



# San Leandro Shoreline Development Project EIR

for the City of San Leandro



June 2015  
Final EIR

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# San Leandro Shoreline Development Project EIR

for the City of San Leandro

State Clearing House Number: 2013072011

In Association With:

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# 1. Introduction

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## 1.1 PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT

This document provides responses to comments received on the Draft Environmental Impact Report (Draft EIR) for the proposed Shoreline Development Project and associated General Plan and Zoning Amendments. The Draft EIR identified significant impacts associated with the proposed Project, and examined alternatives and recommended mitigation measures that could avoid or reduce potential impacts.

This document, together with the Draft EIR, will constitute the Final EIR if the San Leandro City Council certifies it as complete and adequate under the California Environmental Quality Act (CEQA).

## 1.2 ENVIRONMENTAL REVIEW PROCESS

According to CEQA, lead agencies are required to consult with public agencies having jurisdiction over a proposed project, and to provide the general public with an opportunity to comment on the Draft EIR. This Final EIR has been prepared to respond to comments received on the Draft EIR. A Notice of Preparation of an EIR was issued by the City on July 3, 2013 and as a result of Project revisions, reissued an NOP December 11, 2013 for a required 30-day review period. The Draft EIR was made available for public review from Tuesday, December 9, 2014 through Friday, February 6, 2015. The Draft EIR was distributed to local, regional, and State agencies and the general public was advised of the availability of the Draft EIR. Copies of the Draft EIR were made available for review to interested parties at:

- San Leandro Main Library at 300 Estudillo Avenue, San Leandro, CA 94577
- City of San Leandro Community Development Department at 835 East 14<sup>th</sup> Street, San Leandro, CA 94577
- The City's website at <http://www.sanleandro.org/depts/cd/shoreline>

The 60-day public comment period ended on February 6, 2015. Copies of all written comments received on the Draft EIR are contained in this document. These comments and responses to these comments are laid out in Chapter 5, Comments and Responses, of this Final EIR.

This Final EIR will be presented at a Planning Commission hearing at which the Commission will advise the City Council on certification of the EIR as a full disclosure of potential impacts, mitigation measures, and alternatives. However, the Planning Commission will not take final action on the EIR or the proposed Project. Instead, the City Council will consider the Planning Commission's recommendations on the Final EIR and the proposed Project during a noticed public hearing, and will make the final action with regard to certification of the Final EIR. The City Council is currently scheduled to certify the Final EIR at a public hearing in July 2015.

## INTRODUCTION

### 1.3 REPORT ORGANIZATION

This document is organized into the following chapters:

- **Chapter 1: Introduction.** This chapter discusses the use and organization of this Final EIR.
- **Chapter 2: Executive Summary.** This chapter is a summary of the findings of the Draft and the Final EIR. It has been reprinted from the Draft EIR.
- **Chapter 3: Revisions to the Draft EIR.** Additional corrections to the text and graphics of the Draft EIR are contained in this chapter. Double-underline text represents language that has been added to the EIR; text with ~~striketrough~~ has been deleted from the EIR.
- **Chapter 4: List of Commenters.** Names of agencies and individuals who commented on the Draft EIR are included in this chapter.
- **Chapter 5: Comments and Responses.** This chapter lists the comments received from agencies and the public on the Draft EIR, and provides responses to those comments.
- **Chapter 6: Mitigation Monitoring and Reporting Program.** This chapter lists the mitigation measures included in the Draft EIR, and identifies programs for monitoring and reporting the progress on implementing these measures.



## ***2. Summary of Impacts and Mitigation Measures***

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Table 1-1 of the Draft EIR, Summary of Impacts and Mitigation Measures, is included below and incorporates updates to impacts and mitigation measures shown in Chapter 3 of this Final EIR.

## EXECUTIVE SUMMARY

**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<b>AESTHETICS</b>			
AES-1. The Project would not have a substantial adverse effect on a scenic vista.	LTS	N/A	N/A
AES-2. The Project would not substantially degrade the view from a scenic highway, including, but not limited to, trees, rock outcroppings, and historic buildings.	No Impact	N/A	N/A
AES-3. The Project would not substantially degrade the existing visual character or quality of the site and its surroundings.	LTS	N/A	N/A
AES-4. The Project would not expose people on- or off-site to substantial light or glare, which would adversely affect day or nighttime views in the area.	LTS	N/A	N/A
AES-5. The Project, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to aesthetics.	LTS	N/A	N/A
<b>AIR QUALITY</b>			
AIR-1. Implementation of the Project would not conflict with or obstruct implementation of the applicable air quality plan.	LTS	N/A	N/A
AIR-2. During construction of the Project, construction activities would generate fugitive dust during ground-disturbing activities that exceeds the BAAQMD significance thresholds.	S	<p>AIR-2: Applicants for new development projects within the Shoreline Development shall require their construction contractor(s) to comply with the following BAAQMD Best Management Practices for reducing construction emissions of PM<sub>10</sub> and PM<sub>2.5</sub>:</p> <ul style="list-style-type: none"> <li>▪ Water all active construction areas at least twice daily or as often as needed to control dust emissions. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.</li> <li>▪ Pave, apply water twice daily or as often as necessary to control dust, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.</li> <li>▪ Cover all trucks hauling soil, sand, and other loose materials or</li> </ul>	LTS

LTS = Less Than Significant S = Significant SU = Significant Unavoidable Impact

**EXECUTIVE SUMMARY**

**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
AIR-3. During operation, the Project would not violate any air quality standard or contribute substantially to an existing or projected air quality violation.	LTS	<p>require all trucks to maintain at least 2 feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).</p> <ul style="list-style-type: none"> <li>▪ Sweep daily (with water sweepers using reclaimed water if possible) or as often as needed all paved access roads (e.g., Monarch Bay Drive and Fairway Drive), parking areas and staging areas at the construction site to control dust.</li> <li>▪ Sweep public streets daily (with water sweepers using reclaimed water if possible) in the vicinity of the Project site, or as often as needed, to keep streets free of visible soil material.</li> <li>▪ Hydro-seed or apply non-toxic soil stabilizers to inactive construction areas.</li> <li>▪ Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.)</li> <li>▪ Limit vehicle traffic speeds on unpaved roads to 15 mph.</li> <li>▪ Replant vegetation in disturbed areas as quickly as possible.</li> <li>▪ Install sandbags or other erosion control measures to prevent silt runoff from public roadways.</li> </ul> <p>The City of San Leandro Building Official or their designee shall verify compliance that these measures have been implemented during normal construction site inspections.</p>	N/A
AIR-4: Construction and operation of the Project would cumulatively contribute to the non-attainment designations of the SFBAAB.	S	AIR-4: Implementation of Mitigation Measures AIR-2 and AIR-5 would reduce cumulative air quality impacts.	LTS
AIR-5: Construction activities of the Project could expose sensitive receptors to substantial concentrations of TAC and PM <sub>2.5</sub> .	S	AIR-5: The construction contractor shall use equipment that meets the United States Environmental Protection Agency (EPA)-Certified Tier 3 emissions standards for off-road diesel-powered construction equipment greater than 50 horsepower. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 3 diesel emissions control strategy for a similarly sized engine, as defined by	LTS

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**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
AIR-6. Operation of the Project would not expose sensitive receptors to substantial concentrations of air pollution.	LTS	<p>CARB regulations. Prior to construction, the project engineer shall ensure that all demolition and grading plans clearly show the requirement for EPA Tier 3 or higher emissions standards and Level 3 diesel emissions control for construction equipment over 50 horsepower. During construction, the construction contractor shall maintain a list of all operating equipment in use on the Project Site for verification by the City of San Leandro Building Official or their designee. The construction equipment list shall state the makes, models, and numbers of construction equipment on-site. Equipment shall properly service and maintain construction equipment in accordance with the manufacturer’s recommendations. Construction contractors shall also ensure that all nonessential idling of construction equipment is restricted to five minutes or less in compliance with California Air Resources Board’s Rule 2449.</p>	N/A
AIR-7. Implementation of the Project would not create or expose a substantial number of people to objectionable odors.	LTS	N/A	N/A
AIR-8: Construction and operation of the Project would cumulatively contribute to the non-attainment designations of the SFBAAB.	S	AIR-8: Implementation of Mitigation Measures AIR-2 and AIR-5 would reduce cumulative air quality impacts.	LTS
<b>BIOLOGICAL RESOURCES</b>			
BIO-1A. Proposed development could adversely affect the monarch butterfly winter roosting habitat if adequate controls on tree removal and pruning are not implemented.	S	<p>BIO-1A: <i>Ensure Protection of Monarch Butterfly Colony.</i> Proposed development shall be designed to avoid adverse impacts on monarch butterfly winter roosting habitat, including controls on removal and pruning of trees in the southeastern portion of the Project site where the monarch butterfly overwintering colony is located. A Monarch Butterfly Roosting Habitat Protection Program (MBRHPP) shall be prepared by a qualified biologist and ensure adequate avoidance and protection of the winter roosting colony, consistent with the intent of Section 4-1-1000, Interference with Monarch Butterflies Prohibited, of the San Leandro Municipal Code. The MBRHPP shall be submitted as part of the Site Plan Review</p>	LTS

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**EXECUTIVE SUMMARY**

**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		<p>and/or tentative map application, whichever is first, and shall include the following components:</p> <ul style="list-style-type: none"> <li>▪ The MBRHPP shall be prepared by a qualified biologist experienced in management of monarch butterfly colonies in California, and shall describe existing winter roosting colony habitat essential to the monarch butterfly colony and required measures taken to ensure both roosting and wind buffering trees are adequately protected.</li> <li>▪ All mature blue gum eucalyptus and pine trees in the colony and along the east edge of the South Golf Course Residential development shall be preserved and protected as part of the MBRHPP, with trunk locations and edge of canopy clearly mapped by engineered survey in relation to proposed building footprints, landscaping and other improvements that may otherwise disrupt their function in buffeting winds.</li> <li>▪ As necessary to protect the wind buffering trees, the eastern edge of the proposed South Golf Course residential area may require relocation as part of the MBRHPP to provide a larger setback if there is a risk to these trees as a result of construction activities or future maintenance for fire fuel management, landscape maintenance, and other practices. Where private yards and/or common open space associated with the South Golf Course residential area extends under the canopy of the buffering trees, appropriate CCRs shall be developed to ensure long-term protection as part of future maintenance activities.</li> <li>▪ The MBRHPP shall identify restrictions and seasonal controls on construction, tree removal, and vegetation management within 200 feet of the edge of trees known to support the winter roosting colony, including tree removal, pruning, and herbicide application, and appropriate timing of construction and required management within this zone. Grading and equipment operation, any tree removal, pruning, or herbicide application in the vicinity shall be restricted from August 1 through March 31 to prevent any inadvertent disturbance to the winter roosting colony.</li> <li>▪ The MBRHPP shall be submitted for review and approval as part</li> </ul>	

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**EXECUTIVE SUMMARY**

**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<p>BIO-1B. Proposed development could result in inadvertent loss of special-status fish species and other aquatic species as part of in-water construction activities if adequate controls are not implemented.</p>	S	<p>of the Site Plan Review and/or tentative map application for the South Golf Course Residential development.</p> <ul style="list-style-type: none"> <li>▪ <u>The MBRHPP shall evaluate the need to provide permanent controls around the winter roosting colony to prevent unauthorized pedestrian activity and possible vandalism. At minimum this shall include interpretive signage that prohibits unauthorized access during critical overwintering periods. If the currently restricted access to the golf course is not maintained as part of the project and future development in the vicinity of the winter roosting colony, the MBRHPP shall consider the need to fence the perimeter of the colony to ensure adequate controls and protection.</u></li> <li>▪ <u>Continued guided public access shall be allowed as part of the MBRHPP to provide important interpretive services on the natural history of the winter roosting colony, and continued support for its protection.</u></li> </ul> <p>BIO-1B: <i>Prevent Inadvertent Loss of Special-Status Fish and Aquatic Life.</i> Appropriate construction controls and restrictions shall be taken to prevent inadvertent loss of special-status fish species and other aquatic life as a result of construction activities within or near areas of tidal influence and open water habitat of San Francisco Bay to avoid possible inadvertent take of Central California Coastal steelhead, green sturgeon, Delta smelt, Sacramento splittail, Central Valley spring-run chinook salmon, and longfin smelt, if present in the area during the time of construction. This shall be accomplished with the following provisions:</p> <ul style="list-style-type: none"> <li>▪ Adequate measures shall be taken to minimize disturbance and sedimentation in aquatic habitat of the bay, which may include installation of silt curtains, <u>and bubble curtains</u>, around in-water construction zones, restrictions on in-water operations to low tide periods, and timing restrictions for in-water construction, among other possible controls and restrictions.</li> <li>▪ Any pumping as part of dewatering construction areas or as part of the proposed aeration fountain shall be adequately screened according to the latest screening guidelines of the CDFW, USFWS,</li> </ul>	LTS

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EXECUTIVE SUMMARY

TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
BIO-1C. Proposed development could result in inadvertent loss of bird nests in active use, which would conflict with the federal Migratory Bird Treaty Act and California Fish and Game Code if adequate controls and preconstruction surveys are not implemented.	S	<p>and NOAA Fisheries to prevent entrainment of special-status fish and other aquatic life during their operation.</p> <ul style="list-style-type: none"> <li>▪ Any in-water construction activities shall be restricted to the period from June 15 through October when stray or dispersing special-status fish species would most likely not be expected within the affected areas.</li> <li>▪ The applicant shall obtain all necessary authorizations from the CDFW, NOAA Fisheries, and USFWS as required by federal and State law for potential harm to special-status fish species. Such authorization would be obtained as a result of interagency coordination through the Army Corps Section 404 consultation and the CDFW Section 2081 Incidental Take Permit process. The Project shall adhere to any additional conditions and restrictions required as part of the authorizations from regulatory agencies.</li> <li>▪ <u>In-water construction activities shall be controlled to prevent the introduction and spread of invasive species in and around the Project site. These controls include but are not limited to hiring construction vessels from nearby areas or requiring hull cleaning from contractors prior to Project construction.</u></li> </ul> <p>BIO-1C: <i>Ensure Avoidance of Bird Nests in Active Use.</i> Tree removal, landscape grubbing, building demolition, and other construction activities, such as grading and utility installation shall be performed in compliance with the Migratory Bird Treaty Act and relevant sections of the California Fish and Game Code to avoid loss of nests in active use. This shall be accomplished by scheduling tree removal and building demolition outside of the bird nesting season (which occurs from February 1 to August 31) to avoid possible impacts on nesting birds if new nests are established in the future. Alternatively, if tree removal and building demolition cannot be scheduled during the non-nesting season (September 1 to January 31), a pre-construction nesting survey shall be conducted. The pre-construction nesting survey shall include the following:</p> <ul style="list-style-type: none"> <li>▪ A qualified biologist (Biologist) shall conduct a pre-construction nesting bird (both passerine and raptor) survey within seven calendar days prior to tree removal, landscape grubbing, other</li> </ul>	LTS

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**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		<p>construction activities and/or building demolition.</p> <ul style="list-style-type: none"> <li>▪ If no nesting birds or active nests are observed, no further action is required and tree removal, landscape grubbing, other construction activities, and building demolition shall occur within seven calendar days of the survey.</li> <li>▪ Another nest survey shall be conducted if more than seven calendar days elapse between the initial nest search and the beginning of tree removal, landscape grubbing, other construction activities and building demolition.</li> <li>▪ If any active nests are encountered, the Biologist shall determine an appropriate disturbance-free buffer zone to be established around the nest location(s) until the young have fledged. Buffer zones vary depending on the species (i.e., typically 75 to 100 feet for passerines and 300 feet for raptors) and other factors such as ongoing disturbance in the vicinity of the nest location. If necessary, the dimensions of the buffer zone shall be determined in consultation with the California Department of Fish and Wildlife.</li> <li>▪ Orange construction fencing, flagging, or other marking system shall be installed to delineate the buffer zone around the nest location(s) within which no construction-related equipment or operations shall be permitted. Continued use of existing facilities such as surface parking and site maintenance may continue within this buffer zone.</li> <li>▪ No restrictions on grading or construction activities outside the prescribed buffer zone are required once the zone has been identified and delineated in the field and workers have been properly trained to avoid the buffer zone area.</li> <li>▪ Construction activities shall be restricted from the buffer zone until the Biologist has determined that young birds have fledged and the buffer zone is no longer needed.</li> <li>▪ A survey report of findings verifying that any young have fledged shall be submitted by the Biologist for review and approval by the City of San Leandro prior to initiation of any tree removal, landscape grubbing, building demolition, and other construction</li> </ul>	

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
BIO-2. The Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.	No Impact	activities within the buffer zone. Following written approval by the City, tree removal, and construction within the nest-buffer zone may proceed.	N/A
BIO-3. Proposed development would result in fills and modifications to jurisdictional waters, which would require appropriate controls, compensatory mitigation, and regulatory authorizations.	S	<p>BIO-3: <i>Provide Compensatory Mitigation for Wetland Modifications.</i> A compensatory mitigation program shall be developed and implemented to provide adequate mitigation for jurisdictional waters affected by proposed improvements. A jurisdictional wetland delineation shall be prepared by a qualified wetland specialist and submitted for verification by the Army Corps. A Wetland Protection and Replacement Program (WPRP) shall be prepared by the qualified wetland specialist, <u>submitted to the City as part of Site Design Review application</u>, and implemented to provide compensatory mitigation at a minimum 2:1 ratio where wetland habitat is affected, shall minimize disturbance to unvegetated waters, and shall be reviewed and approved by regulatory agencies. The WPRP shall include appropriate implementation measures to prevent inadvertent loss and degradation of jurisdictional waters to be protected, and replacement for those wetland features eliminated or modified as a result of development. The WPRP shall contain the following components:</p> <ul style="list-style-type: none"> <li>▪ Where verified waters of the U.S. <u>and/or State</u> are present and cannot be avoided, authorization for modifications to these features shall be obtained from regulatory agencies with jurisdiction. This includes the Army Corps through the Section 404 permitting process where waters of the United States are affected by the Project and the RWQCB as part of the Section 401 Certification process, <u>and waters of the State regulated by the RWQCB under the Porter-Cologne Water Quality Act.</u> <del>Together with</del> <u>This also includes</u> a Streambed Alteration Agreement (SAA) secured from CDFW, if required as part of the SAA Notification process for proposed fills to the man-made drainage and possibly</li> </ul>	LTS

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		<p>the pond on the golf course. All conditions required as part of the authorizations by the Army Corps, RWQCB, and CDFW shall be implemented as part of the project.</p> <ul style="list-style-type: none"> <li>▪ Consultation or incidental take permitting may be required under the California and federal Endangered Species Acts. The applicant shall obtain all legally required permits or other authorizations from the USFWS, NOAA Fisheries, and CDFW under the Endangered Species Acts.</li> <li>▪ Install orange construction fencing around the boundary of all wetland areas and waters to be preserved at the interface with proposed fills and grading so that they are not disturbed during construction. The fencing shall be placed a minimum of 25 feet out from the boundary of the wetlands/waters but may need to be adjusted if restoration activities are to be conducted within this area. Grading, construction, and restoration work within the wetland/waters buffer zones shall be conducted in a way that avoids or minimizes disturbance of existing wetlands and aquatic habitat.</li> <li>▪ A qualified biologist/restoration specialist shall be available during construction to provide situation-specific wetland avoidance measures or planting recommendation, as needed.</li> <li>▪ Success criteria, maintenance and long-term management responsibilities, monitoring requirements, and contingency measures in the WPRP shall be specified. Monitoring shall be conducted by the qualified wetland specialist for a minimum of five years and continue until the success criteria are met. Permanent monitoring transects shall be established as part of the program and vegetation data collected in the spring and summer months when plant identification is possible. Photo stations shall be established along each monitoring transect, and photographs taken every year during the required monitoring period.</li> <li>▪ Annual monitoring reports shall be prepared by the qualified wetland specialist and submitted to resource agency representatives and the City’s Planning Services and Building and</li> </ul>	

