would both conflict with State law and be a potentially significant impact on cultural resources and/or tribal cultural resources (TCRs).

Adoption and implementation of policy **CC-36 Prehistoric or Historic Cultural Resources** described above would avoid or reduce these impacts to less-than-significant levels.

VII. GROWTH INDUCING IMPACTS

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

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

A project can have direct and/or indirect growth-inducement potential. Direct growth inducement would result if a project involved construction of new housing that would result in new residents moving to the area. A project can have indirect growth-

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

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

Both the proposed Alameda General Plan and the Bay Area's Sustainable Communities Strategies, *Plan Bay Area*, anticipate growth to occur throughout the City during the 20-year planning horizon encompassed by the General Plan. The General Plan is intended to accommodate that growth and guide it in an environmentally beneficial manner, while helping to alleviate the region's housing shortage. Hence, the proposed General Plan is the City's primary long-range planning document, which is consistent and integrates with the regionally forecast growth of the Bay Area. Thus, while the Project would not result in unplanned growth, it would accommodate an increase in both population and employment growth in Alameda as compared to the existing condition, while also responding to and adapting to the impacts of climate change, including rising sea and groundwater levels, more severe droughts, wildfire smoke, and more. Specifically, new water, wastewater, and storm water infrastructure anticipated to serve new development allowed under the General Plan would allow for growth to occur in areas of the City where growth has been constrained due to lack of appropriate infrastructure, as described below.

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 infrastructure improvements would occur in some areas of the City as a result of General Plan buildout, the under-developed portions of the City are within an urban setting, and the improved infrastructure would connect to existing city infrastructure. While upgrades to existing infrastructure would be required in some

locations, such as enlarged storm water drainage pipes in Alameda Point, new infrastructure would not be extended into previously unserved areas, other than on individual project sites that are already adjacent to existing infrastructure. Implementation of the project would not extend infrastructure to any undeveloped areas. Hence, future development consistent with *Alameda General Plan 2040* would consist of infill development within an existing urban area.

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

The Mobility Element in the proposed General Plan does not identify or anticipate extension of roadways into areas that are not already developed with urban uses. It identifies improvements to the City's existing transportation system to make it more efficient, flexible, and safe. The Mobility Element includes planned improvements to withstand the anticipated impacts of climate change, including rising seas and groundwater. Redesigned streets and roads will work in concert with the natural ecosystem to reduce the impacts of the transportation system on the physical environment. Policies in the Mobility Element are intended to encourage Alameda residents to shift to alternative transportation modes, such as public transit, bicycling, and walking. The Element plans to transform the transportation network into a system of "complete" streets that are designed to serve not just automobiles, but also pedestrians, bicyclists, and public transit users to improve the quality of life for all users by designing streets as "public spaces" that are safe and comfortable. To improve safety, the Mobility Element discourages road and intersection widening, and calls for converting some four-lane roadways to two lanes, with the addition of turning lanes, transit lanes, or bicycle lanes. Although it includes a policy calling for evaluating the feasibility of creating a new causeway and drawbridge to connect the City's South Shore area to Harbor Bay, both areas of the City are already fully developed with urban uses and infrastructure, so a new causeway at this location would improve connectivity between these portions of the City separated by Bay waters without inducing new growth. Similarly, the General Plan encourages development of a bicycle and pedestrian bridge from West Alameda to Oakland, which would increase connectivity for pedestrians and bicyclists between the island city and the adjacent mainland, without inducing growth or new traffic. Hence, the proposed Project would not result in the extension of a transportation corridor into an area that may be subsequently developed.

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

The Project involves adoption of a new General Plan designed to plan for and accommodate future growth in the City of Alameda while guiding and managing changes to the physical, environmental, economic, and social conditions in Alameda. While the Project would remove "obstacles to population growth" by facilitating redevelopment of under-utilized parcels and infill development on vacant parcels, which could involve the extension of utilities and public services to individual sites, it would not include or result in the extension of utilities or services into areas where those services are not currently available.

Further, by facilitating infrastructure improvements where infrastructure currently constrains opportunities for growth, the Project would allow for growth to occur on under-utilized sites that have been constrained in part due to lack of appropriate infrastructure.