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
BIO-4. The Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.	LTS	Safety Services Divisions by December 31 of each monitoring year for a minimum of five years or longer, until the defined success criteria are met. The annual report shall summarize the results of the monitoring effort, performance standards, and any required contingency measures, and shall include photographs of the monitoring transects and program success. Maps shall be included in the monitoring report to show the location of monitoring transects and photo stations.	N/A
BIO-5. Proposed development would result in removal of trees regulated under City Ordinance, and possible damage to other trees unless adequate controls are implemented.	S	<p>BIO-5A: <i>Tree Protection and Replacement</i>. The Project shall comply with Section 4-1906, Existing Trees on Development Sites, in Article 19, Landscape Requirements of the City of San Leandro Zoning Code. Compliance with the Zoning Ordinance shall be achieved through adherence with the following provisions:</p> <ul style="list-style-type: none"> <li>▪ All trees with a trunk diameter of 6 inches or greater shall be identified on-site plans prior to site plan <u>review</u> approval, together with information on species, size, assigned tree number, trunk location determined by engineer survey, and extent of drip line.</li> <li>▪ A tree report shall be prepared by a certified arborist prior to site plan <u>review</u> approval, providing additional information on tree health, appearance, and suitability for preservation of each regulated tree.</li> <li>▪ All grading, improvement plans, and construction plans prepared for building permits shall clearly indicate trees proposed to be removed, altered, or otherwise affected by development construction, together with the “limit of grading” line.</li> <li>▪ Adequate measures shall be defined in the tree report to protect all trees to be preserved. This shall include installation of temporary construction fencing at the perimeter of the protected area, restrictions on construction within the fenced areas unless</li> </ul>	LTS

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		<p>approved as a condition of the application and performed under the supervision of the certified arborist, and prohibition on parking or storing of vehicles and other construction equipment within the protected area.</p> <ul style="list-style-type: none"> <li>▪ Where avoidance of a regulated tree is not feasible, replacement tree plantings shall be provided prior to site plan <u>review</u> approval as part of the final landscape plan.</li> </ul>	
<p>BIO-5B, Proposed development would result in removal of trees regulated under City Ordinance, and interfere with Section 4-1-1000, Interference with Monarch Butterflies Prohibited, of the Municipal Code.</p>	S	<p>BIO-5B: Implement Mitigation Measure BIO-1A to ensure protection of trees supporting Monarch Butterfly colony.</p>	LTS
<p>BIO-6. The Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.</p>	No Impact	N/A	N/A
<p>BIO-7. Proposed development would result in a cumulative impact with regard to biological resources.</p>	S	<p>BIO-7: Implement Mitigation Measures BIO-1A, BIO-1B, BIO-1C, BIO-3, BIO-5A, and BIO-5B.</p>	LTS
<b>CULTURAL RESOURCES</b>			
<p>CULT-1. The Project would adversely affect locally important on-site monuments.</p>	S	<p>CULT-1: Prior to the issuance of grading permits, the Project Applicant shall preserve or relocate the mosaic depicting the oyster beds associated with CHL #824, the plaque commemorating the dedication of the San Leandro channel as the Jack D. Maltester Channel, and the Lost Boats Memorial placed in memory of USS Argonaut and the USS Grampus. Following consultation between the City and Project Applicant with the Office of Historic Preservation regarding the CHL #824 and the United States Submarine Veterans of World War II regarding the Lost Ships Memorial, the City of San Leandro shall provide input regarding the Jack D. Maltester Channel plaque. If relocation of the monuments is recommended in order to preserve the monuments, the specific construction techniques shall be identified in order to limit any damage to the monuments.</p>	LTS
<p>CULT-2. The Project would have the potential to cause a significant impact to an archaeological resource pursuant to CEQA Guidelines Section 15064.5.</p>	S	<p>CULT-2. Archeological resources are not known or likely on the Project site. The following measures shall be implemented to avoid inadvertent damage or loss if such resources are discovered during construction. A qualified archeologist shall be on-site to monitor the</p>	LTS

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**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		<p>initial excavation of native soil once all pavement of engineered soil is removed from the Project site. After monitoring the initial excavation, the archeologist shall make recommendations for further monitoring if it is determined that the site has archeological resources. If the archeologist determines that no resources are likely to be found on-site, no additional monitoring shall be required.</p> <p>If currently unknown historic/prehistoric artifacts or human remains are discovered during ground disturbing activities, the following measures shall be implemented:</p> <ul style="list-style-type: none"> <li>▪ In compliance with State law (Section 7050.5 of the Health and Safety Code and Section 5097.94 of the Public Resources Code), in the event that historical artifacts are found, all work within 50 feet of the find shall stop and a qualified archaeologist shall examine the find. The archaeologist shall then submit a plan for evaluation of the resource to the City of San Leandro Planning Services Division for approval. If the evaluation of the resource concludes that the found resource is eligible for the California Register of Historic Resources, a mitigation plan shall be submitted to the City of San Leandro Planning Services Division for approval, which shall consider reasonable efforts for the resources to be preserved in place or left in an undisturbed state. If the artifacts and samples recovered during construction are determined to be significant and cannot be preserved in place, the artifacts shall be cataloged and curated by a qualified archaeologist and placed in an appropriate curation facility. The mitigation plan shall be completed before earthmoving or construction activities can recommence within the designated resource area.</li> </ul>	
<p>CULT-3. The Project would have the potential to directly or indirectly affect a unique paleontological resource or site, or unique geologic feature.</p>	S	<p>CULT-3. Paleontological resources are not known or likely on the Project site. The following measures shall be implemented to avoid inadvertent damage or loss if such resources are discovered during construction. In the event that fossils or fossil-bearing deposits are discovered during construction, excavations within 50 feet of the find shall be temporarily halted or diverted. The contractor shall notify a qualified paleontologist to examine the discovery. The</p>	LTS

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**EXECUTIVE SUMMARY**

**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
CULT-4. The Project would have the potential to disturb human remains, including those interred outside of formal cemeteries.	S	<p>paleontologist shall document the discovery as needed in accordance with Society of Vertebrate Paleontology standards, evaluate the potential resource, and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies, such as the Bureau of Land Management (BLM), US Geological Survey (USGS), to determine procedures that would be followed before construction is allowed to resume at the location of the find. If in consultation with the paleontologist, it is determined that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the Project on the qualities that make the resource important. The plan shall be submitted to the City for review and approval and the Project proponent shall implement the approval plan.</p> <p>CULT-4. No human remains are known or likely on the Project site. If human skeletal remains are uncovered during construction, the contractor shall immediately halt work within 50 feet of the find, contact the Alameda County coroner to evaluate the remains, and follow the procedures and protocols set forth in Section 15064.5(e)(1) of the CEQA Guidelines. The Coroner shall then determine whether the remains are Native American. If the Coroner determines the remains are Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours, who will, in turn, notify the person the NAHC identifies as the Most Likely Descendant (MLD) of any human remains (Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code 5097.98 [as amended by AB 2641]). Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery.</p> <p>Per Public Resources Code 5097.98, the contractor shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the human remains are located, is not damaged or disturbed by further development activity until the contractor has discussed and conferred, as prescribed in</p>	LTS

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**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
CULT-5. The Project, in combination with past, present, and reasonably foreseeable projects, would not result in significant impacts with respect to cultural resources.	LTS	this section (California Public Resources Code Section 5097.98), with the MLD regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. If the MLD does not make recommendations within 48 hours, the Project Applicant shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner does not accept the MLD’s recommendations, the Project Applicant or the descendent may request mediation by the NAHC.	N/A
<b>GEOLOGY, SOILS, AND SEISMICITY</b>			
GEO-1. The Project could expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking, seismic-related ground failure, including liquefaction and lateral spreading.	S	GEO-1. Require geotechnical reports <u>at the time of Site Development Review and/or Tentative Map applications</u> for all development within the Project site, as required by the San Leandro Municipal Code Section 7-12. The geotechnical reports shall consider the potential earthquake related impacts of strong ground shaking amplification due to the soft underlying sediments, as identified in this DEIR. Seismic ground motion parameters shall be provided in the geotechnical reports in accordance with CBC requirements. The building plans shall incorporate all design and construction criteria specified in the report(s). The geotechnical engineer shall sign the improvement plans and approve them as conforming to their recommendations prior to issuance of building permits. The geotechnical engineer shall also assume responsibility for inspection of the work and shall certify to the City, prior to acceptance of the work that the work performed is adequate and complies with its recommendations. The geotechnical engineer of record shall prepare letters and as-built documents to document their observances during construction and to document that the work performed is in accordance with the project plans and specifications. As required by the City of San Leandro, all construction activities shall meet the CBC regulations for seismic safety (i.e. reinforcing perimeter and/or load bearing walls, bracing parapets, etc.). In addition, all project-related grading, trenching, backfilling and	LTS

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**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
GEO-2. The Project could result in substantial soil erosion or the loss of topsoil.	S	<p>compaction operations shall be conducted in accordance with the City of San Leandro Engineering Department’s Standard Plans. All improvements shall conform to regulations for seismic safety contained in the CBC.</p> <p>GEO-2A. The Project civil engineer shall prepare an erosion control plan. The erosion control plan shall be submitted to the City as a part of building and/or grading plan submittal. The erosion control plan shall conform to the guidelines of the Clean Water Program and Utilize BMP’s detailed under section “C6 CASQA - BMPs Erosion Control” of the Program Resources.</p>	LTS
GEO-3A. The Project could result in a significant impact related to development on unstable geologic units and soils or result in lateral spreading, subsidence, liquefaction, or collapse.	S	<p>GEO-2B: The existing rip-rap providing coastal erosion protection shall be periodically refurbished to maintain effective erosion control. This may include local replacement of rip-rap boulders as well as periodic re-building of rip-rap armament sections degraded by wave attack and/or long-term erosion.</p> <p>GEO-3A. Project-specific geotechnical reports shall be prepared <u>at the time of Site Development Review and/or Tentative Map applications</u> in accordance with the City’s grading permit regulations. The recommendations for both special foundations and other geotechnical engineering measures specified in project specific geotechnical reports shall be implemented during design and construction. These measures include use of deep foundations engineering and removal or improvement of potentially liquefiable soils. Documentation of the methods used shall be provided in the required design-level geotechnical report(s).</p>	LTS
GEO-3B. The Project could result in a significant impact related to development on unstable geologic units and soils or result in lateral spreading.	S	GEO-3B. The potential for lateral spreading shall be evaluated as a part of the required geotechnical reports. Where necessary, corrective measures shall be included in the required design-level geotechnical report(s) and implemented during construction. These measures could include retaining structures to stabilize channel margins, use of deep foundations, removal or improvement of liquefiable soils, and/or the use of relatively rigid foundations.	LTS
GEO-3C. The Project could result in a significant impact related to development on unstable geologic units and soils or result in subsidence or collapse.	S	GEO-3C. Settlement of the existing fill and Bay Mud could have adverse effects on shallow foundations, underground utilities, pavements, and other improvements. Options to mitigate these effects include use of shallow ridged foundations for smaller	LTS

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
GEO-4. The Project could create substantial risks to property as a result of its location on expansive soil, as defined by Section 1803.5.3 of the California Building Code.	S	structures, supporting larger structures with deep foundations such as driven piles, and installing flexible connections for utilities. Pre-loading consolidation (surcharging) prior to construction of new improvements could also be considered. The recommendations for both special foundations and other geotechnical engineering measures specified in project specific geotechnical reports shall be implemented during design and construction <u>pursuant to Site Plan Review and Tentative Map approvals.</u>	LTS
GEO-5. The Project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.	No Impact	N/A	N/A
GEO-6. The Project, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to geology and soils.	LTS	N/A	N/A
<b>GREENHOUSE GAS EMISSIONS</b>			
GHG-1: Implementation of the Project would directly or indirectly generate GHG emissions that may have a significant impact on the environment.	S	GHG-1A: Residential developments that include garage parking shall be electrically wired to accommodate electric vehicle charging. The location of the electrical outlets shall be specified on building plans and proper installation shall be verified by the San Leandro Building and Safety Division prior to issuance of a Certificate of Occupancy.  GHG-1B.: Electrical vehicle Level 2 charging stations shall be provided for the hotel and office land uses for the review and	SU

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**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		<p>approval of the San Leandro Community Development Director. A minimum of one electric vehicle charging space shall be provided for every 25,000 square feet of non-residential building square footage. The location of the electrical vehicle charging stations shall be specified on site plans, and proper installation shall be verified by the Building and Safety Division prior to issuance of a Certificate of Occupancy.</p>	
		<p>GHG-1C: Applicant-provided appliances shall be Energy Star appliances (dishwashers, refrigerators, clothes washers, and dryers). Installation of Energy Star appliances shall be verified by the San Leandro Building and Safety Division during plan check.</p>	
		<p>GHG-1D: Applicants, or their designee, for large non-residential development projects (e.g., employers with 50 employees at work site) shall establish an employee trip commute reduction program (CTR), in conformance with the Bay Area Air Quality Management District’s Commuter Benefits Program (California Government Code Section 65081). The program shall offer one of the following commuter benefit options:</p> <ul style="list-style-type: none"> <li>▪ Pre-tax benefit: Allow employees to exclude their transit or vanpooling expenses from taxable income, up to <u>the maximum allowable pre-tax benefit \$130 per month</u>.</li> <li>▪ Employer provided subsidy: Provide a subsidy to reduce or cover employees’ monthly transit or vanpool costs, up to \$75 per month.</li> <li>▪ Employer-provided transit: Provide a free or low-cost transit service for employees, such as a bus, shuttle or vanpool service.</li> <li>▪ Alternative commuter benefit: Provide an alternative commuter benefit that is as effective in reducing single-occupancy commute trips, as the options above.</li> </ul> <p>The employer shall also provide information about other commute options and connect commuters for carpooling, ridesharing, and other activities. The CTR program shall identify alternative modes of transportation to the Project Site, including transit schedules, bike and pedestrian routes, and carpool/vanpool availability. Information regarding these programs shall be readily available to employees</p>	

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		<p>and clients and shall be posted in a highly visible location and/or made available online. The project applicant shall consider the following additional incentives for commuters as part of the CTR program:</p> <ul style="list-style-type: none"> <li>▪ Preferential carpool parking.</li> <li>▪ Flexible work schedules for carpools.</li> <li>▪ Telecommute and/or flexible work hour programs.</li> <li>▪ Car-sharing program (e.g., Zipcar).</li> <li>▪ Bicycle end-trip facilities, including bike parking, showers, and lockers.</li> </ul> <p>The CTR program shall be prepared for the review and approval by the Community Development Director prior to occupancy permits.</p> <p>GHG-1E: Applicants for new development projects within the San Leandro Shoreline Development shall achieve either the Build-it-Green GreenPoint Rated or US Green Building Council’s Leadership in Energy and Environmental Design (LEED) standards that are endorsed by the City.</p> <p>GHG-1F: Applicants for future projects within the Project shall design individual habitable residential and non-residential structures to be 15 percent more energy efficient than the current Building and Energy Efficiency Standards. The 15-percent reduction in building envelope energy use shall be based on the current Building and Energy Efficiency Standards (Title 24, Part 6, of the California Building Code) that is in place at the time building permits are submitted to the City. Architectural plans submitted to the City Building Division shall identify the requirement to reduce building energy use by 15 percent to meet this requirement.</p>	
GHG-2. Implementation of the Project would not conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs.	LTS	N/A	N/A
GHG-3: Implementation of the Project would directly or indirectly generate GHG emissions that may have a cumulatively considerable and therefore significant	S	GHG-3: Implementation of Mitigation Measures GHG-1A through GHG-1F would reduce cumulative GHG emissions impacts.	SU

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**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
impact on the environment.			
<b>HAZARDS AND HAZARDOUS MATERIALS</b>			
HAZ-1. Implementation of the Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.	LTS	N/A	N/A
HAZ-2. Implementation of the Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.	LTS	N/A	N/A
HAZ-3. Implementation of the Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼-mile of an existing or proposed school.	No Impact	N/A	N/A
HAZ-4. The Project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment.	No Impact	N/A	N/A
HAZ-5. Implementation of the Project within 2 miles of a public airport would not result in a safety hazard for people residing or working in the Project area.	LTS	N/A	N/A
HAZ-6. The project would not be within the vicinity of a private airstrip and result in a safety hazard for people residing or working in the project area.	No Impact	N/A	N/A
HAZ-7. Implementation of the Project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.	LTS	N/A	N/A
HAZ-8. Implementation of the project would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands	No Impact	N/A	N/A

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**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
are adjacent to urbanized areas or where residences are intermixed with wildlands.			
HAZ-9. Implementation of the Project, in combination with past, present, and reasonably foreseeable projects, would result in less-than-significant cumulative impacts with respect to hazards and hazardous materials.	LTS	N/A	N/A
<b>HYDROLOGY AND WATER QUALITY</b>			
HYDRO-1A. Construction activities could temporarily degrade water quality with increases in suspended sediment and turbidity and could result in the release of chemicals and hydrocarbon fuels into the water column.	S	<p>HYDRO-1A. <i>Minimize Impacts to Water Quality during Waterside Demolition and Construction Activities.</i> The following mitigation measures are designed to avoid adverse impacts on water quality during waterside demolition and construction activities:</p> <ul style="list-style-type: none"> <li>▪ Piles shall be removed during low tide periods to minimize the amount of sediments re-suspended in the water column.</li> <li>▪ When removing piles, the pile shall be hit or vibrated first to break the bond with the sediment, which would minimize the likelihood of the pile breaking and reduce the amount of sediment released into the water column.</li> <li>▪ A turbidity curtain shall be installed prior to removing or installing piles or any other waterside activities to minimize turbidity impacts in the water column.</li> <li>▪ Piles shall be pulled from the subsurface and quickly placed onto a receiving barge or land to minimize potential releases of creosote, petroleum sheens, and turbidity in the water column. Piles shall not be rinsed or washed. The storage area for the piles shall include straw bales, filter fabric, or other containment devices to contain runoff.</li> <li>▪ During removal of the existing dock system, floating rafts and/or trash and debris containment booms shall be placed under the docks and around the areas of demolition to contain debris that may be released during these activities.</li> <li>▪ Any waterside construction activities shall be restricted to the period from June 15 through October when special-status fish species would most likely not be expected within the affected areas.</li> </ul>	LTS

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**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
HYDRO-1B. Construction activities could temporarily degrade water quality with increases in suspended sediment and turbidity and could result in the release of chemicals and hydrocarbon fuels into the water column.	S	<p>HYDRO-1B. <u>Minimize Potential for Fuel Releases or Other Water Quality Impacts During Waterside Demolition and Other Construction Activities.</u> The following mitigation measures are designed to avoid potential releases of fuel constituents <u>and other pollutants</u> into the water column during demolition/construction activities:</p> <ul style="list-style-type: none"> <li>▪ A spill contingency plan shall be prepared that addresses the potential for an accidental release of fuel into navigable waterways. The plan shall include floating booms and absorbent materials to recover hazardous spills and include provisions for containment, removal, and disposal of spilled materials. <u>The plan shall be submitted as part of the Site Plan Review and Tentative Map applications.</u></li> <li>▪ No fueling, cleaning, or maintenance of vehicles or equipment shall take place within an area where an accidental discharge to navigable waterways may occur.</li> <li>▪ All vehicles and equipment operating within or adjacent to the marina or other waterways shall be visually inspected for fuel or waste releases before the beginning of the work day. If spillage or leaks occur during the work day, they shall be noted and recorded and immediate action shall be taken for removal and disposal.</li> <li>▪ Floating booms shall be available for containing spills or debris discharged into the water during demolition and construction activities and any debris shall be removed as soon as possible but no later than the end of each day.</li> <li>▪ <u>In-water construction activities shall be controlled to prevent the introduction and spread of invasive species in and around the Project site. The latest procedures from aquatic invasive species prevention programs shall be used, such as hiring construction vessels from nearby areas or requiring hull cleaning from contractors prior to Project construction.</u></li> <li>▪ If it is determined that a small portion of the Project site west of Monarch Bay Drive and/or the drainage channel along the west side of the golf course are jurisdictional wetlands or regulated waters by the Army Corps <u>or waters of the State that are</u></li> </ul>	LTS

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
HYDRO-2. The Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted.)	LTS	<u>jurisdictional under the State's Porter-Cologne Act</u> , a Section 404 permit shall be obtained from the Army Corps and a Section 401 water quality certification shall be obtained from the RWQCB. The permit and certification shall specify methods for protecting water quality during construction activities, including BMPs to minimize turbidity, control floating debris, and provide spill containment and cleanup equipment. <u>For jurisdictional waters of the State, the project applicant shall comply with the Wetland Area Protection Policy and file a report with the San Francisco RWQCB, which could issue waste discharge requirements (WDRs) to regulate any discharge as necessary to protect the beneficial uses of the water.</u>	N/A
HYDRO-3. The Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the amount of surface runoff in a manner which would result in substantial erosion or siltation on- or off-site.	LTS	N/A	N/A
HYDRO-4. The Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial flooding on- or off-site.	LTS	N/A	N/A
HYDRO-5. The Project would not create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.	LTS	N/A	N/A

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
HYDRO-6. The Project would not otherwise substantially degrade water quality.	LTS	N/A	N/A
HYDRO-7. The Project would place housing within the 100-year floodplain and within areas subject to sea level rise/coastal high hazard.	S	<p>HYDRO-7: <i>Minimize Potential for Flooding for Housing within the 100-Year Floodplain and within Areas Subject to Sea Level Rise/Coastal High Hazard.</i> The current FEMA FIRM panels are undergoing revisions and it is possible that no portions of the Project site will be within the 100-year floodplain when the Project is scheduled to start construction. However, because a portion of the Project site is currently within the 100-year floodplain and a portion of the Project site could be designated as being within the 100-year floodplain, <u>and the site is subject to inundation from sea level rise</u>, the following mitigation measures are applicable:</p> <ul style="list-style-type: none"> <li>▪ Prior to the start of construction or development, the Applicant shall obtain a development permit from the City’s Floodplain Administrator. The application shall include the proposed elevation in relation to mean sea level of the lowest floor (including basement) of all structures and the proposed elevation in relation to mean sea level to which any structure will be flood-proofed in accordance with the City’s Municipal Code requirements under Chapter 7-9, <i>Floodplain Management</i>.</li> <li>▪ All provisions for building within the 100-year floodplain that are specified in the FEMA NFIP requirements and the City’s Municipal Code shall be implemented to minimize the risk of flood damage.</li> <li>▪ A registered engineer or architect shall develop or review the structural design and plans for construction and certify that the design and methods of construction are in accordance with Federal, State, County, and City standards.</li> <li>▪ Prior to issuance of <u>Site Plan Review</u> or a tentative map, a sea level rise risk assessment shall be prepared and submitted to the City for areas of the Project that are subject to sea level rise. The risk assessment shall be prepared by a qualified engineer and shall be based on the estimated 100-year flood elevation and the best estimates for future sea level rise and current and future flood protection. A range of sea level rise projections for mid-century and end of century shall be used in the risk assessment</li> </ul>	LTS

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		<p>along with inundation maps. The risk assessment shall identify all types of potential flooding, degrees of uncertainty, consequences of defense failure, and risks to existing habitat from proposed flood protection devices. The Project shall be designed to be resilient to a mid-century sea level rise projection, <u>and include appropriate design standards for building construction to protect structures from sea level rise, such as including elevated grades or floodable development, hard structures such as seawalls and bulkheads, and/or soft structures such as Low-Impact Development (LID), green infrastructure, detention basins, mini-floodplains, biofiltration, and stormwater parks.</u> If the Project would remain in place longer than midcentury, an adaptive management plan shall be developed to address the long-term impacts that would arise. The results of the risk assessment shall be incorporated into the site design, as reflected in the site plan review and tentative map review. The sea level rise risk assessment shall also be submitted to BCDC for review and approval for the areas of the project that are within BCDC’s jurisdiction (i.e., within 100 feet of the shoreline), prior to the start of construction or development.</p> <ul style="list-style-type: none"> <li>▪ Prior to the issuance of building permits, a Letter of Map Revision (LOMR) and elevation certificate shall be submitted to the City’s Chief Building Official. The bottom of the lowest horizontal structural member of the lowest floor shall be at or above the BFE. Also, any structure below the BFE in the VE zone shall be less than 299 square feet and shall only be used for storage parking, or access (SPA).</li> <li>▪ Prior to the start of construction or development, the latest version of the FIRM maps shall be reviewed to determine if portions of the Project site are within the 100-year floodplain and to determine the status of actions taken by the City of San Leandro and the Alameda Public Works Department to remove 1,000 properties from the preliminary FIRM maps. If any portion of the Project site is determined to be within the 100-year floodplain, then the mitigation measures listed above shall be applicable.</li> </ul>	

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		<ul style="list-style-type: none"> <li>           Prior to issuance of a tentative map, a sea level rise risk assessment shall be prepared and submitted to the City for areas of the Project that are subject to sea level rise. The risk assessment shall be prepared by a qualified engineer and shall be based on the estimated 100-year flood elevation and the best estimates for future sea level rise and current and future flood protection. A range of sea level rise projections for mid-century and end of century shall be used in the risk assessment along with inundation maps. The risk assessment shall identify all types of potential flooding, degrees of uncertainty, consequences of defense failure, and risks to existing habitat from proposed flood protection devices. The Project shall be designed to be resilient to a mid-century sea level rise projection, <u>and include appropriate design standards for building construction to protect structures from sea level rise, such as including elevated grades or floodable development, hard structures such as seawalls and bulkheads, and/or soft structures such as Low-Impact Development (LID), green infrastructure, detention basins, mini-floodplains, biofiltration, and stormwater parks.</u> If the Project would remain in place longer than midcentury, an adaptive management plan shall be developed to address the long-term impacts that would arise. The results of the risk assessment shall be incorporated into the site design, as reflected in the site plan review and tentative map review. The sea level rise risk assessment shall also be submitted to BCDC for review and approval for the areas of the project that are within BCDC’s jurisdiction (i.e., within 100 feet of the shoreline), prior to the start of construction or development.         </li> </ul>	
HYDRO-8. The Project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.	No Impact	N/A	N/A
HYDRO-9. The Project would not result in inundation by seiche, tsunami, or mudflow.	LTS	N/A	N/A
HYDRO-10. The Project, in combination with past, present, and reasonably foreseeable projects, would not	LTS	N/A	N/A

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result in significant cumulative impacts with respect to hydrology and water quality.			
<b>LAND USE AND PLANNING</b>			
LAND-1. The Project would not physically divide an established community.	LTS	N/A	N/A
LAND-2. The proposed Project would not conflict with applicable land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect.	LTS	N/A	N/A
LAND-3. The Project would not conflict with any applicable habitat conservation plan (HCP) or natural community conservation plan.	No Impact	N/A	N/A
LAND-4. The Project, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to land use and planning.	LTS	N/A	N/A
<b>NOISE</b>			
NOISE-1. The Project would expose people to or generate noise levels in excess of standards established in the General Plan and/or the applicable standards of other agencies.	S	NOISE-1A: The project applicant shall submit an acoustic study to the satisfaction of the City's Chief Building Official with the applications for site plan review and/or Tentative Map, whichever is earlier. The study shall demonstrate that all development meets applicable exterior noise standards and all new residences meet an interior noise level due to exterior noise of 45 dBA CNEL consistent with	LTS

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**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		<p>State and local noise standards. <u>For non-residential uses, the study shall include, but not be limited to, noise levels associated with Runway 30 Approaches, Runway 30 Departures, Runway 12 Departures, and Runway 10R Night-time Departures.</u> The acceptable interior noise levels for all nonresidential construction will be determined based on a case-by-case basis according to the type of activity proposed. This is in accordance with General Plan Policy 35.02, Residential Interior Noise Standard. The study shall be based on precise grading and architectural plans including specific construction method details and materials to calculate the necessary exterior to interior noise reduction of approximately 20 dBA to achieve 45 dBA CNEL for residential construction. The precise exterior to interior reduction would be determined in the acoustical study when precise grading plans with building elevations, footprints and architectural plans are available. The applicant shall incorporate into the Project design all required noise insulation features and techniques necessary to reduce interior noise levels to achieve the interior noise standard. To achieve the required interior noise levels, features such as upgraded exterior wall and roof assemblies, upgraded windows, and exterior doors may be required.</p> <p>NOISE-1B: All residential units of the Project shall include an alternative form of ventilation, such as noise-baffled passive air ventilation systems or mechanical air conditioning systems, that would allow windows to remain closed for prolonged periods of time to meet the interior noise standard of 45 dBA Ldn established by the City and the Uniform Building Code Requirements.</p>	
<p>NOISE-2. Implementation of the Project could result in the exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.</p>	<p>S</p>	<p>NOISE-2. For construction, grading, and demolition activities that would use vibration-intense equipment such as pile driving, rock blasting and vibratory rollers that would occur within 250 feet of existing residential, commercial, libraries, and hotel buildings, the following mitigation measures shall be implemented in close coordination with City of San Leandro staff so that alternative construction techniques or scheduling approaches are undertaken. For projects where vibration-intense equipment would be utilized within 250 feet of existing residential, commercial, libraries, and</p>	<p>SU</p>

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**EXECUTIVE SUMMARY**

**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		<p>hotel buildings the following controls to reduce potential vibration impacts shall be implemented during construction, as practical:</p> <ul style="list-style-type: none"> <li>▪ Prior to the issuance of building permits, City staff shall coordinate with the applicant and/or construction contractor to discuss alternative methods of construction for vibration-intense activities in close proximity to sensitive uses or existing structures. As part of this coordination, the applicant and/or construction contractor shall identify construction methods not involving vibration-intensive equipment or activities. For example, drilled foundation caisson holes that would produce less vibration than pile driving methods, or the use of non-explosive rock breaking methods.</li> <li>▪ The project applicant or constructor contractor shall implement reduced-vibration alternative methods identified during project review during subsequent excavation, grading, and construction for work conducted in close proximity to sensitive structures or uses.</li> <li>▪ If possible, vibration-intense construction activities should take place during times when nearby sensitive receptors, such as libraries and hotel rooms are at their lowest utilization/ occupancy.</li> <li>▪ Prior to the issuance of building permits, the applicant and/or construction contractor shall inspect and report on the current structural condition of the existing buildings within 200 feet from where pile driving, rock blasting, or within 30 feet from where vibratory rollers would be used.</li> <li>▪ During construction, if any vibration levels cause cosmetic or structural damage to existing buildings in close proximity to a project site, the applicant shall immediately issue “stop-work” orders to the construction contractor to prevent further damage. Work shall not restart until the building is stabilized and/or preventive measures are implemented to relieve further damage to the building(s).</li> </ul>	
		<p>With implementation of the mitigation measures listed above, the project would reduce potential vibration impacts. It is not known at</p>	

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		this point if implementation of these measures would be feasible and if they would provide enough reduction to mitigate levels below thresholds. Even with implementation of the mitigation measures above, the project could result in substantial vibration levels to uses in the vicinity of the project site. This impact would be <i>significant and unavoidable</i> .	
NOISE-3. Implementation of the Project would result in a substantial permanent increase in ambient noise levels in the vicinity of the project site above levels existing without the Project.	S	NOISE-3: The existing single-family and multi-family residential uses along Marina Boulevard west of Aurora Drive would experience a noise increase of 4.1 dBA for all three scenarios due to project-related traffic. The resulting noise level at uses along this segment would be greater than 60 dBA L <sub>dn</sub> , which is the exterior noise level that the City strives to achieve for residential exterior uses. According to the City's General Plan Policies 35.03 and 35.04 listed above, the noise level increase greater than 3 dBA and resulting in an ambient noise level greater than 60 dBA L <sub>dn</sub> at noise-sensitive residential uses along this segment would be considered a significant impact. Potential mitigation measures to be considered would be the construction of noise barriers along this road, or resurfacing this segment with rubberized asphalt. However, the construction of noise barriers are not feasible as the residential areas front and access Marina Boulevard; in addition, rubberized asphalt is only effective at roads in which cars travel at high speeds, as it only reduces tire-asphalt noise, but the speed limit in that segment is low, making this solution not effective. Therefore, no feasible mitigation measures are available to reduce these impacts. Therefore, on-road vehicle noise due to the project would result in substantial permanent increases in ambient noise levels along Marina Boulevard west of Aurora Drive, and this impact would be <i>significant and unavoidable</i> .	SU
NOISE-4. Construction activities associated with buildout of the Project would result in substantial temporary or periodic increases in ambient noise levels in the vicinity of the Project site above existing levels.	S	NOISE-4: The Project shall implement the following measures. <ul style="list-style-type: none"> <li>▪ Construction equipment shall be well maintained and used judiciously to be as quiet as practical. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures, and acoustically</li> </ul>	LTS

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		<p>attenuating shields or shrouds), wherever feasible;</p> <ul style="list-style-type: none"> <li>▪ Utilize “quiet” models of air compressors and other stationary noise sources where such technology exists. Select hydraulically- or electrically-powered equipment and avoid pneumatically powered equipment where feasible. Impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project demolition or construction shall be hydraulically or electrically powered wherever possible to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures;</li> <li>▪ Locate stationary noise-generating equipment as far as possible from sensitive receptors that adjoin construction sites. Construct temporary noise barriers or partial enclosures to acoustically shield such equipment where feasible;</li> <li>▪ Prohibit unnecessary idling of internal combustion engines;</li> <li>▪ Prior to initiation of on-site construction-related demolition or earthwork activities, a minimum 6-foot-high temporary sound barrier shall be erected along the project property line abutting adjacent operational businesses, residences or other noise-sensitive land uses. These temporary sound barriers shall be constructed with a minimum surface weight of four pounds per square foot and shall be constructed so that vertical or horizontal gaps are eliminated. These temporary barriers shall remain in place through the construction phase in which heavy construction equipment, such as excavators, dozers, scrapers, loaders, rollers, pavers, and dump trucks, are operating within 150 feet of the edge of the construction site by adjacent sensitive land uses. This measure could lower construction noise levels at adjacent ground floor residential units by up to 8 dBA, depending on topography and site conditions;</li> <li>▪ Erect temporary noise control blanket barriers, if necessary, along</li> </ul>	

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
		<p>building façades facing construction sites to prevent sleep disturbance. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling;</p> <ul style="list-style-type: none"> <li>▪ To the maximum extent feasible, route construction-related traffic along major roadways and away from sensitive receptors;</li> <li>▪ Notify all businesses, residences or other noise-sensitive land uses within 500 feet of the perimeter of the construction site of the construction schedule in writing prior to the beginning of construction and prior to each construction phase change that could potentially result in a temporary increase in ambient noise levels in the project vicinity;</li> <li>▪ Signs shall be posted at the construction site that include permitted construction days and hours, a day and evening contact number for the job site, and a day and evening contact number for the on-site complaint and enforcement manager, and the City’s Chief Building Official, in the event of problems;</li> <li>▪ An on-site complaint and enforcement manager shall be available to respond to and track complaints. The manager will be responsible for responding to any complaints regarding construction noise and for coordinating with the adjacent land uses. The manager will determine the cause of any complaints (e.g., starting too early, bad muffler, etc.) and coordinate with the construction team to implement effective measures (considered technically and economically feasible) warranted to correct the problem. The telephone number of the coordinator shall be posted at the construction site and provided to neighbors in a notification letter. The manager shall notify the City’s Chief Building Official of all complaints within 24 hours. The manager will be trained to use a sound level meter and should be available during all construction hours to respond to complaints; and</li> <li>▪ A preconstruction meeting shall be held with the Chief Building Official and the general contractor/on-site project manager to confirm that noise measures and practices (including construction hours, neighborhood notification, posted signs, etc.) are fully operational.</li> </ul>	

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The above mitigation measures shall be identified in construction contracts and acknowledged by the contractor.			
NOISE-5. The Project would not result in exposure of people residing or working in the vicinity of the Project site to excessive aircraft noise levels, for a project located within an airport land use plan, or where such a plan has not been adopted, within 2 miles of a public airport or public use airport.	LTS	N/A	N/A
NOISE-6. The Project would not result in exposure of people residing or working in the Project site to excessive noise levels, for a project within the vicinity of a private airstrip.	No Impact	N/A	N/A
NOISE-7. This Project, in combination with past, present, and reasonably foreseeable projects, would result in less than significant impacts with respect to noise.	LTS	N/A	N/A
<b>POPULATION AND HOUSING</b>			
POP-1. The Project would not induce substantial unexpected population growth, or growth for which inadequate planning has occurred, either directly or indirectly.	LTS	N/A	N/A
POP-2. The Project would not displace substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere.	LTS	N/A	N/A
POP-3. The Project would not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.	LTS	N/A	N/A
POP-4. This Project, in combination with past, present, and reasonably foreseeable projects, would result in less than significant impacts with respect to population and housing.	LTS	N/A	N/A
<b>PUBLIC SERVICES AND RECREATION</b>			
SVCS-1. The Project would not result in the need for new or physically altered fire protection facilities, the	LTS	N/A	N/A

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**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives.			
SVCS-2. The Project, in combination with past, present and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to fire protection services.	LTS	N/A	N/A
SVCS-3. The Project would not result in the need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives.	LTS	N/A	N/A
SVCS-4. The Project, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to police services.	LTS	N/A	N/A
SVCS-5. The Project would not result in the need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, or other performance objectives.	LTS	N/A	N/A
SVCS-6. The Project, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to school services.			
SVCS-7. The Project would not result in the need for new or physically altered park facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, or other performance objectives.	LTS	N/A	N/A
SVCS-8. The Project, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to parks.	LTS	N/A	N/A

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
SVCS-9. The Project would not result in the need for new or physically altered public facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, or other performance objectives.	LTS	N/A	N/A
SVCS-10. The Project, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to the construction of other public facilities.	LTS	N/A	N/A
<b>TRANSPORTATION AND TRAFFIC</b>			
TRAF-1A: The proposed Project would contribute to unacceptable operation (from LOS C to LOS E in the AM and PM peak hours) at the intersection of Doolittle Drive and Marina Boulevard (#11) under baseline Plus Project conditions.	S	<p>TRAF-1A.1: Convert the existing eastbound right-turn lane on Marina Boulevard to a shared through-right turn lane to provide one left-turn lane, one through lane and one shared through-right turn lane on the eastbound approach.</p> <p>TRAF-1A.2: Optimize the cycle length of the traffic signal at the intersection of Doolittle Drive and Marina Boulevard (#11). The traffic signal does not operate in coordination with any other signal; therefore, the cycle length can be adjusted without affecting other signals in the system.</p>	LTS
TRAF-1B: The proposed Project would contribute to unacceptable operation (from LOS D to LOS E in the PM peak hour) at the intersection of San Leandro Boulevard and Marina Boulevard (#18) under baseline Plus Project conditions.	S	TRAF-1B: Optimize the traffic signal timing splits at the intersection of San Leandro Boulevard and Marina Boulevard (#18).	LTS
TRAF-1C: The proposed Project would contribute to unacceptable operation (from LOS A to LOS F in the AM and from LOS B to LOS F in the PM peak hour) at the intersection of Aurora Drive and Marina Boulevard (#10) under baseline Plus Project conditions.	S	<p>TRAF-1C: Install a modern mini-roundabout that could be accommodated within the existing right-of-way. Research has shown that roundabout-controlled intersections have similar low frequency and severity of crashes as all-way stop-controlled intersections. Further, the slower speed at roundabout also reduces the risk of injuries and fatalities for road users in the event of a crash. A conceptual drawing of a mini-roundabout is provided in Figure 4.13-5. <u>With the proximity of the school to this intersection, the mini-roundabout shall be designed with safety countermeasures to address student crossings. Safety measures such as high-visibility</u></p>	LTS