Implementation of the proposed General Plan would result in the development of approximately 10,000 to 12,000 new residential dwelling units and 10,000 to 12,000 new jobs. This is expected to add approximately 25,000 new residents to the City by 2040, increasing the City's population to approximately 104,000 people. This is consistent with the California Department of Finance's (DOF) projection of Alameda's 2040 population of 106,412 people. Therefore, the growth in population facilitated by the Project, would be within the DOF projections for the City of Alameda.

Further, because the City includes two Priority Development Areas (PDAs)—Alameda Point PDA and Northern Waterfront PDA—identified in *Plan Bay Area*, from a regional standpoint the Project is part of a coordinated strategy for managing land use patterns and transportation investments to accommodate projected population growth while also reducing emissions of greenhouse gases, consistent with the direction in Senate Bill (SB) 375. As *Plan Bay Area*'s transportation projects are tied to the proposed land use development pattern and the region's population projections, they are inherently designed to focus growth primarily in PDAs, as opposed to other locations in the region. That is, the transportation projects in *Plan Bay Area* were selected to complement a certain type of land development (balanced and compact) and discourage imbalanced, sprawling, and greenfields development. The proposed General Plan fosters growth in the City's two PDAs. By accommodating growth in these targeted urban areas, the Project would regionally contribute to reduced vehicle miles travels and greenhouse gas emissions, as required by SB 375. Furthermore, as an island city that is already largely built out, Alameda is constrained from future sprawling development. Therefore, while the Project would remove obstacles to population growth by facilitating in-fill development and growth in areas targeted by *Plan Bay Area*, it would not induce growth by providing major new public services to an area where those services are not currently available.

The physical effects of adopting and implementing *Alameda General Plan 2040* are described in Chapters 4 through 22 of the EIR.

VIII. ALTERNATIVES

The Final EIR analyzed three alternatives to the Project, examining the environmental impacts and feasibility of each alternative, as well as the ability of the alternatives to meet project objectives. The Project and the project objectives are described in detail in the Final EIR Chapter 3, Project Description, and the potential environmental effects of implementing the Project are analyzed in Chapters 4 through 22, 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 IX, below, the findings in this Section are based on the Final EIR, the discussion and analysis in which is hereby incorporated in full by this reference. The City further finds that each of the reasons given for rejecting an alternative discussed below is a separate and independent basis for rejecting that alternative.

A. The No Project Alternative

CEQA requires consideration of a no project alternative. Consistent with State *CEQA Guidelines* Section 15126.6(e), the No Project Alternative assumes that the City of Alameda City Council would not adopt *Alameda General Plan 2040*, and the City of Alameda would continue to be governed by the current General Plan, which was last comprehensively updated 30 years ago in 1991. Under this alternative, the current General Plan policies restricting multi-family, higher-density, mixed-use, transit-oriented housing would accommodate substantially less of the City's share of the Regional Housing Need Allocation (RHNA) assigned by the Association of Bay Area Governments (ABAG), making it difficult for the City to comply with State Housing Law and conflicting with *Plan Bay Area 2040*, the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) for the protection of the regional and global environment.

Because this alternative would significantly restrict the development of new affordable and market-rate housing in Alameda, this alternative would not achieve the Project objective of providing a comprehensive, internally consistent, up-to-date General Plan for the City of Alameda as required by State Planning Law, which requires cities and counties to update their general plans "periodically," which has traditionally been every 15 to 20 years, according to the Governor's Office of Planning and Research. This alternative also would not achieve the Project objective of establishing consistency between the City of Alameda General Plan, City of Alameda *Climate Action and Resiliency Plan* (CARP), the 2023-2031 Regional Housing Needs Allocation, and *Plan Bay Area 2040*.

This alternative would be the least likely to achieve the project objectives of (1) protecting the environment, responding to the climate crisis, and meeting regional responsibilities; (2) enhancing mobility and accessibility on an island city; and (3) promoting a healthy, equitable and inclusive city. In this alternative, the City would not allow development of new higher-density residential construction, which is currently restricted by General Plan policy to single-family homes and duplexes at residential densities below 21 units to the acre, which is in direct conflict with State Housing Law. This alternative would shift the burden of accommodating growth with multi-family, higher-density, mixed-use, transit-oriented housing onto other jurisdictions in the region, and would prevent the City from meeting its RHNA obligation under State Housing Law.