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<p>TRAF-1D: The proposed Project would contribute to unacceptable operation (from LOS A to LOS F in the PM peak hour) at the intersection of Monarch Bay Drive and Mulford Point Drive (#19) under baseline Plus Project conditions.</p>	S	<p><u>crosswalks, advanced warning signs, and a mini-roundabout design that promotes slow circulating speeds should be considered.</u> Implementation of <del>this mitigation measure</del> a mini-roundabout would improve the operation of this intersection to LOS A in the AM, PM and Saturday midday peak hours.</p> <p><u>Alternatively, installation of a traffic signal would also mitigate the project impact as peak hour signal warrant is met. However, the decision to install a traffic signal should not be based solely upon a single warrant. Additional engineering analysis and design shall be completed prior to selection of final mitigation measure.</u> Upon implementation <u>of the traffic signal</u>, the intersection would improve to LOS B in the AM peak hour and LOS A in the PM peak hour and Saturday midday peak hour.</p>	LTS
<p>TRAF-2A: The proposed Project would cause the I-880 northbound segment north of Davis Street to reduce from LOS E to LOS F in the PM peak hour under Year 2020 conditions</p>	S	<p>TRAF-2A: One of the following measures shall occur:</p> <ul style="list-style-type: none"> <li>▪ Widen I-880 to provide an additional travel lane in the northbound direction. <u>The Project shall coordinate with Caltrans to develop a co-operative agreement to fund this improvement and determine the fair share contribution. The Project was found to contribute 0.9 percent of the total traffic volume during the AM peak hour in the Near Term 2020 Plus Project scenario and 8 percent of the total growth between existing and Near Term 2020 + Project conditions;</u> or</li> <li>▪ Develop and implement a Transportation Demand Management (TDM) plan that would discourage single occupant vehicle trips. TDM measures may include: <ul style="list-style-type: none"> <li>▪ Provide a shuttle service, <u>in coordination with Oakland International Airport’s Assistant Aviation Director</u>, that operates between the Project site and key locations such as San Leandro and Coliseum BART stations and Oakland International Airport;</li> </ul> </li> </ul>	SU

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TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<p>TRAF-2B: The proposed Project would cause the volume-to-capacity (v/c) ratio on the northbound segment of Doolittle Drive, which would operate at Level of Service (LOS) F, to increase by 0.06 under Year 2020 conditions and by 0.04 under Year 2035 conditions in the PM peak hour.</p>	S	<ul style="list-style-type: none"> <li>▪ <u>Provide car-sharing programs, bicycle parking, and transit passes and information;</u></li> <li>▪ <u>Coordinate with AC Transit and BART to increase transit serves or transit-related improvements and consider modifications to existing bus routes; and</u></li> <li>▪ Facilitate carpool and ridesharing among residents of the Project.</li> </ul> <p><u>The TDM plan shall establish a trip reduction goal and include appropriate monitoring to meet this goal, including periodic employee surveys to determine the effectiveness of the program and annual reporting to the City.</u></p>	SU
<p>TRAF-2C: The proposed Project would cause increases in delays at the Aurora Drive and Marina Boulevard (#10), Marina Boulevard and Merced Street (#12), Marina Boulevard and I-880 southbound off ramp (#14), and Monarch Bay Drive and Mulford Point Drive (#19) intersections, which would adversely impact the transit operations of AC Transit Line S, 75 and 89.</p>	S	<p>TRAF-2B.1: Widen Doolittle Drive to provide an additional travel lane in the northbound direction <u>including addition of a bicycle lane, pedestrian sidewalk and pedestrian crossings;</u> or</p> <p>TRAF-2B.2: Provide a shuttle service, <u>in coordination with Oakland International Airport’s Assistant Aviation Director,</u> that operates between the Project site and key locations such as San Leandro and Coliseum BART stations and Oakland International Airport.</p> <p>TRAF-2B.3: <u>Implement a bicycle lane on Doolittle Drive between Fairway Drive and Williams Street, as identified in the City of San Leandro’s 2010 Bicycle and Pedestrian Master Plan.</u></p> <p>TRAF-2C: Implement Mitigation Measures TRAF-1A through TRAF-7F. Any roundabouts shall be designed to accommodate AC Transit busses.</p>	LTS
<p>TRAF-3. The proposed Project would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.</p>	No Impact	N/A	N/A

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**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
TRAF-4A: The location of the proposed northern driveway of the North Golf Course Residential component of the Project presents a potential sight distance challenge for cars pulling out of the driveway.	S	TRAF-4A: Remove the North Golf Course northern driveway from the Project plans.	LTS
TRAF-4B: The proposed southern driveway of the North Golf Course Residential component would potentially result in a design hazard due to its location in relation to the proposed Monarch Bay Drive and Mulford Point Drive intersection.	S	TRAF-4B: Move the Southern Driveway of the North Golf Course residential component to the north, to form a standard four-legged intersection. This measure shall be implemented in coordination with Mitigation Measure TRAF-1D.	LTS
TRAF-5. The proposed Project would not result in inadequate emergency access.	LTS	N/A	N/A
TRAF-6. The proposed Project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities.	LTS	N/A	N/A
TRAF-7A. The addition of traffic associated with implementation of the proposed Project would cause the intersection level of service at Doolittle Drive and Marina Boulevard (#11) to reduce from LOS D to LOS F in the AM and PM peak hours under Near-Term Cumulative Conditions.	S	TRAF-7A: Implementation of Mitigation Measures TRAF-1A.1 – TRAF-1A.2 for the eastbound approach identified under the baseline Plus Project condition.	LTS
TRAF-7B: The addition of traffic associated with implementation of the proposed Project would cause I-880 southbound ramps and Marina Boulevard (#14) to reduce to LOS E during both AM and Saturday peak hours, and would further reduce the service levels from LOS E to LOS F in the PM peak hour, under Near-Term Cumulative Conditions.	S	<p>TRAF-7B.1: <u>The Project shall coordinate with Caltrans to develop a co-operative agreement to fund modifications to alter the traffic signal to a <del>three</del>two-phase operation to provide non-conflicting:</u></p> <ul style="list-style-type: none"> <li>▪ Eastbound and westbound through movements on Marina Boulevard during the first phase.</li> <li>▪ Southbound right-turn, northbound right-turn and westbound left-turn movements during the second phase.</li> <li>▪ <u>Pedestrian phase across the I-880 southbound on-ramp. This phase can be run concurrently with the southbound off-ramp right turn or the westbound through movement.</u></li> </ul> <p>TRAF-7B.2: Prohibit westbound U-turn movements.</p>	SU

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
<p>TRAF-7C: The proposed Project would cause operations at the intersection of San Leandro Boulevard and Marina Boulevard (#18) to reduce from LOS D to LOS E in the AM peak hour, adding to the existing substandard LOS F in the PM peak hour and cause the volume-to-capacity (v/c) ratio to increase by 0.07 under Near-Term Cumulative Conditions.</p>	S	<p>TRAF-7C.1: Add a northbound left-turn lane on San Leandro Boulevard to provide two left-turn lanes: one through lane and one shared through-right turn lane.</p> <p>TRAF-7C.2: Restripe lanes on the west leg to provide two corresponding receiving lanes.</p> <p>The lane geometries before and after implementation of these Mitigation Measures are shown in the figure opposite.</p>	SU
<p>TRAF-7D: The proposed Project would cause the level of service at the intersection of Aladdin Avenue and Alvarado Street (#28) to reduce from LOS D to LOS E in the PM peak hour under Near-Term Cumulative Conditions.</p>	S	<p>TRAF-7D: Optimize traffic signal cycle length at the intersection of Aladdin Avenue and Alvarado Street. This signal does not operate in coordination with any other signal; therefore, the cycle length can be adjusted without affecting other signals in the system.</p>	LTS
<p>TRAF-7E: The proposed Project would cause the level of service at the intersection of Aurora Drive and Marina Boulevard (#10) to reduce from LOS A to LOS F in the AM peak hour and from LOS B to LOS F in the PM peak hour and from LOS B to LOS E in the Saturday peak hour.</p>	S	<p>TRAF-7E: Implementation of Mitigation Measure TRAF-1C, installing a mini-roundabout or a traffic signal, would lessen the near term cumulative impacts to <i>less than significant</i>. The mini-roundabout would improve the operations to LOS A in all three peak period hours. A traffic signal would improve the operation of the intersection to LOS B in the AM peak hour and LOS A in the PM and Saturday peak hours.</p>	LTS
<p>TRAF-7F: The proposed Project would cause the level of service at the intersection of Monarch Bay Drive and Mulford Point Drive (#19) to reduce from LOS A to LOS F in the PM peak hour.</p>	S	<p>TRAF-7F: Implement Mitigation Measure TRAF-1D by installing a roundabout. This would improve the operations to LOS A in the PM peak hour.</p>	LTS
<p>TRAF-7G: The proposed Project would cause the intersection level of service of the intersection of Doolittle</p>	S	<p>TRAF-7G: Implement Mitigation Measures TRAF-1A.1 and TRAF-1A.2.</p>	LTS

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Significant Impact	Significance Before Mitigation	Mitigation Measures	Significance With Mitigation
Drive and Marina Boulevard (#11) to reduce from LOS D to LOS F in the AM and PM peak hours			
TRAF-7H: The proposed Project would cause the intersection of Merced Street and Marina Boulevard (#12) to reduce from LOS D to LOS E during the AM and PM peak hours	S	TRAF-7H: Modify the traffic signal phasing and optimize cycle length and signal split timing based on real time traffic demands by improving operations of recently implemented, adaptive traffic signals at the intersection of Merced Street and Marina Boulevard (#12).	LTS
TRAF-7I: The proposed project would cause the operations at the intersection of I-880 southbound ramps and Marina Boulevard (#14) to reduce from LOS D to LOS E in the AM peak hour, adding to the existing substandard operations to further reduce the level of service from LOS E to LOS F in the PM and Saturday peak hours and cause <u>causing the</u> volume-to-capacity (v/c) ratios to increase by <u>0.10 0.06</u> during both periods, which is higher than the 0.05 allowed by the City.	S	TRAF-7I: <u>The Project shall coordinate with Caltrans to develop a co-operative agreement to fund modifications to alter</u> By modifying the signal to a <u>two</u> three-phase operation, <u>with the addition of an exclusive pedestrian phase across the southbound on-ramp during the third phase.</u> Implementation of revised Mitigation Measure TRAF-7B.1 (described above) would improve the operations to LOS <u>E D</u> in the <u>AM and Saturday peak hours, and to LOS D</u> in the PM peak hour.	SU
TRAF-7J: The proposed Project would add to the Long-Term Cumulative No Project substandard LOS F operations at the intersection of San Leandro Boulevard and Marina Boulevard (#18) and cause the v/c ratio to increase by 0.07 in the AM peak hour and 0.10 in the PM peak hour.	S	TRAF-7J: Implementation of Mitigation Measures 7C.1 and 7C.2 would reduce the v/c ratios to a less-than-significant level.	SU
TRAF-7K: The proposed Project would cause the level of service at the intersection of Aladdin Avenue and Teagarden Street (#27) to reduce from LOS D to LOS E in the PM peak hour.	S	TRAF-7K: Optimize the traffic signal cycle length at the intersection of Aladdin Avenue and Teagarden Street (#27). This traffic signal does not operate in coordination with any other signal; therefore, the cycle length can be adjusted without affecting other signals in the system.	LTS
TRAF-7L: The proposed Project would cause the level of service at the intersection of Aurora Drive and Marina Boulevard (#10) to reduce from LOS A to LOS F in the AM peak hour and from LOS B to LOS F in the PM and Saturday peak hours.	S	TRAF-7L: Implementation of Mitigation Measure TRAF-1C, installing a mini-roundabout or a traffic signal, would lessen the impacts in the long term cumulative conditions to <i>less than significant</i> . The mini-roundabout would improve the operations to LOS A in the AM and PM peak hours and to LOS B in the Saturday peak hour. A traffic signal would improve the operation of this intersection to LOS B in the AM peak hour and LOS A in the PM and Saturday peak hours.	LTS

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TRAF-7M: The proposed Project would cause the level of service at the intersection of Monarch Bay Drive and Mulford Point Drive (#19) to reduce from LOS A to LOS F in the PM peak hour.	S	TRAF-7M: Implement Mitigation Measure TRAF-1D by installing a roundabout at the intersection of Monarch Bay Drive and Mulford Point Drive (#19).	LTS
<b>UTILITIES AND SERVICE SYSTEMS</b>			
UTIL-1. The Project would have sufficient water supplies available to the serve the Project from existing entitlements and resources, and would not require new or expanded entitlements.	LTS	N/A	N/A
UTIL-2. The Project would not require or result in the construction of new water facilities or expansion of existing facilities, the construction of which would cause significant environmental effects.	LTS	N/A	N/A
UTIL-3. The Project, in combination with past, present, and reasonably foreseeable projects, would result in less than significant cumulative impacts with respect to water service.	LTS	N/A	N/A
UTIL-4. Implementation of the Project would not exceed wastewater treatment requirements of the San Francisco Bay Regional Water Quality Control Board.	LTS	N/A	N/A
UTIL-5. The Project would not require or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effects.	LTS	N/A	N/A
UTIL-6. The Project would not result in the determination by the wastewater treatment provider, which serves the Project that it does not have adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments.	LTS	N/A	N/A
UTIL-7. The Project, in combination with past, present, and reasonably foreseeable projects would result in less than significant cumulative impacts with respect to wastewater service.	LTS	N/A	N/A

LTS = Less Than Significant S = Significant SU = Significant Unavoidable Impact

## EXECUTIVE SUMMARY

**TABLE 1-1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

<b>Significant Impact</b>	<b>Significance Before Mitigation</b>	<b>Mitigation Measures</b>	<b>Significance With Mitigation</b>
UTIL-8. The Project would be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs.	LTS	N/A	N/A
UTIL-9. The Project would comply with federal, State, and local statutes and regulations related to solid waste.	LTS	N/A	N/A
UTIL-10. The Project, in combination with past, present, and reasonably foreseeable development, would result in less than significant impacts with respect to solid waste.	LTS	N/A	N/A
UTIL-11. Implementation of the Project would result in an increase in energy consumption.	S	UTIL-11: Implementation of Mitigation Measures GHG-1A through GHG-1F would increase energy conservation and reduce impacts resulting from energy generation.	LTS

LTS = Less Than Significant S = Significant SU = Significant Unavoidable Impact

### 3. Revisions to the Draft EIR

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This chapter presents changes to the Draft EIR that resulted from preparation of responses to comments on the Draft EIR, or were staff-directed changes including typographical corrections and clarifications. In each case, the Draft EIR page and location on the page is presented, followed by the textual, tabular, or graphical revision. Double Underline text represents language that has been added to the EIR; text with ~~strikethrough~~ has been deleted from the EIR.

None of the revisions constitutes significant changes to the analysis contained in the Draft EIR. As such, the Draft EIR does not need to be recirculated.

All changes to Draft EIR Table 1-1, Summary of Impacts and Mitigation Measures, are updated in Chapter 2 of this Final EIR.

#### 3.1 REVISIONS TO CHAPTER 3, PROJECT DESCRIPTION

Page 3-12 of the Draft EIR, the last sentence under the heading Stormwater is hereby revised as follows:

Compliance with Provision C.3 could include, but not limited to, incorporation of Low Impact Development practices, such as the use of bioswales, infiltration trenches, ~~media filtration devices,~~ pervious surface treatments, and bioretention areas.

Pages 3-12 and 3-13 of the Draft EIR, second paragraph beginning on page 3-12 and continuing on page 3-13, is hereby revised follows:

The Project will also require a series of planning entitlements, including a General Plan amendment to change the land use designation from General Commercial and Parks/Recreation to Medium Density Residential in portions of the nine-hole golf course. The land mass containing Mulford Point Drive and Pescador Point Drive, encompassing the boat harbor, is already General Commercial and will remain as designated. The other planning entitlements include a rezone of the aforementioned land mass from CR Commercial Recreation District to CC(PD) Community Commercial, Planned Development Overlay District, and the proposed residential development areas in the nine-hole golf course from CR Commercial Recreation District to RM-2000(PD) Residential Multi-Family, Planned Development Overlay District. The area remaining for the nine-hole course will remain CR Commercial Recreation District and the existing Mulford Branch Library will remain CR(PD) Commercial Recreation, Planned Development Overlay District General Commercial; and a Rezone from CR Commercial Recreation to CC Commercial Community with a Planned Development Overlay, CC-(PD) (see Table 3-2).

## REVISIONS TO THE DRAFT EIR

Page 3-13 of the Draft EIR, Table 3-2, is hereby revised follows:

**TABLE 3-2 PERMITS AND APPROVALS**

Jurisdiction	Permits/Approval
City of San Leandro	<p>General Plan Amendment to <del>General Commercial</del> <u>Medium Density Residential in portions of the nine-hole golf course</u></p> <p>Zoning amendment to <del>Commercial Community (CC) with a Planned Development Overlay (PD)</del> <u>CC(PD) Community Commercial, Planned Development Overlay District, and RM-2000(PD) Residential Multi-Family, Planned Development Overlay District</u></p> <p>Development Agreement</p> <p>Subdivision Map</p> <p>Site Plan Review</p> <p>Development Plan and Design Guidelines</p> <p>Demolition Permits</p> <p>Grading Permits</p> <p>Building Permits</p> <p>Underground Storage Tank Removal Permit</p> <p>National Pollution Discharge Elimination System (NPDES) certification/ Stormwater Pollution Prevention Plan Encroachment permits</p>
San Francisco Bay Conservation and Development Commission (BCDC)	Major Permit
Regional Water Quality Control Board (RWQCB)	<p>Section 401 Clean Water Quality Certification</p> <p>Waste Discharge Requirements (WDR) permit (for any dewatering activities)</p>
Army Corps of Engineers (USACE)	Section 404 Permit
California Department of Fish and Wildlife	<p>Section 2081(b) Permit</p> <p>CDFW Section 2081 Incidental Take Permit</p>
Bay Area Air Quality Management District (BAAQMD)	J Number for Demolition
<u>Federal Aviation Administration (FAA)</u>	<u>Form 7460</u>
<u>Port of Oakland</u>	<u>Plan Review</u>

## 3.2 REVISIONS TO CHAPTER 4.3, BIOLOGICAL RESOURCES

Page 4.3-2 of the Draft EIR, under the heading State Regulations is hereby revised as follows:

State laws regulating biological resources include the California Endangered Species Act, the California Fish and Game Code, the Porter-Cologne Water Quality Control Act, and the California Native Plant Protection Act, each of which is described below.

## REVISIONS TO THE DRAFT EIR

Page 4.3-3 of the Draft EIR, is hereby revised as follows adding a paragraph at the top of the page describing the Porter-Cologne Water Quality Control Act:

### Porter-Cologne Water Quality Control Act

In addition to jurisdiction under the CWA, the RWQCB also has regulatory authority over wetlands and waterways of the State under the Porter-Cologne Water Quality Control Act. When the RWQCB issues Section 401 Certifications, it simultaneously issues general Waste Discharge Requirements for the project, under the Porter-Cologne Water Quality Control Act. For activities affecting State jurisdictional waters not regulated under the CWA, the RWQCB may require the issuance of either individual or general waste discharge requirements (WDRs). Under the authority of the Porter-Cologne Water Quality Act, the RWQCB has developed and implements the San Francisco Bay Basin Water Quality Control Plan (Basin Plan). The Basin Plan defines beneficial uses of waters of the State within the San Francisco Bay Region. Any permit action taken by the RWQCB must be consistent with maintaining beneficial uses of waters of the State.

Page 4.3-11 of the Draft EIR, the last sentence under the heading Wetlands and Waters, is hereby revised as follows:

The Army Corps and RWQCB would have to make a determination on whether the drainage channel and on-site man-made onsite ponds are regulated waters of the U.S and State, respectively.

Page 4.3-14 of the Draft EIR, Mitigation Measure BIO-1A, is hereby revised as follows to add two new bullets:

- The MBRHPP shall evaluate the need to provide permanent controls around the winter roosting colony to prevent unauthorized pedestrian activity and possible vandalism. At minimum this shall include interpretive signage that prohibits unauthorized access during critical overwintering periods. If the currently restricted access to the golf course is not maintained as part of the project and future development in the vicinity of the winter roosting colony, the MBRHPP shall consider the need to fence the perimeter of the colony to ensure adequate controls and protection.
- Continued guided public access shall be allowed as part of the MBRHPP to provide important interpretive services on the natural history of the winter roosting colony, and continued support for its protection.

Page 4.3-15 of the Draft EIR, text in the first full sentence, is hereby revised as follows:

Construction could result in disturbance to aquatic habitat of the bay, requiring drilling and excavation for pier/dock installation and shoreline modifications, and suspending silts and other substrate within the construction zone-, as well as noise and vibration.

Page 4.3-15 of the Draft EIR, text in the second full sentence, is hereby revised as follows:

This could result in a temporary reduction in water quality, including the spread or introduction of invasive species, or inadvertent injury or loss of individual special-status species, if present within the construction zone.

## REVISIONS TO THE DRAFT EIR

Page 4.3-15 of the Draft EIR, the first bullet under Mitigation Measure BIO-1B, is hereby revised as follows:

- Adequate measures shall be taken to minimize disturbance and sedimentation in aquatic habitat of the bay, which may include installation of silt curtains, and bubble curtains, around in-water construction zones, restrictions on in-water operations to low tide periods, and timing restrictions for in-water construction, among other possible controls and restrictions.

Page 4.3-15 of the Draft EIR, a new bullet has been added under Mitigation Measure BIO-1B, as follows:

- In-water construction activities shall be controlled to prevent the introduction and spread of invasive species in and around the Project site. These controls include but are not limited to hiring construction vessels from nearby areas or requiring hull cleaning from contractors prior to Project construction.

Pages 4.3-18 and 4.3-19 of the Draft EIR, Mitigation Measure BIO-3, is hereby revised as follows:

BIO-3: *Provide Compensatory Mitigation for Wetland Modifications.* A compensatory mitigation program shall be developed and implemented to provide adequate mitigation for jurisdictional waters affected by proposed improvements. A jurisdictional wetland delineation shall be prepared by a qualified wetland specialist and submitted for verification by the Army Corps. A Wetland Protection and Replacement Program (WPRP) shall be prepared by the qualified wetland specialist, submitted to the City as part of Site Design Review application, and implemented to provide compensatory mitigation at a minimum 2:1 ratio where wetland habitat is affected, shall minimize disturbance to unvegetated waters, and shall be reviewed and approved by regulatory agencies. The WPRP shall include appropriate implementation measures to prevent inadvertent loss and degradation of jurisdictional waters to be protected, and replacement for those wetland features eliminated or modified as a result of development. The WPRP shall contain the following components:

- Where verified waters of the U.S. and/or State are present and cannot be avoided, authorization for modifications to these features shall be obtained from regulatory agencies with jurisdiction. This includes the Army Corps through the Section 404 permitting process where waters of the United States are affected by the Project and the RWQCB as part of the Section 401 Certification process, and waters of the State regulated by the RWQCB under the Porter-Cologne Water Quality Act. Together with This also includes a Streambed Alteration Agreement (SAA) secured from CDFW, if required as part of the SAA Notification process for proposed fills to the man-made drainage and possibly the pond on the golf course. All conditions required as part of the authorizations by the Army Corps, RWQCB, and CDFW shall be implemented as part of the project.

Pages 4.3-21 and 4.3-22 of the Draft EIR, Mitigation Measure BIO-5A, is hereby revised as follows:

BIO-5A: *Tree Protection and Replacement.* The Project shall comply with Section 4-1906, Existing Trees on Development Sites, in Article 19, Landscape Requirements of the City of San Leandro Zoning Code. Compliance with the Zoning Ordinance shall be achieved through adherence with the following provisions:

- All trees with a trunk diameter of 6 inches or greater shall be identified on-site plans prior to site plan review approval, together with information on species, size, assigned tree number, trunk location determined by engineer survey, and extent of drip line.

## REVISIONS TO THE DRAFT EIR

- A tree report shall be prepared by a certified arborist prior to site plan review approval, providing additional information on tree health, appearance, and suitability for preservation of each regulated tree.
- All grading, improvement plans, and construction plans prepared for building permits shall clearly indicate trees proposed to be removed, altered, or otherwise affected by development construction, together with the “limit of grading” line.
- Adequate measures shall be defined in the tree report to protect all trees to be preserved. This shall include installation of temporary construction fencing at the perimeter of the protected area, restrictions on construction within the fenced areas unless approved as a condition of the application and performed under the supervision of the certified arborist, and prohibition on parking or storing of vehicles and other construction equipment within the protected area.
- Where avoidance of a regulated tree is not feasible, replacement tree plantings shall be provided prior to site plan review approval as part of the final landscape plan.

### 3.3 REVISIONS TO CHAPTER 4.5, GEOLOGY, SOILS, AND SEISMICITY

Page 4.5-11 of the Draft EIR, first sentence in Mitigation Measure GEO-1, is hereby revised as follows:

**Mitigation Measure GEO-1:** Require geotechnical reports at the time of Site Plan Review and Tentative Map applications for all development within the Project site, as required by the San Leandro Municipal Code Section 7-12.

Page 4.5-12 of the Draft EIR, first sentence in Mitigation Measure GEO-3A, is hereby revised as follows:

**Mitigation Measure GEO-3A:** Project-specific geotechnical reports shall be prepared at the time of Site Plan Review and Tentative Map applications in accordance with the City’s grading permit regulations.

Page 4.5-14 of the Draft EIR, first sentence in Mitigation Measure GEO-3C, is hereby revised as follows:

**Mitigation Measure GEO-3C.** Settlement of the existing fill and Bay Mud could have adverse effects on shallow foundations, underground utilities, pavements, and other improvements. Options to mitigate these effects include use of shallow ridged foundations for smaller structures, supporting larger structures with deep foundations such as driven piles, and installing flexible connections for utilities. Pre-loading consolidation (surcharging) prior to construction of new improvements could also be considered. The recommendations for both special foundations and other geotechnical engineering measures specified in project specific geotechnical reports shall be implemented during design and construction pursuant to Site Plan Review and Tentative Map approvals.

Page 4.5-14 of the Draft EIR, first sentence in Mitigation Measure GEO-4, is hereby revised as follows:

**Mitigation Measure GEO-4.** The Project geotechnical engineer shall make specific recommendations for mitigation of expansive soils under pavements and structures, including techniques such as capping expansive soils with a layer of non-expansive fill, or by lime treatment. Typical mitigation measures for

## REVISIONS TO THE DRAFT EIR

pavements could include special pavement design, lime treatment of subgrade soils and/or sub-excavation of expansive soils and replacement with non-expansive fill. These recommendations shall be based on testing of the in-site fill materials. The recommendations shall be submitted to the City as a part of Site Plan Review and Tentative Map applications prior to building and/or paving plan submittal.

### 3.4 REVISIONS TO CHAPTER 4.6, GREENHOUSE GAS EMISSIONS

Page 4.6-20 of the Draft EIR, the first bullet under Mitigation Measure GHG-1D, is hereby revised as follows:

- Pre-tax benefit: Allow employees to exclude their transit or vanpooling expenses from taxable income, up to the maximum allowable pre-tax benefit ~~\$130 per month~~.

### 3.5 REVISIONS TO CHAPTER 4.8, HYDROLOGY AND WATER QUALITY

Page 4.8-15 of the Draft EIR, text under the heading Golf Course, is hereby revised as follows:

Surface runoff from the Marina Golf Course drains into a two ponds located ~~in the center of~~ within the golf course. The northern, larger pond is lined and receives water from the City's treatment plant for use in irrigating the golf course turf ~~used for irrigation of the golf course~~. The water in the smaller, southern pond is unlined and receives irrigation and stormwater runoff in the winter rainy season ~~recharged by stormwater during wet months and supplemented by reclaimed water from the City's Water Pollution Control Plant during dry months~~. Excess stormwater during large storms is pumped to another pond located at the south end of the Tony Lema Golf Course, located south of the Marina Golf Course. There also is a drainage channel along the western edge of the golf course that extends for a distance of about 1,000 feet. As discussed in further detail in the Biological Resources section of the EIR, a determination will be made by the Army Corps and RWQCB if the on-site ponds and drainage channel are regulated waters of the US and State.

Page 4.8-18 of the Draft EIR, text in the last sentence of the last paragraph, is hereby revised as follows:

This is due to inadequate height of the levee on the north bank of ~~San Leandro~~ San Lorenzo Creek that could cause flooding to properties north of the creek during severe weather events.

Pages 4.8-31 and 4.8-32 of the Draft EIR, the text in Mitigation Measure HYDRO-1B is hereby revised as follows:

**Mitigation Measure HYDRO-1B:** *Minimize Potential for Fuel Releases or Other Water Quality Impacts During Waterside Demolition and Other Construction Activities.* The following mitigation measures are designed to avoid potential releases of fuel constituents and other pollutants into the water column during demolition/construction activities:

- A spill contingency plan shall be prepared that addresses the potential for an accidental release of fuel into navigable waterways. The plan shall include floating booms and absorbent materials to



## REVISIONS TO THE DRAFT EIR

recover hazardous spills and include provisions for containment, removal, and disposal of spilled materials. The plan shall be submitted as part of the Site Plan Review and Tentative Map applications.

**Page 4.8-32 of the Draft EIR, the text in Mitigation Measure HYDRO-1B is hereby revised as follows adding a new bullet and revising the last bullet:**

- In-water construction activities shall be controlled to prevent the introduction and spread of invasive species in and around the Project site. The latest procedures from aquatic invasive species prevention programs shall be used, such as hiring construction vessels from nearby areas or requiring hull cleaning from contractors prior to Project construction.
- If it is determined that a small portion of the Project site west of Monarch Bay Drive and/or the drainage channel along the west side of the golf course are jurisdictional wetlands or regulated waters by the Army Corps or waters of the State that are jurisdictional under the State's Porter-Cologne Act, a Section 404 permit shall be obtained from the Army Corps and a Section 401 water quality certification shall be obtained from the RWQCB. The permit and certification shall specify methods for protecting water quality during construction activities, including BMPs to minimize turbidity, control floating debris, and provide spill containment and cleanup equipment. For jurisdictional waters of the State, the project applicant shall comply with the Wetland Area Protection Policy and file a report with the San Francisco RWQCB, which could issue waste discharge requirements (WDRs) to regulate any discharge as necessary to protect the beneficial uses of the water.

**Page 4.8-32/33 of the Draft EIR, the text beginning in the last sentence on 4.8-32 and continuing on 4.8-33 is hereby revised as follows:**

Many of the requirements consider Low Impact Development (LID) practices, such as the use of bioswales, infiltration trenches, ~~media filtration devices~~, pervious surface treatments, and bioretention areas.

**Page 4.8-33 of the Draft EIR, the text in the second paragraph, is hereby revised as follows:**

According to C.3 provisions, land area of up to 4 percent of the impervious area that drains to it could be required for the stormwater treatment facilities. In addition, the Project applicant is required by City ordinance to prepare a Stormwater Management Plan (SWMP) that includes the post-construction BMPs including site design measures, source control measures, and stormwater treatment measures that would be implemented. Neighborhood and lot-level BMPs to promote "green" treatment of storm runoff will be emphasized as voluntary measures, consistent with RWQCB guidance for NPDES Phase 2 permit compliance.

**Page 4.8-40 of the Draft EIR, Mitigation Measure HYDRO-7, is hereby revised as follows:**

**Mitigation Measure HYDRO-7:** *Minimize Potential for Flooding for Housing within the 100-Year Floodplain and within Areas Subject to Sea Level Rise/Coastal High Hazard.* The current FEMA FIRM panels are undergoing revisions and it is possible that no portions of the Project site will be within the 100-year floodplain when the Project is scheduled to start construction. However, because a portion of the Project site is currently within the 100-year floodplain and a portion of the Project site could be designated as

## REVISIONS TO THE DRAFT EIR

being within the 100-year floodplain, and the site is subject to inundation from sea level rise, the following mitigation measures are applicable:

...

- Prior to issuance of Site Plan Review or a tentative map, a sea level rise risk assessment shall be prepared and submitted to the City for areas of the Project that are subject to sea level rise. The risk assessment shall be prepared by a qualified engineer and shall be based on the estimated 100-year flood elevation and the best estimates for future sea level rise and current and future flood protection. A range of sea level rise projections for mid-century and end of century shall be used in the risk assessment along with inundation maps. The risk assessment shall identify all types of potential flooding, degrees of uncertainty, consequences of defense failure, and risks to existing habitat from proposed flood protection devices. The Project shall be designed to be resilient to a mid-century sea level rise projection, and include appropriate design standards for building construction to protect structures from sea level rise, such as including elevated grades or floodable development, hard structures such as seawalls and bulkheads, and/or soft structures such as Low-Impact Development (LID), green infrastructure, detention basins, mini-floodplains, biofiltration, and stormwater parks. If the Project would remain in place longer than midcentury, an adaptive management plan shall be developed to address the long-term impacts that would arise. The results of the risk assessment shall be incorporated into the site design, as reflected in the site plan review and tentative map review. The sea level rise risk assessment shall also be submitted to BCDC for review and approval for the areas of the project that are within BCDC's jurisdiction (i.e., within 100 feet of the shoreline), prior to the start of construction or development.

### 3.6 REVISIONS TO CHAPTER 4.10, NOISE

Page 4.10-20 of the Draft EIR, Mitigation Measure NOISE-1A, is hereby revised as follows:

**Mitigation Measure NOISE-1A:** The project applicant shall submit an acoustic study to the satisfaction of the City's Chief Building Official with the applications for site plan review and/or Tentative Map, whichever is earlier. The study shall demonstrate that all development meets applicable exterior noise standards and all new residences meet an interior noise level due to exterior noise of 45 dBA CNEL consistent with State and local noise standards. For non-residential uses, the study shall include, but not be limited to, noise levels associated with Runway 30 Approaches, Runway 30 Departures, Runway 12 Departures, and Runway 10R Night-time Departures. The acceptable interior noise levels for all nonresidential construction will be determined based on a case-by-case basis according to the type of activity proposed. This is in accordance with General Plan Policy 35.02, Residential Interior Noise Standard. The study shall be based on precise grading and architectural plans including specific construction method details and materials to calculate the necessary exterior to interior noise reduction of approximately 20 dBA to achieve 45 dBA CNEL for residential construction. The precise exterior to interior reduction would be determined in the acoustical study when precise grading plans with building elevations, footprints and architectural plans are available. The applicant shall incorporate into the Project design all required noise insulation features and techniques necessary to reduce interior noise levels to achieve the interior noise standard. To achieve the required interior noise levels, features such as upgraded exterior wall and roof assemblies, upgraded windows, and exterior doors may be required.

**REVISIONS TO THE DRAFT EIR**

### **3.7 REVISIONS TO CHAPTER 4.12, PUBLIC SERVICES AND RECREATION**

Page 4.12-14 of the Draft EIR, third sentence in the second paragraph from the top of the page, is hereby revised as follows:

Since the Project proposed to add 296,050 square feet of commercial space and 353,770 square feet of residential space, the total estimated fee that would be collected by SLUSD from the Project applicant from Level I fees would be \$1,348,534.22.

### **3.8 REVISIONS TO CHAPTER 4.13, TRANSPORTATION AND TRAFFIC**

Page 4.13-1 of the Draft EIR, text under the Alameda County Transportation Commission, is hereby revised as follows:

The Alameda County Transportation Commission (Alameda CTC) coordinates transportation planning efforts throughout Alameda County and programs local, regional, State and federal funding for project implementation. In compliance with State CMP legislation, the Alameda CTC developed the Land Use Analysis Program (LUAP) to assess the impacts of individual development actions on the regional transportation system and to ensure that significant impacts are appropriately mitigated. While the LUAP was initially conceived as a program to meet a particular state legislative mandate, the growing interest in coordinating land use and transportation planning has resulted in the program's evolution. The program now also serves as an opportunity for strategic thinking about how to plan for development that efficiently uses the transportation system, while ensuring that the mobility and access needs of residents and workers in Alameda County are fulfilled. Additionally, ~~the~~ Alameda CTC prepares the Congestion Management Program (CMP), a plan mandated by California law to describe the strategies to address congestion problems on the CMP network, which includes State highways and principal arterials. The CMP requires analysis of Metropolitan Transportation System (MTS) roadway and transit system and uses level of service standards as a means to measure congestion and has established level of service standards to determine how local governments meet the standards of the CMP.

Page 4.13-7 of the Draft EIR, text in the last sentence under the Neptune Drive heading, is hereby revised as follows:

Per Figure 9 of the 2010 San Leandro Bicycle and Pedestrian Master Plan, Neptune Drive is a has been designated as a Class III bike route and is a part of the San Francisco Bay Trail. Neptune Drive is part of the adopted Bay Trail alignment and ABAG considers this segment to be an incomplete section of the Bay Trail since it does not currently provide a Class II or Class I bike facility.

## REVISIONS TO THE DRAFT EIR

Page 4.13-27 of the Draft EIR, text under the heading Traffic Volume Forecasting Approach, is hereby revised as follows:

The Alameda Countywide Travel Demand Model was used to forecast traffic volumes for both background No Project and plus Project scenarios of all study conditions. At the time of the Notice of Preparation, the 2011 Alameda Countywide Model was the most recent version. The ~~latest (August 2011)~~ model ~~is~~ was based on assumptions from the *Transportation 2035 Plan for the San Francisco Bay Area*, a regional transportation (RTP) published by the Metropolitan Transportation Commission (MTC), and the *Alameda Countywide Transportation Plan*, and on socio-economic forecasts from *Projections 2009*, published by the Association of Bay Area Governments (ABAG).

Page 4.13-33 of the Draft EIR, Mitigation Measure TRAF-1C, is hereby revised as follows:

**Mitigation Measure TRAF-1C:** Install a modern mini-roundabout that could be accommodated within the existing right-of-way. Research has shown that roundabout-controlled intersections have similar low frequency and severity of crashes as all-way stop-controlled intersections. Further, the slower speed at roundabout also reduces the risk of injuries and fatalities for road users in the event of a crash. A conceptual drawing of a mini-roundabout is provided in Figure 4.13-5. With the proximity of the school to this intersection, the mini-roundabout shall be designed with safety countermeasures to address student crossings. Safety measures such as high-visibility crosswalks, advanced warning signs, and a mini-roundabout design that promotes slow circulating speeds should be considered. Implementation of ~~this mitigation measure~~ a mini-roundabout would improve the operation of this intersection to LOS A in the AM, PM and Saturday midday peak hours.

Alternatively, installation of a traffic signal would also mitigate the project impact as peak hour signal warrant is met. However, the decision to install a traffic signal should not be based solely upon a single warrant. Additional engineering analysis and design shall be completed prior to selection of final mitigation measure. Upon implementation of the traffic signal, the intersection would improve to LOS B in the AM peak hour and LOS A in the PM peak hour and Saturday midday peak hour.

**Significance After Mitigation:** Less than significant. Implementation of this Mitigation Measure would improve the operation to LOS A in the AM and PM peak hours as well as the Saturday peak hour. This would reduce this impact to a less-than-significant level during the PM peak hour.

The City will make the final decision of selection of one of the two mitigation options. The design of the selected mitigation shall be included in the development applications for site plan review/tentative map.