This alternative would be the least likely to achieve the project objective of protecting the environment because it would not adopt and implement some key policies in the proposed General Plan intended to protect biological resources, including

a policy that would provide enhanced protection of aquatic species and habitats during any in-water construction requiring pile driving and a policy that would require a pre-construction eelgrass and native oyster survey prior to any construction activities involving any disturbance to the shoreline or adjacent waters in accordance with guidance provided by the National Marine Fisheries Service (NMFS). Such policies have not been adopted in the current General Plan. Other policy requirements included in the proposed Project that are not present in the current General Plan and would therefore not be adopted under the No Project Alternative include required bat surveys in coordination with the California Department of Fish and Wildlife (CDFW) for any demolition of buildings or removal of large trees and nesting bird surveys in coordination with CDFW for any disturbance or removal of large trees during the general bird breeding season.

This alternative would also be the least likely to achieve the project objective of protecting the environment because it would reduce the City's ability to significantly reduce automobile vehicle miles traveled (VMT), and thereby reduce greenhouse gas (GHG) emissions, reduce the impacts of climate change on Alameda, and reduce vehicle congestion in Alameda. This would have the effect of increasing automobile-related air quality impacts, further failing to meet the Project objective of protecting the environment.

This alternative would be the least likely to achieve the project objectives of protecting the environment and responding to the climate crisis because it would not include numerous policies and supporting actions—included in the proposed Project—intended to reduce the potential for injury, property damage, and loss of natural habitat resulting from sea level rise and rising groundwater. Additionally, the No Project Alternative would not include numerous proposed policies aimed at improving energy efficiency and reducing energy consumption, either directly or indirectly by reducing GHG emissions.

Of all the alternatives considered in this analysis, the No Project Alternative would be the least successful alternative with respect to meeting the Project objectives. This alternative would also result in further deterioration of infrastructure and exposure to flood hazards and, without reinvestment and reoccupation, the buildings and infrastructure that support the buildings and the few uses in those buildings in the Alameda Point PDA and, to some extent, in the Northern Waterfront PDA, would continue to deteriorate. With time, this deterioration and blight would increase the costs to adaptively reuse and rehabilitate existing buildings and facilities.

For the foregoing reasons, the No Project Alternative is considered infeasible and is hereby rejected.

B. The Reduced Density Alternative

The Reduced Density Alternative would be amended to limit residential growth by 50 percent (approximately 5,000 units over 20 years) and to limit employment growth by 50 percent (approximately 5,000 new jobs added over 20 years) in comparison with the

proposed Project. In other respects, it would be the same as the Project. This alternative could increase the City's population by approximately 12,500 people by 2040.

Because this alternative would significantly restrict the development of new affordable and market-rate housing in Alameda, this alternative would not achieve the Project objective of providing a comprehensive, internally consistent, up-to-date General Plan for the City of Alameda as required by State Planning Law, which is required to include provisions for meeting the City's Regional Housing Needs Allocation. For the same reason, this alternative also would not achieve the Project objective of establishing consistency between the City of Alameda General Plan, City of Alameda *Climate Action and Resiliency Plan* (CARP), the 2023-2031 Regional Housing Needs Allocation, and *Plan Bay Area 2040*.

This alternative would be less effective than the proposed General Plan at meeting the project objectives of (1) protecting the environment, responding to the climate crisis, and meeting regional responsibilities; (2) enhancing mobility and accessibility on an island city; and (3) promoting a healthy, equitable and inclusive city. To a lesser extent than the No Project Alternative, this alternative would shift the burden of accommodating growth with multi-family, higher-density, mixed-use, transit-oriented housing onto other jurisdictions in the region, and would prevent the City from meeting its RHNA obligation under State Housing Law.

This alternative would prevent the City of Alameda from completing the Housing Element update in conformance with State Law by December 2022, which would cause the City's General Plan to be out of compliance with State Law. Similarly, it would be unable to adequately accommodate jobs and population growth assumed for Alameda in *Plan Bay Area 2040*.

This alternative would not achieve the project objective of enhancing mobility and accessibility on an island city because it would limit infill housing development at the center of the Bay Area, which would result in more of the regional population growth occurring further from the job centers of Oakland, San Francisco, and San Jose, which in turn would contribute to an increase in regional traffic, an increase in the distance of the average commute, and an increase in regional per-capita vehicle miles traveled. Furthermore, under this alternative it would be more difficult for Alameda workers to live in Alameda, due to 50 percent less housing development, which would limit the ability for Alameda workers to live close to their jobs.