Page 4.13-35 of the Draft EIR, the Baseline + Project Volume for Davis Street to Marina Boulevard under PM Peak Hour in Table 4.13-16, is hereby revised as follows:

Mainline	7,941	34.3	D	<del>7,654</del> <u>7,954</u>	34.5	D
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## REVISIONS TO THE DRAFT EIR

Page 4.13-36 of the Draft EIR, text under the heading Congestion Management Program, is hereby revised as follows:

Congestion Management Program

The Land Use Analysis Program (LUAP) developed by the Alameda CTC was performed used in the TIS to identify any potential impacts of the Project on the Metropolitan Transportation System (MTS) roadway network and the MTS transit operators.

Page 4.13-41 of the Draft EIR, first bullet under Mitigation Measure TRAF-2A, is hereby revised as follows:

- Widen I-880 to provide an additional travel lane in the northbound direction. The Project shall coordinate with Caltrans to develop a co-operative agreement to fund this improvement and determine the fair share contribution. The Project was found to contribute 0.9 percent of the total traffic volume during the AM peak hour in the Near Term 2020 Plus Project scenario and 8 percent of the total growth between existing and Near Term 2020 + Project conditions; or

Page 4.13-41 of the Draft EIR, third bullet under Mitigation Measure TRAF-2A, is hereby revised as follows:

- Develop and implement a Transportation Demand Management (TDM) plan that would discourage single occupant vehicle trips. TDM measures may include:
  - Provide a shuttle service, in coordination with Oakland International Airport's Assistant Aviation Director, that operates between the Project site and key locations such as San Leandro and Coliseum BART stations and Oakland International Airport;
  - Provide car-sharing programs, bicycle parking, and transit passes and information;
  - Coordinate with AC Transit and BART to increase transit serves or transit-related improvements and consider modifications to existing bus routes; and
  - Facilitate carpool and ridesharing among residents of the Project.

The TDM plan shall establish a trip reduction goal and include appropriate monitoring to meet this goal, including periodic employee surveys to determine the effectiveness of the program and annual reporting to the City.

Page 4.13-42 of the Draft EIR, Mitigation Measure TRAF-2B.1 is hereby revised as follows:

Mitigation Measure TRAF-2B.1: Widen Doolittle Drive to provide an additional travel lane in the northbound direction including addition of a bicycle lane, pedestrian sidewalk and pedestrian crossings; or

Page 4.13-41 of the Draft EIR, first bullet under Significance After Mitigation heading, is hereby revised as follows:

- ~~Widening I-880 is not considered to be feasible due to cost and freeway right of way constraints as a result of being within Caltrans right of way and would be beyond the control of the City~~ Widening I-880 would require the City and Caltrans to reach concurrence to implement the northbound I-880 widening mitigation measure north of Davis Street before the impact can be considered less than

## REVISIONS TO THE DRAFT EIR

significant. Therefore, this impact remains significant and unavoidable since concurrence cannot be guaranteed; and

Page 4.13-42 of the Draft EIR, Mitigation Measure TRAF-2B.2, is hereby revised as follows:

**Mitigation Measure TRAF-2B.2:** Provide a shuttle service, in coordination with Oakland International Airport's Assistant Aviation Director, that operates between the Project site and key locations such as San Leandro and Coliseum BART stations and Oakland International Airport.

Page 4.13.42 of the Draft EIR, a new mitigation measure has been added as Mitigation Measure TRAF-2B.3, as follows:

**Mitigation Measure TRAF-2B.3:** Implement a bicycle lane on Doolittle Drive between Fairway Drive and Williams Street, as identified in the City of San Leandro's 2010 Bicycle and Pedestrian Master Plan.

Page 4.13-42 of the Draft EIR, text in the Significance After Mitigation paragraph, is hereby revised as follows:

**Significance After Mitigation:** Significant and unavoidable. Widening Doolittle Drive to provide an additional travel lane in the northbound direction would improve the level of service to LOS C in Year 2020 and LOS D in Year 2035 and would mitigate the Project impact to less than significant. The roadway widening would include a bicycle lane and a pedestrian sidewalk per a typical cross-section in accordance with City and Caltrans Guidelines. However, the feasibility of this measure is uncertain due to right of way constraints along this mostly developed corridor. If implemented, widening Doolittle Drive north of Davis Street from two to four lanes would require relocation and restriping of the bicycle lanes and pedestrian crossings. Alternatively, provision of a shuttle service that operates between the Project site and key locations, such as San Leandro and Coliseum BART stations and Oakland International Airport, during the PM peak hour would likely lessen the Project's impact on the freeway segment. However, the effectiveness of the shuttle service in reducing the number of Project trips on Doolittle Drive cannot be adequately quantified. Even if Doolittle Road could be widened enough to extend the bicycle lane from Fairway Drive to Williams Street, as identified in the City of San Leandro 2010 Bicycle and Pedestrian Master Plan, it is uncertain whether the bike lanes would reduce Project auto trips enough with the addition of the continuous bike lane to reduce the impact to less than significant. The proposed bike lanes would need to reduce Near Term 2020 vehicle trips on Doolittle Drive north of Davis Street by 41 trips (from 104 to 63 trips), and Cumulative 2035 trips by seven trips (from 71 to 64 trips). Therefore, theAs discussed above, the on-going I-880 Integrated Corridor Management effort led by the Metropolitan Transportation Commission that aims to optimize freeway, arterial signal, rail, and bus systems and incorporate Intelligent Transportation System would also help enhance efficiency on the freeway. However, for the reasons listed above this impact would remain *significant and unavoidable*.

Page 4.13-47/48 of the Draft EIR, text under Impact Discussion TRAF-6 under the Bicycle Facilities heading, is hereby revised as follows:

The proposed public promenade along the waterfront edge would provide the Class I facility identified in the plans, which would connect to the existing Bay Trail, and a Class II bicycle lane proposed by the Project would complete the bicycle lane along Monarch Bay Drive.

**REVISIONS TO THE DRAFT EIR**

Page 4.13-51 to 4.13-62 of the Draft EIR, Intersection #13 in Tables 4.13-23 to 4.13-29, is hereby revised as follows to correct the control column from TWSC to Sig:

13	Kaiser driveway	Marina Blvd	<del>TWSC</del> Sig
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Page 4.13-52 of the Draft EIR, Mitigation Measure TRAF-7B.1, is hereby revised as follows:

**Mitigation Measure TRAF-7B.1:** The Project shall coordinate with Caltrans to develop a co-operative agreement to fund modifications to alter ~~Modify~~ the traffic signal to a ~~three~~two-phase operation to provide non-conflicting:

Page 4.13-52 of the Draft EIR, a bullet was added to Mitigation Measure TRAF-7B.1, as follows:

- Pedestrian phase across the I-880 southbound on-ramp. This phase can be run concurrently with the southbound off-ramp right turn or the westbound through movement.

Page 4.13-52 of the Draft EIR, text under the Significance After Mitigation heading, is hereby revised as follows:

**Significance After Mitigation:** Significant and unavoidable. Implementation of the these mitigation measures would improve the operations at the intersection of I-880 southbound ramps and Marina Boulevard to LOS C in the AM and Saturday peak hours and to LOS D in the PM peak hour, thereby reducing the Project impacts to a less-than-significant level. However, because this ramp intersection is under Caltrans’ jurisdiction and the co-operative agreement has not been implemented, this impact remains, ~~the implementation of timing and phasing Mitigation Measures are not under the City’s jurisdiction. Therefore, this impact would remain~~ *significant and unavoidable*.

Page 4.13-62 of the Draft EIR, Impact and Mitigation Measure TRAF-7I, is hereby revised as follows:

**Impact TRAF-7I:** The proposed project would cause the operations at the intersection of I-880 southbound ramps and Marina Boulevard (#14) ~~to reduce from LOS D to LOS E in the AM peak hour, adding to the existing substandard operations to further reduce the level of service from LOS E to LOS F in the PM and Saturday peak hours and cause~~ causing the volume-to-capacity (v/c) ratios to increase by ~~0.10~~ 0.06 during ~~both periods~~, which is higher than the 0.05 allowed by the City.

**Mitigation Measure TRAF-7I:** The Project shall coordinate with Caltrans to develop a co-operative agreement to fund modifications to alter ~~By modifying~~ the signal to a ~~two~~three-phase operation, with the addition of an exclusive pedestrian phase across the southbound on-ramp during the third phase. ~~+~~ Implementation of revised Mitigation Measure TRAF-7B.1 (described above) would improve the operations to LOS ~~C~~D in the AM and Saturday peak hours, and to LOS D in the PM peak hour.

## REVISIONS TO THE DRAFT EIR

### 3.9 REVISIONS TO CHAPTER 5, SIGNIFICANT UNAVOIDABLE IMPACTS

Page 5-3 of the Draft EIR, text in impacts TRAF-2A, TRAF-7B, and TRAF-7I, is hereby revised as follows:

**TRAF-2A.** *Significant.* Although Mitigation Measures TRAF-2 would mitigate the impacts related to the reduction of level of service to an acceptable level on the I-880 northbound segment north of Davis Street, the mitigation measures ~~are not considered feasible due to cost and right-of-way constraints associated with widening I-880~~would require the City and Caltrans to reach concurrence to implement the mitigation measure before the impact can be considered less than significant. Further, the effectiveness of a shuttle service in reducing the number of Project trips cannot be adequately quantified. As such, this impact would remain *significant and unavoidable*.

**TRAF-7B.** *Significant.* Additional traffic associated with the Project would cause I-880 southbound ramps and Marina Boulevard (#14) to reduce to LOS E during both the weekday AM and Saturday peak hours under Near-Term Cumulative Conditions. While Mitigation Measures TRAF-7B.1 and TRAF-7B.2 would improve level of service at this intersection, this ramp is under Caltrans jurisdiction and the cooperative agreement has not been implemented; ~~therefore, implementation and timing of these mitigation measures would not be within the City's jurisdiction and~~ the impact would remain *significant and unavoidable*.

**TRAF-7I.** *Significant.* The Project would cause the operations at the intersection of I-880 southbound ramps and Marina Boulevard (#14) to reduce to LOS D to LOS E in the AM peak hour; and would reduce the level of service from LOS E to LOS F in the weekday PM and Saturday peak hours and cause the V/C ratios to increase by 0.10 during both periods, which is higher than the 0.05 allowed by the City. While Mitigation Measure TRAF-7I would lessen impacts, this ramp intersection is under Caltrans jurisdiction and the cooperative agreement has not been implemented; ~~the implementation and timing of this mitigation measure is not under the City control.~~ As such, this impact would remain *significant and unavoidable*.



**REVISIONS TO THE DRAFT EIR**

## **REVISIONS TO THE DRAFT EIR**

2447871.1

## **4. List of Commenters**

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Comments on the Draft EIR were received from the following agencies, organizations, and individuals. Letters are arranged by category and by the date received. Each comment letter has been assigned a number, as indicated below.

### **4.1 AGENCIES AND SERVICE PROVIDERS**

- A01 Caltrans, December 10, 2014
- A02 EBMUD, January 7, 2015
- A03 SF Bay Regional Water Quality Control Board, January 21, 2015
- A04 California State Lands Commission, January 22, 2015
- A05 Caltrans, January 22, 2015
- A06 Caltrans, January 22, 2015
- A07 Alameda County Transportation Commission, February 6, 2015
- A08 Port of Oakland, February 6, 2015

### **4.2 ORGANIZATIONS AND INDIVIDUALS**

- B01 Palmieri, Tyler, Wiener, Wilhelm & Waldron LLP, January 7, 2015
- B02 Marina Action Committee, January 15, 2015
- B03 San Leandro Unified School District, January 30, 2015
- B04 Unite Here Local 2850, February 5, 2015
- B05 ABAG (Bay Trail Project), February 6, 2015
- B06 The Marina Inn, February 6, 2015
- B07 Mulford Gardens Improvement Association, February 6, 2015
- B08 Susan Levenson, December 9, 2014
- B09 Johanne Dictor #1, December 11, 2014
- B10 Johanne Dictor #2, December 11, 2014
- B11 Dwight Pitcaithley #1, December 23, 2014
- B12 John Sellars, January 19, 2015
- B13 Frank Wilson #1, January 30, 2015
- B14 Brooks Finley, January 31, 2015
- B15 Macel Pellerino, January 31, 2015
- B16 Gerd & Melissa Marggraff, February 2, 2015
- B17 Dwight Pitcaithley #2, February 2, 2015
- B18 Kat Davis, February 2, 2015
- B19 Margaret Kuzmicky, February 2, 2015
- B20 Edward Hernandez, February 2, 2015

## **LIST OF COMMENTERS**

- B21 Frank Wilson #2, February 3, 2015
- B22 Dwight Pitcaithley #3, February 3, 2015
- B23 Monte Tiedemann, February 3, 2015
- B24 Gonzalo Rojas, February 3, 2015
- B25 Marilyn Winkler, February 3, 2015
- B26 Kazuo Sonobe, February 4, 2015
- B27 Edward Mejia-Sarate, February 5, 2015
- B28 Dwight Pitcaithley #4, February 5, 2015
- B29 Lawrence Abbott, February 6, 2015
- B30 Carol Thompson, February 6, 2015
- B31 Danny Paiva #1, February 6, 2015
- B32 Danny Paiva #2, February 6, 2015
- B33 Danny Paiva #3, February 6, 2015
- B34 Lee Aurich #1, February 6, 2015
- B35 Lee Aurich #2, February 6, 2015
- B36 Maureen Forney, February 6, 2015
- B37 Leonore Turner, February 6, 2015

## **4.3 PUBLIC HEARINGS**

- C01 Planning Commission, January 15, 2015
- C02 City Council, January 26, 2015

## **4.4 COMMENTS RECEIVED AFTER CLOSE OF THE PUBLIC COMMENT PERIOD**

- D01 Tony Santos, February 9, 2015
- D02 Raffi Demirjian, February 13, 2015
- D03 Healthy 880 Communities, February 17, 2015

## 5. Comments and Responses

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This chapter includes a reproduction of, and responses to, each letter received during the public review period. Comments are presented in their original format in Appendix J, along with annotations that identify each comment number.

Responses to those individual comments are provided in this chapter alongside the text of each corresponding comment. Letters follow the same order as listed in Chapter 3 of this Final EIR and are categorized by:

- State and Local Agencies
- Private Organizations
- Private Individuals

Letters are arranged by category and by date received. Each comment is labeled with a reference number in the margin.

During the review period for the Draft EIR, members of the public submitted several comments that related to the details of the proposed Project itself, convey the commenter’s opinion of the proposed Project, or address the relative consequences or benefits of the proposed Project (referred to here as “merits of the proposed Project”), rather than the adequacy of the Draft EIR or the environmental issues, impacts, and mitigation measures addressed in the Draft EIR. It is important for a Lead Agency in its decision-making process to consider both the adequacy of the Draft EIR and the merits of the proposed Project. However, a Lead Agency is only required by CEQA to respond in its Final EIR to comments related to pertinent environmental issues and the adequacy of the Draft EIR.

Section 15204 of the CEQA Guidelines provides direction for parties reviewing and providing comment on a Draft EIR, as follows:

*In reviewing draft EIRs, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated.*

Section 15204 continues in relation to the role of the Lead Agency in responding to comments:

*When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR.*

Although comments related to merits of the proposed Project do not require responses in the Final EIR, they do provide important input to the decision-making process. Therefore, merit- and opinion-based comment letters are included in the Final EIR to be available to the decision-makers when considering

## **COMMENTS AND RESPONSES**

whether to adopt the proposed Project. Written responses will, however, focus on the environmental analysis.

Responses to individual comments are presented in Table 5-1. Individual comments are reproduced from the original versions in Appendix J, along with the comment numbers shown in the appendix, followed by the response.

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

<b>Number</b>	<b>Comment</b>	<b>Response</b>
<b>A. AGENCIES AND SERVICE PROVIDERS</b>		
<b>A01</b>	<b>Caltrans</b>	
A01-01	Thanks, Sally. Philip Crimmins CEQA + Noise Caltrans Division of Aeronautics MS-40 P.O. Box 942874 Sacramento, CA 94274-0001 (916) 654-6223	This comment provides a response related to correspondence between Caltrans and City Staff and does not address the adequacy of the analysis in the EIR; therefore, no further response is required.
<b>A02</b>	<b>EBMUD</b>	
A02-01	Dear Ms. Chin: East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the San Leandro Shoreline Development Project located in, the City of San Leandro (City). The Draft EIR is consistent with the Water Supply Assessment completed by EBMUD and provided to the City on May 13, 2014. EBMUD has the following comments.	This comment serves as an introduction to the comments that follow and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.
A02-02	<b>WATER SERVICE</b> EBMUD's Central Pressure Zone; with a service elevation range between 0 and 100 feet, will serve the proposed development. Individual units in a structure of three stories or less are required to be individually metered. EBMUD owns and operates 6-inch and 8-inch distribution pipelines in Dike Road, which provide continuous service to customers in the area. The integrity of these pipelines needs to be maintained at all times. Any proposed construction activity near these pipelines would be subject to the terms and conditions determined by EBMUD including relocation of the water mains at the project sponsor's expense. A water main extension, at the project sponsor's expense, may be required to serve the property depending on EBMUD's metering requirements and fire flow requirements set by the local fire department. The project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine the costs and conditions of providing water service to the proposed development. Engineering and installation of water mains and services require substantial lead time, which should be provided for in the project sponsor's development schedule.	This comment serves as background information pertaining to coordination between the project sponsor and EBMUD regarding engineering and installation of water service infrastructure. The comment also describes EBMUD requirements if water facilities are planned in contaminated soil or groundwater. No such contamination is known under or near the project site (see DEIR Sections 4.7.12, 4.8.12). The comment does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
	<p>The project sponsor should be aware that EBMUD will not inspect, install or maintain pipeline in contaminated soil or groundwater (if groundwater is present, at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste or that may pose a health and safety risk to construction or maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install piping in areas where groundwater contaminations exceed specified limits for discharge to sanitary sewer systems or sewage treatment plants. Project sponsors for EBMUD services requiring excavation in contaminated areas must submit copies of existing information regarding soil and groundwater quality within or adjacent to the project boundary.</p>	
	<p>In addition, the project sponsor must provide a legally sufficient, complete and specific written remedial plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of all identified contaminated soil and/or groundwater. EBMUD will not design the installation of pipelines until such time as soil and groundwater quality data and remediation plans are received and reviewed and will not install pipelines until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists or the information supplied by the project sponsor is insufficient, EBMUD may require the project sponsor to perform sampling and analysis to characterize the soil being excavated and groundwater that may be encountered during excavation or perform such sampling and analysis itself at the project sponsor's expense.</p>	
	<p><b>WATER RECYCLING</b>                      EBMUD's Policy 9.05 requires that customers use non-potable water, including recycled water, for non-domestic purposes when it is of adequate quality and quantity, available at reasonable cost, not detrimental to public health and not injurious to plants, fish and wildlife to offset demand on EBMUD's limited potable water supply.</p>	
	<p>The project's boundary is in the vicinity of a recycled water pipeline serving Alameda's Marina and Tony Lema Golf Courses. The size and nature of the proposed development present several opportunities for the use of recycled water for landscape irrigation, commercial and industrial process uses, toilet</p>	