This alternative would be less effective than the proposed Project at meeting the project objective of protecting the environment and responding to the climate crisis because the increased traffic and VMT it would cause, referenced above, would increase emissions of air pollutants and GHGs in Alameda and in the Bay Area region. This would have the concomitant effects of increasing energy consumption and being less consistent with the City's CARP, which is the adopted local plan for renewable energy and energy efficiency.

For the foregoing reasons, the Reduced Density Alternative is considered infeasible and is hereby rejected.

C. Environmentally Superior Alternative

CEQA requires EIRs to identify the environmentally superior alternative. Based on the findings of the Final EIR and the thresholds of significance used for each environmental topic in Chapters 4 through 22, the environmentally superior alternative would consist of an amended *Alameda General Plan 2040* with a stronger commitment to protecting the environment and addressing global warming and climate change. For example, this alternative would include stronger and more aggressive action to reduce VMT, reduce greenhouse gas emissions, reduce the use of fossil fuels, increase the use of transit through programs such as congestion pricing, and mandate the conversion of all homes and businesses to electric power on a prescribed schedule. Although the Environmentally Superior Alternative General Plan would have stronger environmental policies, it would be comparable to the Project in terms of housing growth and employment growth. Although the Environmentally Superior Alternative would meet all of the Project objectives, its implementation would be limited by political and financial feasibility constraints.

The Environmentally Superior Alternative would be more effective than the proposed Project at meeting the project objective of protecting the environment and responding to the climate crisis because it would result in reduced traffic and VMT, and reduced traffic-generated emissions of air pollutants and GHGs in Alameda and in the Bay Area region. This alternative would also be better at meeting the project objective of protecting the environment because it would include stronger policies intended to increase protections for local and migrating waterfowl and other protected birds, as well as for marine wildlife utilizing the near-shore waters surrounding Alameda. These policies could prohibit any construction in the vicinity of wetlands or endangered species habitat.

The Environmentally Superior Alternative would result in reduced environmental impacts in comparison with the Project. As alluded to above, it would have reduced impacts to traffic, air quality, GHGs, and biological resources. In other respects, its impacts would be comparable to those of the proposed General Plan.

In order to implement stronger policies intended to increase protections for local and migrating waterfowl and other protected birds, this alternative could require that the City acquire lands adjacent to the near-shore waters surrounding Alameda at fair market value for public purposes, which could render the alternative economically infeasible. Because the Environmentally Superior Alternative would establish more aggressive parking pricing and management strategies to dis-incentivize automobile trips, these policies could cause conflicts with economic development policies intended to support local retail businesses and attract new businesses to Alameda.

The Environmentally Superior Alternative would include stronger policies requiring electric vehicle use and prohibiting the use of fossil fuel equipment, and

requiring the electrification of existing commercial and residential buildings at point of sale or with any discretionary permit or building permit. However, adoption and implementation of these stronger policies would be dependent on changes in State law (e.g., congestion pricing and Transportation Demand Management (TDM)) and a willingness to conflict with existing economic development strategies. Requiring electrification of existing residential units and commercial buildings in Alameda at point of sale or prior to issuance or approval of any discretionary permit or building permit, would significantly increase costs for all property owners in Alameda. To successfully implement such electrification requirements would likely require financial support from the City of Alameda.

While the Environmentally Superior Alternative would be environmentally superior to the proposed Project for the reasons set forth above, the Environmentally Superior Alternative is limited by a variety of financial and political constraints that could cause the Alternative to be infeasible.

IX. INCORPORATION BY REFERENCE

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

X. RECORD OF PROCEEDINGS

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

XI. 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.

XII. STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to *CEQA Guidelines* Section 15093, the City has balanced the economic, legal, social, technological, or other benefits of the Project, including region-wide or statewide environmental benefits, against its significant and unavoidable environmental impacts. The City finds that the Project's benefits outweigh its unavoidable adverse environmental effects, and that the adverse environmental effects are therefore acceptable. The reasons set forth below are based on the Final EIR and other information in the record.

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

- A. **Maintaining Consistency with State of California Planning Code.** Adoption of *Alameda General Plan 2040* (the "Project") ensures that the City of Alameda maintains consistency with the State Planning Codes, which require the City to maintain an internally consistent statement of planning, development and conservation policy. Maintaining consistency with State Planning Law maintains Alameda's eligibility for State funding and ensures that Alameda will be able to retain local land use authority.
- B. **Providing for an up to date Local Statement of Policies to guide decision making.** Adoption of *Alameda General Plan 2040* provides the Alameda City Council, advisory boards and commissions, and the Alameda community with an up-to-date, internally consistent set of planning policies and actions to guide decision making for the next 20 years. The current General Plan is over 30 years old and does not provide adequate or up to date guidance for the Council and the community as it faces difficult decisions over the next 20 years to address issues such as the ongoing housing crises, climate change crises and other planning challenges facing the community.
- C. **Protecting the Environment and Preparing for Climate Change.** *Alameda General Plan 2040* will protect the local, regional, and global environment and facilitate sustainable reuse and redevelopment in Alameda by creating opportunities for transit-oriented development consistent with SB 375 and the regional Sustainable Communities

Strategy: Plan Bay Area. *General Plan 2040* encourages and directs investments in improvements to adapt to sea-level rise and climate change and the other actions and investments to protect and improve the regional and local environment. The General Plan applies sustainability principles in the design and development of new development, open spaces, recreation facilities, and infrastructure, including wastewater, storm water, electrical and transportation systems.

- D. **Enhancing mobility and accessibility and reducing transportation related Greenhouse Gases.** Adoption of *Alameda General Plan 2040* will ensure a coordinated and internally consistent set of policies addressing the need to provide a greater range of transportation choices for Alameda residents, visitors, and business employees that are designed to both increase mobility and reduce the greenhouse gas emissions that are contributing to the global climate crises.
- E. **Promoting a more equitable and inclusive City.** *Alameda General Plan 2040* is designed to make Alameda a more equitable and inclusive City. The General Plan supports an increase the City's supply of land available for residential development and the supply of affordable housing sites for Alameda and the region to address the housing needs of all Alameda residents of all income levels and needs. The Plan also encourages and supports actions to make Alameda decision making better informed by the needs of all segments of the community to ensure that the needs of everyone are considered when decisions are made about housing, development, open space, transportation, and health and safety.
- F. **Preserving and enhancing Alameda's Distinctive Character.** *Alameda General Plan 2040* provides improved policies to ensure that as Alameda works to address the difficult challenges ahead, such as the housing crises, climate change, transportation, and conservation, those decisions will consider and embrace the need to preserve and enhance the local characteristics that make Alameda distinctive.

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

XIII. SUMMARY

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

Exhibit B
Alameda General Plan 2040
Mitigation Monitoring and Reporting Program (MMRP)

1. Introduction

Assembly Bill (AB) 3180, enacted by the California Legislature in 1988, requires lead agencies to prepare and adopt a program to monitor and/or report on all mitigation measures required in conjunction with certification of an Environmental Impact Report (EIR) or adoption of a Mitigated Negative Declaration pursuant to the California Environmental Quality Act (CEQA).

The monitoring or reporting program is intended to ensure the successful implementation of measures that public agencies impose to reduce or avoid the significant adverse impacts identified in an environmental document. Adoption of the monitoring program is to occur when a public agency makes the findings to approve a project requiring an EIR.

2. Monitoring Program

The purpose of this Mitigation Monitoring and Reporting Program (MMRP) is to present a thorough approach for monitoring the implementation of the measures required to mitigate the potentially significant impacts identified in the *Alameda General Plan 2040 Draft Environmental Impact Report*. The monitoring program identifies each mitigation measure for a significant impact and specifies the means for verifying successful implementation. Failure to comply with all required mitigation measures will constitute a basis for withholding building permits or undertaking legal enforcement actions.

MMRP Table

The heart of this document is the MMRP table, which identifies the monitoring and reporting requirements for each mitigation measure identified in the EIR. More specifically, the table provides the following information for each mitigation measure:

- **Impact Summary**— a brief one-sentence summary statement of the impact being mitigated.
- **Mitigation Measure**— the verbatim text of the mitigation measure as adopted by the City. In some cases, the measure may differ slightly from the language presented in the EIR circulated for public review.
- **Implementation Responsibility**— the entity responsible for implementing the mitigation measure.
- **Monitoring Responsibility**— the person or agency responsible for physically verifying that the mitigation measure has been implemented and for recording the verification in the MMRP table. In some cases, an outside regulatory

agency may be involved in determining or ensuring mitigation compliance, but reporting of compliance in the MMRP table is the responsibility of City staff in all cases.