**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
	<p>and urinal flushing in public facilities, and other applications. The current recycled water in the area is limited to secondary treated supply produced by the San Leandro Water Pollution Control Plant. State and health regulations do not allow the use of secondary treated water for some of these applications; however, the existing San Leandro Recycled Water Project could potentially expand uses in the future should the treatment level be upgraded to a tertiary level. If recycled water will be available as determined by EBMUD, the applicant will be responsible for extension of recycled water pipelines to the proposed development and within the development. EBMUD recommends that the City and their developers coordinate and consult with EBMUD as various projects are planned and implemented within the proposed development.</p>	
A02-03	<p><b>WATER CONSERVATION</b> The proposed project presents an opportunity to incorporate water conservation measures. EBMUD requests that the City include in its conditions of approval a requirement that the project sponsor comply with Assembly Bill 325, "Model Water Efficient Landscape Ordinance," (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.</p>	<p>This comment states that the project presents an opportunity to incorporate water conservation measures and requests that the City include in its conditions of approval such measures.</p> <p>As noted on Draft EIR page 4.8-6, the City adopted a Bay-Friendly Landscape Ordinance in accordance with the State Updated Model Water Efficient Landscape Ordinance. Also, as stated on page 4.8-34 in Chapter 4.8, Hydrology and Water Quality, of the Draft EIR, the project would comply with water use efficiency measures mandated by the Water Conservation Act of 2009. Further, page 4.14-10 in Chapter 4.14, Utilities and Service Systems, of the Draft EIR identifies applicable water use efficiency regulations, including the Water Conservation Act of 2009, CAL Green Building Ordinance, City of San Leandro's Landscaping Ordinance, and the 2010 California Plumbing Code requiring water conserving fixtures. Through compliance with these regulatory requirements, the project will incorporate a wide variety of water conservation measures.</p>
A02-04	<p>If you have any questions concerning this response, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning at (510) 287-1365.</p> <p>Sincerely, William R. Kirkpatrick Manager of Water Distribution Planning</p>	<p>This comment serves as a closing to the comments provided and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.</p>
<b>A03</b>	<b>SF Bay Regional Water Quality Control Board</b>	
A03-01	<p>Dear Ms. Chin: San Francisco Bay Regional Water Quality Control Board (Water Board) staff has reviewed the San Leandro Shoreline <i>Development Project Draft</i></p>	<p>This comment serves as an introduction to the comments that follow and restates the commenters understanding of the project and does not present specific information regarding the content of the Draft EIR; therefore, no further response is</p>

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
	<p><i>Environmental Impact Report</i> (DEIR). The DEIR assesses potential impacts associated with implementing a public/private partnership between the City of San Leandro and Cal Coast Companies LLC to redevelop a 52-acre area of land (owned by the City) and a 23-acre area of water (owned by the City), which encompasses the San Leandro Marina and surrounding properties, with residential, commercial, and public recreational uses (Project). Implementation of the Project would involve the removal of many of the structures on the site, including the existing El Torito restaurant building, the Mulford Branch Library building, and the San Leandro Yacht Club building. Project implementation may also include removing the harbor masters office, fuel pump/dock, and the 462 existing boat slips in the harbor basin. Additionally, five of the tees/holes on the nine-hole Marina Golf Course would need to be reconfigured in order to accommodate the housing that is proposed to be built on the grounds of the course. The existing Marina Inn building and the Horatio’s restaurant building on the site would remain a part of the Project area.</p> <p>New features on the site as a result of the Project would include an approximately 150,000-square-foot office campus, a new 200-room hotel, an approximately 15,000 square-foot conference center, 354 housing units, 3 new restaurants totaling approximately 21,000 square feet, and a new parking structure. Public amenities associated with the Project may include a new 2,500-square-foot community library/community meeting space, an aquatic center/dock, bocce ball courts, outdoor recreational areas, picnic areas, a perched beach, pedestrian piers, two miles of public promenade, a natural shoreline element along the interior of the harbor basin, a pedestrian/bicycle bridge, a boardwalk/lookout pier, several small finger piers, and refurbishment of existing public restrooms on site. The Project also includes the construction of a small boat launch, a kayak storage building, and an aeration fountain in the harbor basin to aide in water circulation. Water Board staff have the following comments on the DEIR.</p>	<p>required.</p>
A03-02	<p>Comment 1. Chapter 4.3, Biological Resources, Regulatory Setting, State Regulations, in the DEIR does not Discuss Water Board Authority under the State of California’s Porter- Cologne Act</p> <p>This section of the DEIR lacks a discussion of the Water Board’s authority under the State of California’s Porter-Cologne Water Quality Control Act</p>	<p>The commenter is correct that the Regional Water Quality Control Board (RWQCB) also has regulatory authority over wetlands and waters under the State Porter-Cologne Water Quality Control Act relevant to biological issues.</p> <p>As noted in the comment, biological resources are among the Beneficial Uses protected by water quality standards in the Basin Plan.</p>

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
	<p>(California Water Code, Division 7). Under the discussion of Federal Regulations, the DEIR notes that impacts to wetlands and other waters of the U.S. are subject to the jurisdiction of the Army Corps of Engineers (Corps) and that federal permits must be certified by the Water Board. However, the discussion of Water Board jurisdiction is limited to the certifications of Corps permits that are issued by the Water Board pursuant to Section 401 of the Clean Water Act. The DEIR should be revised to include the Water Board’s independent jurisdiction over wetlands and other waters, including wetlands and waters that may not be subject to Corps jurisdiction (e.g., the drainage channel and pond at the golf course on the Project site), under the State of California’s Porter-Cologne Water Quality Control Act. The discussion of Hydrology and Water Quality in Chapter 4.8 of the DEIR does discuss the Porter-Cologne Act, but the Porter-Cologne Act is also relevant to biological resources.</p> <p>The Water Board has regulatory authority over wetlands and waterways under both the federal Clean Water Act (CWA) and the State of California’s Porter-Cologne Water Quality Control Act. Under the CWA, the Water Board has regulatory authority over actions in waters of the United States, through the issuance of water quality certifications (Certifications) under Section 401 of the CWA, which are issued in conjunction with permits issued by the Corps, under Section 404 of the CWA. When the Water Board issues Section 401 Certifications, it simultaneously issues general Waste Discharge Requirements for the project, under the Porter-Cologne Water Quality Control Act. Activities in areas that are outside of the jurisdiction of the Corps (e.g., isolated wetlands, vernal pools, seasonal streams, intermittent streams, channels that lack a nexus to navigable waters, or stream banks above the ordinary high water mark) are regulated by the Water Board, under the authority of the Porter-Cologne Water Quality Control Act. Activities that lie outside of Corps jurisdiction may require the issuance of either individual or general waste discharge requirements (WDRs).</p> <p>Under the authority of the Porter-Cologne Water Quality Act, the Water Board has developed, and implements, the San Francisco Bay Basin Water Quality Control Plan (Basin Plan), which defines the Beneficial Uses of waters of the State within the San Francisco Bay Region. The water bodies that may be impacted by the Project include, or are tributaries to, the San Francisco</p>	<p>The text of the Draft EIR under the discussion of State Regulations beginning on page 4.3-2 of the Biological Resources section of the Draft EIR is hereby revised as follows:</p> <p>State laws regulating biological resources include the California Endangered Species Act, the California Fish and Game Code, <u>the Porter-Cologne Water Quality Control Act</u>, and the California Native Plant Protection Act, each of which is described below.</p> <p><u>Porter-Cologne Water Quality Control Act</u>  <u>In addition to jurisdiction under the CWA, the RWQCB also has regulatory authority over wetlands and waterways of the State under the Porter-Cologne Water Quality Control Act. When the RWQCB issues Section 401 Certifications, it simultaneously issues general Waste Discharge Requirements for the project, under the Porter-Cologne Water Quality Control Act. For activities affecting State jurisdictional waters not regulated under the CWA, the RWQCB may require the issuance of either individual or general waste discharge requirements (WDRs). Under the authority of the Porter-Cologne Water Quality Act, the RWQCB has developed and implements the San Francisco Bay Basin Water Quality Control Plan (Basin Plan). The Basin Plan defines beneficial uses of waters of the State within the San Francisco Bay Region. Any permit action taken by the RWQCB must be consistent with maintaining beneficial uses of waters of the State.</u></p> <p>As further detailed in Response to Comment A03-03 below, the Project is not expected to affect any beneficial uses, including rare and endangered species and wildlife habitat, in waters of the State. The pond and channel are not likely to be waters of the State, and in any case, contain no rare or endangered species or habitat.</p>

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
	<p>Bay South Bay Basin, which has been assigned the following existing Beneficial Uses in the Basin Plan: industrial supply, commercial and sport fishing, shellfish harvesting, estuarine habitat, fish migration, preservation of rare and endangered species, fish spawning, wildlife habitat, water contact recreation, non-contact water recreation, and navigation. Any permit action taken by the Water Board must be consistent with maintaining Beneficial Uses of waters of the State. The Basin Plan also assigns palustrine wetlands, which may be present at the golf course pond and channel, the potential beneficial uses of agricultural supply, cold freshwater habitat, freshwater recharge, groundwater recharge, navigation, water contact recreation, noncontact water recreation, fish spawning, warm freshwater habitat, wildlife habitat and preservation of rare and endangered species. Any of these beneficial uses that are actually present at the Project site may need to be protected at the golf course pond and channel, if they are determined to be waters of the State.</p>	
A03-03	<p>Comment 2. Chapter 4.3.3, Biological Resources, the Impact Discussion should include a discussion of impacts to Beneficial Uses of Waters of the State</p> <p>This section of the DEIR analyzes potential Project-specific and cumulative impacts to biological resources. Impact BIO-1 states:</p> <p>BIO-1 The Project would have a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations by the California Department of Fish and Wildlife, or U.S. Fish and Wildlife Service.</p> <p>Construction activities associated with Project implementation could affect a number of special-status species known or suspected from the Project site, including the winter roost colony of monarch butterflies, special-status fish species that could be present in the open water habitat of San Francisco Bay, and possibly the nests of birds when in active use which are protected under State and federal regulations. Due to the extent of past and ongoing development, no other special-status species are suspected to occur on the Project site with the possible exception of occasional fly-overs by bird species dispersing along the shoreline of the bay in search of suitable habitat. The</p>	<p>See response to Comment A03-02, which adds information on the Regional Water Quality Control Board (RWQCB) jurisdiction under the Porter-Cologne Act to the Regulatory Framework portion of the Biological Resources section of the Draft EIR. To the extent that Beneficial Uses in the Basin Plan include rare and endangered species and habitat, these resources have been identified and analyzed in the Biological Resources section of the Draft EIR. A detailed discussion of the likelihood of occurrence and the adverse effects of the project on special-status species and Section 404 jurisdictional waters is provided under impacts BIO-1 and BIO-3 in the Biological Resources section of the Draft EIR, respectively. As to the potential for non-federal waters regulated under the Porter-Cologne Act by the RWQCB, no rare or endangered species or sensitive habitats are believed to occur within the limits of State waters that would be affected by the project. As described on page 4.3-5, emergent vegetation is largely absent around the man-made ponds on the golf course, which are carefully managed to minimize interruption to golf play. The northern, larger pond is lined and receives reclaimed wastewater from the City's treatment plant for use in irrigating the golf course turf. The smaller, southern pond is unlined and receives irrigation and stormwater runoff in the winter rainy season. No special-status species, sensitive natural communities or other sensitive biological resources that may be protected under the Basin Plan are suspected to be associated with these two ponds, or the nearby drainage channel, which may be regulated waters of the State. In the instance that nesting birds may be present around one or more of these features, Mitigation Measure BIO-1C already ensures that any nests in active use are avoided until any young have fledged, in conformance with the federal</p>

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
	<p>following provides a summary of potential impacts on special-status species known or suspected from the Project site.</p> <p>Since waters at the Project site have been assigned the Beneficial Uses of preservation of rare and endangered species and wildlife habitat, the DEIR should have included the Porter-Cologne Act in the discussion of Biological Resources.</p>	<p>Migratory Bird Treaty Act and State Fish and Game code. As concluded on page 4.3-11 of the Draft EIR, the two ponds were considered to most likely not be regulated by the Army Corps, RWQCB, and CDFW. However, acknowledgement that a final determination on whether they are considered regulated waters would have to be made by the regulatory agencies, as was intended in the discussion on page 4.3-11 of the Draft EIR.</p> <p>In response to the comment, the last sentence of the second paragraph under the discussion of wetlands and waters on page 4.3-11 has been revised to clarify the need to confirm the extent of regulated waters of the State as follows:</p> <p style="padding-left: 40px;">The Army Corps <u>and RWQCB</u> would have to make a determination on whether the drainage channel and on-site man-made onsite ponds are regulated waters of the U.S <u>and State, respectively.</u></p> <p>Additionally, the first bullet under Mitigation Measure BIO-3 on page 4.3-19 of the Draft EIR has been revised as follows to acknowledge the RWQCB jurisdiction of State waters and need for authorization if regulated waters are adversely affected by the project:</p> <ul style="list-style-type: none"> <li>■ Where verified waters of the U.S. <u>and/or State</u> are present and cannot be avoided, authorization for modifications to these features shall be obtained from regulatory agencies with jurisdiction. This includes the Army Corps through the Section 404 permitting process where waters of the United States are affected by the Project and the RWQCB as part of the Section 401 Certification process, <u>and waters of the State regulated by the RWQCB under the Porter-Cologne Water Quality Act. Together with</u> <u>This also includes a Streambed Alteration Agreement (SAA) secured from CDFW, if required as part of the SAA Notification process for proposed fills to the man-made drainage and possibly the pond on the golf course. All conditions required as part of the authorizations by the Army Corps, RWQCB, and CDFW shall be implemented as part of the project.</u></li> </ul>
A03-04	<p>Comment 3. Chapter 4.3.3, Biological Resources, the Impact Discussion does not include a sufficiently detailed analysis of impacts to tidally influenced Waters of the State</p> <p>As is noted in the discussion of Impact BIO-1:</p>	<p>The comment states that there is insufficient detail about the proposed improvements to areas of tidally influenced open waters and therefore the environmental consequences cannot be assessed.</p> <p>The City agrees that the final design of the proposed improvements has not been</p>

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
	<p>The Project would include improvements to areas of tidally influenced open water, and could have direct and indirect effects on a number of special-status fish species, such as Central California Coastal steelhead, green sturgeon, Delta smelt, Sacramento splittail, Central Valley spring-run Chinook salmon, and longfin smelt, if present in the area during the time of construction. Project-related improvements that could affect open water habitat of the bay include modifications to the existing riprap shoreline, removal of the existing pilings, docks and piers in the existing marina, creation of enhanced natural shoreline along the interior of the existing marina, installation of new piers, docks and pedestrian bridge over the mouth of the entrance to the existing marina, and installation of an aeration fountain to improve water quality in the existing marina basin. Construction could result in disturbance to aquatic habitat of the bay, requiring drilling and excavation for pier/dock installation and shoreline modifications, and suspending silts and other substrate within the construction zone. This could result in a temporary reduction in water quality, or inadvertent injury or loss of individual special-status fish species, if present within the construction zone.</p> <p>The new piers and docks would shade areas of open water, but the removal of the existing dock system in the marina basin would result in a substantial net reduction in shading of open water habitat as part of the Project. Details of the Aeration fountain are not available, but special status and other fish species could be routinely entrained in the pumping system if adequate screening at the intake locations is not provided and maintained. Appropriate construction avoidance measures would be necessary to prevent possible loss of one or more of these species, and appropriate authorizations may be required from NOAA Fisheries, USFWS, and/or CDFW where "take" of special-status fish species may occur as a result of the in-water activities of the Project. This would be considered a <i>significant</i> impact.</p>	<p>determined. However, there is sufficient detail in the Draft EIR on the extent and nature of the intended improvements that potential construction impacts and related mitigations can be identified. As noted in Impact BIO-1, the potential for harm would result from inadequate control of construction activities; it is not necessary to know every final design detail in order to identify protective construction controls. Accordingly, Mitigation Measure BIO-1B identifies a suite of mitigations to impose construction controls and restrictions. These mitigations address the wide range of potential impacts and are not dependent on the particulars of final design.</p> <p>As appropriate under CEQA, the Draft EIR analysis is based on the available level of detail. The document identifies that detail and provides a conservative analysis of potential related impacts and responsive mitigations. It is likely that the mitigations will, in many cases, guide the preparation of final design plans, in keeping with CEQA principles. The Draft EIR also reflects that the project will be subject to extensive review by resources agencies, including the commenter, CDFW and the Army Corps of Engineers (ACOE), among others. By the time applications are made to the agencies, additional project details will likely have been prepared, having the benefit of the Draft EIR to draw upon. Finally, the City notes that the project description and site plan were sent to the commenter with both of the Notices of Preparation. The commenter did not provide any comments on either Notice of Preparation (NOP) to indicate that more information would be needed for their review. As further reflected in the following responses, the Draft EIR adequately describes the proposed improvements for the purposes of identifying potential construction impacts and responsive mitigation measures.</p>
A03-05	<p>The DEIR acknowledges that several elements of the Project will impact tidally influenced waters of the State, but provides very little detail with respect to these impacts. Without the proposed footprints of each of these impacts or even preliminary designs for these impacts, the environmental consequences of these impacts cannot be assessed. For example, the DEIR states that the Project will include the creation of enhanced natural shorelines, but provides no designs for these enhancements or an indication of their extent. Therefore, on the basis of the information presented in the DEIR, Water</p>	<p>Impact BIO-1 identifies various proposed improvements, including creation of enhanced natural shoreline along the interior of the existing marina. This improvement is likely to consist of removal of rip-rap along the interior of the harbor as stated on page 3-10 of the Draft EIR. Irrespective of any design details, construction could result in disturbance to aquatic habitat of the bay, requiring drilling and excavation for pier/dock installation and shoreline modifications, and suspending silts and other substrate within the construction zone. This could result in a temporary reduction in water quality, or inadvertent injury or loss of individual</p>

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
	Board staff is not able to determine whether or not the proposed enhancements are likely to result in actual enhancements to waters of the State, the extent of such enhancements, or the extent of impacts to waters of the State that may be associated was the implementation of these proposed enhancements.	special-status fish species, if present within the construction zone. Accordingly, Mitigation Measure BIO-1B requires measures to control sedimentation, and to time construction for when sensitive species are least likely to be present.  Mitigation Measure BIO-3 requires that any proposed modifications to jurisdictional waters be reviewed and authorized by regulatory agencies, including the RWQCB, and that compensatory mitigation be provided to address any adverse effect to jurisdictional waters. The mitigation measure also requires construction fencing and an onsite monitor. The RWQCB would have an opportunity to review more detailed plans as part of the site plan/tentative map stage of City processing and will have the final improvement plans during the agency permitting process. As reflected in Impacts BIO-1 and -3 and related mitigation measures, the amount of detail is sufficient to identify potential construction impacts for shoreline enhancements and measures to avoid such impacts.
A03-06	The Project proposes to install an aeration fountain to improve water quality in the marina basin. The text acknowledges the potential for pump intakes to impact some forms of aquatic life through entrainment in the pump, but does not provide any data to support the need for an aeration fountain to improve water quality. This section of the DEIR also lacks a discussion of methods to mitigate potential impacts associated with the aeration fountain.	The aeration fountain is proposed to improve water quality in the marina basin through increased aeration and circulation (Draft EIR pages 3-10, 4.3-15, and 4.8-36). Circulation increases oxygen levels and prevents stratification in the water column by providing a mixing effect. Moving water reduces the development of algae blooms and improves oxygen levels for aquatic life. The potential for impacts from the aeration fountain are adequately described in the Draft EIR. Operational impacts would be the potential for entrainment (Impact BIO-1). There would also be construction impacts associated with installation of the aeration fountain and other in-water improvements, as discussed in BIO-1, BIO-3, and HYDRO-1. The Draft EIR with the clarifications provided above adequately describes the potential impacts and mitigations related to the aeration fountain. As an improvement proposed within regulated waters, the aeration fountain and other in-water facilities would be subject to further review and approval by the RWQCB and other jurisdictional agencies, as called for in Mitigation Measure BIO-3.
A03-07	The text suggests that the removal of existing docks may provide mitigation for the construction of new docks and bridges over waters at the Project site. However, the DEIR does not provide the relative timing between construction of new docks and bridges and the removal of existing dock structures. The Project description states that the City intends to maintain the existing marina as long as possible. Mitigation for impacts to waters of the State should be provided prior to the impacts or, at the very least, concurrently with impacts to waters of the State. Mitigation credit cannot be given for activities that are to be implemented at some unspecified future date.	As noted on page 4.3-15 of the Draft EIR, more docks will be removed than will be added, thereby reducing the amount of shade on open waters. However, removal of existing docks is an element of the project; it is not a mitigation measure.