- **Monitoring and Reporting Activity**— all activities necessary to verify successful implementation of the mitigation measure.
- **Timing/Frequency of Monitoring and Reporting**— the phase of the project during which monitoring activities must occur and/or milestone(s) at which single-event monitoring activities must occur followed by how often monitoring activities must occur. Typically, the monitoring occurs once, weekly, or monthly.

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing/Frequency of Monitoring
AIR QUALITY				
<p>Impact 11-2: Construction of new development allowed under the Alameda General Plan 2040 could result in a cumulatively considerable net increase of a criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.</p> <p>Mitigation Measure 11-2: Adopt and implement policy HS-68</p> <p>Policy HS-68 Construction Period Air Quality Impacts. Minimize air quality impacts as the result of construction activities.</p> <p>Actions:</p> <p>1. Construction Mitigations. As a condition of approval, future discretionary projects shall implement the following measures or equivalent, expanded, or modified measures based on project- and site-specific conditions: all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered at least two times per day; all haul trucks transporting soil, sand, or other loose material off-site shall be covered; all visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping shall be prohibited; all vehicle speeds on unpaved roads shall be limited to 15 mph; all roadways, driveways, and sidewalks to be paved shall be completed as soon as possible; idling times shall be minimized either by shutting equipment off when not in use or reducing maximum idling time to 5 minutes; 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; a publicly visible sign shall be posted with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours; and the Air District's phone number shall also be visible to ensure compliance with applicable regulations.</p>	City of Alameda	City of Alameda	Entitlement Conditions of approval and Building and site inspections during construction	Inspections during construction And Annual General Plan Review
<p>Impact 11-4: New development allowed under the Alameda General Plan 2040 could expose sensitive receptors to substantial concentrations of toxic air contaminants or fine particulate matter (PM_{2.5}).</p>	City of Alameda	City of Alameda	Project Entitlement process and Building and site inspections	Inspections during construction And

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing/ Frequency of Monitoring
<p>Mitigation 11-4. Adopt and implement policy HS-69</p> <p>Policy HS-69 Toxic Air Contaminants. Minimize and avoid exposure to toxic air contaminants.</p> <p>Actions:</p> <p>a. New Sources. As a condition of approval, future discretionary projects that generate substantial toxic air contaminant (TAC) emissions (that are not regulated by the Bay Area Air Quality Management District (BAAQMD), such as construction activities lasting greater than two months or facilities that include more than 100 truck trips per day, 40 trucks with transport refrigeration units (TRUs) per day, or where TRU unit operations exceed 300 hours per week)) that are located within 1,000 feet of sensitive receptors shall submit a Health Risk Assessment (HRA) prepared in accordance with policies and procedures of the State Office of Environmental Health Hazard Assessment and the BAAQMD prior to discretionary project approval. If the HRA shows that the incremental cancer risk, PM2.5 concentrations, or the appropriate non-cancer hazard index exceeds BAAQMD's project-level thresholds, then the applicant shall be required to identify and demonstrate that mitigation measures are capable of reducing potential PM2.5 concentrations, cancer risks, and non-cancer risks to below BAAQMD's project-level significance thresholds.</p> <p>b. New Sensitive Receptors. As a condition of approval, proposed new sensitive receptor uses proposed within 1,000 feet of existing major sources of toxic air contaminants (TACs) (e.g., permitted stationary sources, highways, freeways and roadways with over 10,000 annual average daily traffic (AADT)) shall submit a Health Risk Assessment (HRA) to the City prior to future discretionary project approval. If the HRA shows that the incremental cancer risk, PM2.5 concentrations, or the appropriate non-cancer hazard index exceeds BAAQMD's cumulative-level thresholds, then the applicant shall be required to identify and demonstrate that mitigation measures (e.g., electrostatic filtering systems) are capable of reducing potential cancer and noncancerous risks to below BAAQMD's significance thresholds.</p>			and reports during construction.	Annual General Plan Review
GEOLOGY AND SOILS				
<p>Impact 14-6: Construction of new development allowed under the <i>Alameda General Plan 2040</i> could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.</p> <p>Mitigation Measure 14-6: Adopt and implement Policy CC-35</p> <p>CC-35 Paleontological Resources. Protect paleontological resources, such as fossilized bone, teeth, shell, tracks, trails, casts, molds, or impressions, during site grading and construction activities.</p> <p>Actions:</p> <p>b. Discoveries. If resources are discovered during construction, halt all ground disturbance within 100 feet of the find until the services of a qualified paleontologist can be retained to identify and evaluate the scientific value of the resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s). Significant paleontological resources should be salvaged and deposited in an</p>	City of Alameda Planning Department	City of Alameda Planning Department	Project Entitlement process and Building and site inspections and reports during construction	Inspections during construction And Annual General Plan Review

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing/ Frequency of Monitoring
accredited and permanent scientific institution, such as the University Of California Museum Of Paleontology.				
CULTURAL RESOURCES				
<p>Impact 18-2: Construction of new development allowed under the Alameda General Plan 2040 could involve subsurface disturbance that could potentially encounter and damage previously undiscovered buried historical or prehistoric archaeological resources, including tribal cultural resources.</p> <p>Mitigation Measure 18-2: Adopt and implement Policy CC-36</p> <p>CC-36 Prehistoric or Historic Cultural Resources. Protect prehistoric or historic cultural resources during construction activities.</p> <p>Actions:</p> <p>e. Discoveries. In the event that prehistoric or historic cultural resources are encountered during excavation and/or grading of the project site, all activity within a 100-foot radius of the find shall be stopped, the City shall be notified, and a qualified archaeologist shall examine the find to evaluate the significance of the encountered resource(s) and, if necessary, recommend mitigation measures to document and prevent any significant adverse effects on the resource(s). The results of any additional archaeological effort required shall be presented in a professional-quality report, to be submitted to the City of Alameda and the Northwest Information Center at Sonoma State University in Rohnert Park.</p> <p>f. Preservation in Place. In the event that any cultural resources encountered during subsurface disturbance are determined to be historical resources, the project sponsor shall implement preservation in place as the preferred manner of mitigating impacts to buried historic resources.</p> <p>g. Tribal Consultation. If any Native American tribal representatives have requested consultation with the City of Alameda regarding general or specific development projects in Alameda, prior to issuance of a grading permit, the City shall notify the tribal representative(s) in writing soliciting their input regarding the protection of tribal cultural resources (TCRs) during project construction in accordance with California Public Resources Code Section 21080.3.2. Mitigation measures to reduce impacts to TCRs shall be developed in coordination with the consulting tribal group. The consultation required by Senate Bill (SB) 18 and Assembly Bill (AB) 52 is considered complete when either the parties agree to measures to mitigate or avoid any significant impact on TCRs, or if one of the parties, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.</p> <p>h. Human Remains. In the event that any human remains are encountered, all ground-disturbing work in the vicinity of the remains shall cease immediately until the coroner of Alameda County has been contacted, in accordance with Section 7050.5 of the California Health and Safety Code. If the coroner determines that the human remains are of Native American origin, the Native American Heritage Commission (NAHC) must be contacted within 24 hours, and the project sponsor shall comply with State laws relating to the disposition of Native American burials, regulated by the NAHC (Pub. Res. Code Sec. 5097 et seq.). No further excavation or disturbance of the site shall occur until the coroner of the County has been informed and has determined that no investigation of the cause of death is required; and if the remains are of Native</p>	<p>Project Sponsor and Construction Contractor</p> <p>Archaeological Monitor</p>	<p>City of Alameda Planning Department</p>	<p>Project Entitlement process and Building and site inspections and reports during construction</p>	<p>Inspections during construction</p> <p>And</p> <p>Annual General Plan Review</p>

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Monitoring Activity	Timing/ Frequency of Monitoring
<i>American origin, the Coroner's Office will notify the NAHC of the find as provided in Public Resources Code Section 5097.98.</i>				
<p>Impact 18-3: Construction of new development allowed under the <i>Alameda General Plan 2040</i> could involve subsurface disturbance that could potentially encounter and damage human remains, including those interred outside of formal cemeteries.</p> <p>Mitigation Measure 18-3: Adopt and Implement Policy CC-36.</p>	<p>City of Alameda Project Sponsor and Construction Contractor</p>	<p>City of Alameda Planning Department Archaeological Monitor</p>	<p>Project Entitlement process and Building and site inspections and reports during construction</p>	<p>Inspections during construction And Annual General Plan Review</p>

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 16th day of November 2021 by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this 17th day of November 2021.

Lara Weisiger, City Clerk
City of Alameda

APPROVED AS TO FORM:

Yibin Shen, City Attorney
City of Alameda