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
A03-08	Project activities that may impact species in waters at the Project site may also require permits from the Water Board.	<p>This comment states that project activities may impact species in the waters at the project site and may require permits from the Water Board. This comment does not question the adequacy of the analysis in the Draft EIR.</p> <p>However, please refer to the response to Comment A03-02 for revisions to the Draft EIR that acknowledge the RWQCB jurisdiction and need for their authorization where regulated State waters would be affected.</p>
A03-9	<p>Comment 4. Chapter 4.3.3, Biological Resources, the Impact Discussion does not include a sufficiently detailed analysis of impacts to jurisdictional wetlands and lacks an assessment of alternatives that would avoid or minimize impacts to waters of the State.</p> <p>As is noted in the discussion of Impact BIO-3:</p> <p>BIO-3 The Project would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. Implementation of the Project would result in direct and indirect effects on jurisdictional wetlands and other waters. This includes disturbance to areas in open water and the shoreline of San Francisco Bay and upland areas in the golf course. Modification in areas within or adjacent to tidal influence includes removal of existing pilings and docks, demolition of the existing Harbor Master office, construction of new docks and launching piers, installation of the aeration fountain in the middle of the marina basin, and changes to the existing riprap shoreline to accommodate the proposed enhanced natural shoreline areas, perched beach and steps, and pedestrian bridge at the mouth of the existing marina basin. Details on the extent of dredging and fills in tidal areas and adjacent shoreline have not yet been refined as part of the project, but encompass most of the shoreline to the existing marina basin and several new piers and promenade treatments along the shoreline to the bay. Modifications below the Mean High Water would be regulated activities subject to authorization from the Army Corps and RWQCB. Fills in the golf course area include culverting of a portion of the drainage channel along the east side of Monarch Bay Drive and eliminating the southern pond. An estimated 600 linear feet of the existing man-made drainage ditch in the golf course area (see Figure 4.3-3) would also be filled to</p>	<p>The Biological Resources section of the Draft EIR does in fact summarize the potential direct and indirect effects of the project on regulated waters, as discussed under impacts BIO-1 and BIO-3, and concludes that the project would have significant adverse effects requiring mitigation.</p> <p>As appropriate under CEQA, the Draft EIR analysis is based on the available level of detail. The document identifies that detail and provides a conservative analysis of potential related impacts and responsive mitigations. It is likely that the mitigations will, in many cases, guide the preparation of final design plans, in keeping with CEQA principles. The Draft EIR also reflects that the project will be subject to extensive review by resources agencies, including the commenter, California Department of Fish and Wildlife (CDFW) and the Army Corps of Engineers (ACOE), among others. By the time applications are made to the agencies, additional project details will likely have been prepared, having the benefit of the Draft EIR to draw upon.</p>



**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
	<p>accommodate the North Golf Course Residential area, affecting an estimated 0.11 acre of cattail dominated freshwater marsh. Although it is a man-made drainage ditch, based on the presence of wetland vegetation and hydrologic connection to the bay, it appears this feature may be considered jurisdictional wetlands by the Army Corps and/or CDFW. The southern pond would also be filled to accommodate the South Golf Course Residential area. However, this pond is a man-made waterbody that contains no prominent wetlands and appears to be hydrologically isolated, and may therefore not be jurisdictional water regulated by the Army Corps, RWQCB and/or CDFW.</p>	
	<p>Modifications to regulated waters would require appropriate authorizations from State and federal regulatory agencies, including the Army Corps and RWQCB under Section 404 and 401 of the Clean Water Act, and possibly CDFW under the Streambed Alteration Agreement program. Further review would be provided by these regulatory agencies when a permit application was formally submitted for authorization of activities within jurisdictional limits. If regulated wetland habitat is affected, possibly including the linear drainage channel on the east side of Monarch Bay Drive, a compensatory mitigation program will likely be required as part of the regulatory agency authorizations. A program to monitor and maintain any created habitat provided as mitigation would be a requirement of the regulatory agency authorizations, ensuring adequate compensatory mitigation and successful establishment of any replacement marshland and adjunct upland vegetation. As discussed in Section 4.8, Hydrology and Water Quality, best management practices (BMPs) would be utilized to prevent any construction-generated sediments or pollutants from entering the surrounding wetlands and open water habitat, although no stormwater pollution program has been prepared for the Project. Overall, if the waters described above are determined to be regulated waters and not exempt as man-made features, this would be considered a significant impact. Impact BIO-3: Proposed development would result in fills and modifications to jurisdictional waters, which would require appropriate controls, compensatory mitigation, and regulatory authorizations.</p>	
	<p>As the text of the DEIR acknowledges, “[D]etails on the extent of dredging and fills in tidal areas and adjacent shoreline have not yet been refined as part of the project, but encompass most of the shoreline to the existing marina basin</p>	

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
A03-10	<p>and several new piers and promenade treatments along the shoreline to the bay.” The extent of these impacts should have been quantified prior to the circulation of the DEIR; without this information, it is not possible for the resource agencies, or other stakeholders, to assess the extent of the Project’s proposed impacts to waters of the State.</p> <p>The DEIR states that the project will attempt to create enhanced natural shoreline areas and a perched beach. However, designs, dimension, and locations of these features are not included in the DEIR. Therefore, Water Board staff is not able to assess the extent to which the proposed natural shoreline areas or perched beach will enhance beneficial uses of waters of the State or the likelihood that the proposed features will persist over time at the Project site. Improperly designed enhancements may fail over time or compromise habitat values if they are not carefully designed and constructed by qualified design and construction teams. The DEIR should be revised to include the missing details about these features and recirculated for review.</p>	<p>The concern of the commenter over the importance of properly designed and constructed enhanced natural shoreline areas is noted.</p> <p>As shown in the Project Description in Figure 3-3 of the Draft EIR, the enhanced shoreline is proposed in the southeast and southwest areas of the Marina basin; the perched beach is shown at the northwest inside corner of the Marina. Irrespective of the final design of these improvements, their location and operation along the Marina basin have the potential for operational and construction impacts on biological and hydrology resources. Those impacts are not dependent on final design and have been adequately identified in the Draft EIR.</p> <p>Further, adopted mitigations will be incorporated into City and other agency approvals. The applicant will likely need to provide additional design detail to show compliance with applicable regulatory standards for review and approval of permits by the commenter and other resource agencies. However, the Draft EIR is based on existing project information which is adequate to identify project impacts and mitigation measures on biological and related hydrological resources.</p>
A03-11	<p>The DEIR also acknowledges that the jurisdictional status of the 600 linear feet of channel, which may also meet the Corps’ three-parameter test for a wetland, that are to be filled and the jurisdictional status of the golf course pond that is to be filled have not been determined at this time. Without this information, it is not possible to assess the Project’s full impacts to waters of the State. An EIR should present both the Project’s impacts and mitigation measures in sufficient detail for stakeholders to assess the likelihood that the mitigation measures will be adequate to mitigate Project impacts to less than significant levels. Therefore, the discussion of impacts and mitigation in the DEIR is inadequate.</p>	<p>The concerns of the commenter over the need to present both impacts and mitigation measures in sufficient detail for stakeholders to determine their adequacy is noted.</p> <p>Please refer to the response to Comment A03-02 for modifications to the Draft EIR to include recognition of the regulatory authority of the RWQCB, including revisions to Mitigation Measure BIO-3. The Draft EIR specifically addresses the drainage channel, as well as the golf course ponds. Consistent with CEQA principles to analyze the worst case, the Draft EIR discusses the potential for these features to be found jurisdictional, in which case the proposed modifications would be a significant impact and subject to Mitigation Measure BIO-3 compensatory and other identified mitigation measures. The Mitigation Measure BIO-3 revisions also clarify mitigation requirements if the channel or ponds are not jurisdictional but would be regulated as waters of the State. As revised, the Draft EIR provides an adequate analysis of potential impacts on jurisdictional waters, as well as waters of the State, to allow for</p>

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**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
A03-12	<p>The Project team should also not assume that the Water Board will allow the culverting of 600 linear feet of the channel and the filling of the pond. When the Water Board receives an application for Certification and/or WDRs, staff reviews the project to verify that the project proponent has taken all feasible measures to avoid impacts to waters of the State (these impacts usually consist of the placement of fill in waters of the State). Where impacts to waters of the State cannot be avoided, projects are required to minimize impacts to waters of the State to the maximum extent practicable (i.e., the footprint of the project in waters of the State is reduced as much as possible). Compensatory mitigation is then required for those impacts to waters of the State that cannot be avoided or minimized. Avoidance and minimization of impacts is a prerequisite to developing an acceptable project and identifying appropriate compensatory mitigation for an approved project’s impacts. Avoidance and minimization cannot be used as compensatory mitigation. After avoidance and minimization of direct impacts to waters of the State have been maximized for the proposed project, the necessary type and quantity of compensatory mitigation for the remaining impacts to waters of the State are assessed on a case-by-case basis.</p>	<p>a conclusion of significant impacts under CEQA and need for mitigation to address those adverse effects.</p> <p>Also, please refer to the response to Comment A03-05, the general nature of proposed modifications is discussed under impact BIO-1 and BIO-3 of the Draft EIR to a sufficient degree that potentially significant impacts have been identified and mitigation recommended. Mitigation Measure BIO-3, as revised, does in fact provide sufficient standards that allow for a determination on adequacy, including a requirement that any compensatory mitigation be provided at a minimum 2:1 ratio where wetland habitat is affected, that disturbance to unvegetated waters be minimized, and that any modifications shall be reviewed and approved by regulatory agencies.</p> <p>The EIR makes no assumptions about whether culverting will be approved. The DEIR analyzed modifying the drainage channel because it is proposed by the project. As noted in CEQA section 21002.1(a), the purpose of an EIR is to identify potential impacts, mitigations and alternatives to a project. The process used by the RWQCB in evaluating an application for proposed modifications to jurisdictional waters is noted. The Project applicant would have to satisfy the RWQCB and other regulatory agencies that the refined project plans have avoided jurisdictional waters to the “maximum extent practicable”, and that appropriate compensatory mitigation has been provided under the Wetland Protection and Replacement Program called for in Mitigation Measure BIO-3. Mitigation Measure BIO-3 calls for confirming the extent of regulated waters, requires the applicant to secure authorizations from regulatory agencies for proposed modifications to jurisdictional waters, and defines minimum performance standards where avoidance is infeasible. Modifications recommended above in response to these comments would ensure that appropriate authorizations are obtained for modifications to both federal and State jurisdictional waters, where required.</p>
A03-13	<p>Under both the Clean Water Act and the San Francisco Bay Basin Water Quality Control Plan (Basin Plan), projects are required to demonstrate avoidance of impacts to waters of the U.S. and waters of the State, in conformance with U.S. Environmental Protection Agency’s CWA 404(b)(1) Guidelines (Guidelines). The Guidelines provide guidance in evaluating the circumstances under which the filling of wetlands or other waters may be permitted. Projects must first exhaust all opportunities, to the maximum</p>	<p>Refer to the response to Comment A03-12.</p>

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
A03-14	<p>extent practicable, to avoid, and then to minimize impacts to jurisdictional waters. For non-water dependent projects (e.g., housing), the Guidelines presume that alternatives that do not impact wetlands or other jurisdictional waters are available. Only after all options for avoidance and minimization of impacts have been exhausted, is it appropriate to develop mitigation for adverse impacts to waters of the U.S. and waters of the State. The Project proposes to fill 600 linear feet of a channel and a pond for nonwater dependent Project elements (i.e., housing). Review consistent with the Guidelines may not support the issuance of Certification and/or WDRs for the proposed fill of jurisdictional waters at the Project site.</p> <p>Comment 5. Chapter 4.3.3, Biological Resources, Mitigation Measure BIO-3 lacks sufficient detail for CEQA review.                      Mitigation Measure BIO-3 contains the following text:</p> <p>Mitigation Measure BIO-3: Provide Compensatory Mitigation for Wetland Modifications. A compensatory mitigation program shall be developed and implemented to provide adequate mitigation for jurisdictional waters affected by proposed improvements. A jurisdictional wetland delineation shall be prepared by a qualified wetland specialist and submitted for verification by the Army Corps. A Wetland Protection and Replacement Program (WPRP) shall be prepared by the qualified wetland specialist and implemented to provide compensatory mitigation at a minimum 2:1 ratio where wetland habitat is affected, shall minimize disturbance to unvegetated waters, and shall be reviewed and approved by regulatory agencies. The WPRP shall include appropriate implementation measures to prevent inadvertent loss and degradation of jurisdictional waters to be protected, and replacement for those wetland features eliminated or modified as a result of development.</p> <p>Significance After Mitigation: Less than significant.</p> <p>As is discussed in the prior comment, the DEIR lacks sufficient detail to support the assertion that Project impacts to waters of the State can be mitigated to less than significant levels.</p> <p>Even if the Corps and the Water Board were to issue permits for the proposed culverting of 600 linear feet of channel and a pond, the DEIR does not propose mitigation for the proposed fill, beyond stating that the Project would comply with regulatory permits. At this point in project review, specific mitigation proposals should have been developed for review in the DEIR. The Project team should develop specific mitigation proposals and include them</p>	<p>This comment provides background information from the Draft EIR and states that Mitigation Measure BIO-3 lacks sufficient detail to support the assertion that potential impacts on jurisdictional waters can be mitigated to a less-than-significant level. However, the comment incorrectly characterizes Mitigation Measure BIO-3. The measure requires the project to provide compensatory mitigation at a minimum 2:1 ratio as well as specific performance standards such as construction fencing, a biological monitor, and long term mitigation monitoring and management, among other things. Contrary to the comment, the mitigation does not simply rely on the project complying with regulatory permits. The location and logistics of implementing the compensation resources may be developed or reviewed as part of the permitting process, but the mitigation is the compensatory resources, not the permitting process. Please refer to the responses to Comments A03-11 and A03-12.</p>

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**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
	<p>in a recirculated DEIR. Mitigation for impacts to waters of the State should preferably be “in-kind” mitigation and on site. In other words, fill of freshwater wetlands should be mitigated by the creation or restoration of freshwater wetlands and fill of channels should be mitigated by the creation or restoration of a channel. The amount of required mitigation increases for out-of-kind mitigation and for greater distances between the impact site and the mitigation site.</p>	
A03-15	<p>In addition to providing wetland habitat, the channel provides treatment of contaminants associated with urban runoff via filtering of runoff in the channel’s vegetation and through biological processes that occur in both shallow water and the root zone of the earthen channel banks. Any proposed mitigation for culverting the channel should compensate for lost channel habitat and the lost treatment capabilities of the channel.</p>	<p>The importance of addressing the treatment functions and habitat values provided by the drainage channel to be filled as part of the project is noted and is the reason for including related discussion in DEIR Impact BIO-3. These and other functions and values would be addressed as part of the review and approval process by the RWQCB and other regulatory agencies, as called for in Mitigation Measure BIO-3.</p>
A03-16	<p>Since the current DEIR does not include an actual mitigation proposal, a revised DEIR should be circulated with a proposed channel mitigation feature, so that stakeholders have an opportunity to evaluate the adequacy of the proposed mitigation.</p>	<p>The commenter states that the Draft EIR should be recirculated with a proposed channel mitigation feature.</p> <p>As reflected in Impact Discussion BIO-3 and revised Mitigation Measure BIO-3, modification of the drainage channel may result in loss of jurisdictional waters and/or waters of the US or State. The Draft EIR appropriately identifies compensatory replacement of the lost or impaired resource as mitigation. CEQA does not require that all the details of the compensation resource be identified in the Draft EIR. Those details will be developed through preparation of the Wetland Protection and Replacement Program, which in turn will be further refined and implemented through the resources agencies permitting. As revised, Mitigation Measure BIO-3 adequately identifies mitigation to reduce the impacts from modification of the drainage channel to less than significant. No recirculation is required.</p>
A03-17	<p>The DEIR also does not provide designs for the proposed enhanced natural shoreline or perched beach. Without this information, it is not possible to assess the extent of any impacts associated with these features or whether or not such features would provide any mitigation for the Project’s impacts. Before the EIR is adopted for the Project, this section of the DEIR should be revised to provide sufficient detail for adequate CEQA review.</p>	<p>The commenter states that the Draft EIR should be revised with a design of the proposed enhanced natural shoreline or perched beach, to assess whether they provide mitigation for project impacts. The City notes that the enhanced natural shoreline and perched beach are amenities proposed by the project, they are not mitigation measures. As elements of the project, the Draft EIR appropriately identifies potential impacts of installing these amenities, e.g., potential disturbance of special status fish species, sedimentation during construction. As noted in responses to Comments A03-05 and A03-10, the shoreline enhancements and the perched beach would be waterside improvements along the Marina basin whose impacts and mitigations are not dependent on the final design. Instead, both impacts and mitigation are a function of constructing the improvements. The Draft EIR</p>

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**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
A03-18	<p>Proposed mitigation measures should be presented in sufficient detail for readers of the CEQA document to evaluate the likelihood that the proposed remedy will actually reduce impacts to a less than significant level. CEQA requires that mitigation measures for each significant environmental effect be adequate, timely, and resolved by the lead agency. In an adequate CEQA document, mitigation measures must be feasible and fully enforceable through permit conditions, agreements, or other legally binding instruments (CEQA Guidelines Section 15126.4) Mitigation measures to be identified at some future time are not acceptable. It has been determined by court ruling that such mitigation measures would be improperly exempted from the process of public and governmental scrutiny which is required under the California Environmental Quality Act. Therefore, the DEIR should be recirculated with more detailed mitigation proposals for the Project’s impacts to waters of the State.</p>	<p>contains adequate detail on the proposed improvements, and adequately defines related impacts and mitigation measures in Chapter 4.3 related to biological resources and Chapter 4.8 related to hydrology. No revision is required.</p> <p>The City agrees with the commenter’s description of CEQA requirements for adequate mitigation measures and it relied on those same principles in preparing the Draft EIR. For example, potential impacts to Monarch butterfly habitat would be mitigated by controlling tree removal and pruning where the colony is located (Mitigation Measure BIO-1A); construction impacts to special status fish species would be mitigated by specified construction controls and restrictions (Mitigation Measure BIO-1B); loss of active bird nests would be mitigated by controls on construction during nesting season (Mitigation Measure BIO 1C); the loss of wetlands and waters of the US and State would be mitigated by compensatory replacement of these lost resources (Mitigation Measure BIO-3 as revised). For each impact, the Draft EIR identifies appropriate mitigation to reduce, avoid, or compensate for the impact (see CEQA Guidelines section 15370). It is also clear from the Draft EIR that disturbance of species and habitat such as wetlands and waters is highly regulated, and often requires extensive permitting processes from multiple agencies. Those processes often overlap CEQA purposes in their intent to avoid damage to sensitive resources and habitats; in such cases, the Draft EIR identifies the regulatory setting and describes how the permitting processes are relevant to implementation of the mitigation measures. This is not deferral of mitigation. Contrary to the commenter’s assertion, the Draft EIR provides analysis and mitigation based on the available level of detail, posing worst case conditions where appropriate. The Draft EIR adequately identifies and does not defer mitigation; no recirculation is required.</p>
A03-19	<p>Mitigation measures should include factors to account for temporal losses of habitat, the uncertainty of success associated with any mitigation project, and potential distances between the areas of impact and the mitigation sites. When mitigation is constructed offsite, the amount of mitigation should be increased to account for the distance between the impact site and the mitigation site. If fill occurs prior to full functioning of the new wetland, mitigation will be required for the temporal loss of habitat between the time that habitat is impacted and the time that the mitigation site has developed sufficiently to be fully functioning as habitat. Finally, the amount of proposed mitigation should account for the uncertainty associated with the successful creation of any wetland mitigation site. The location of mitigation sites should also be specified, because it is often difficult to find sufficient land with the appropriate topography and hydrology to support mitigation wetlands or channels.</p>	<p>The commenter describes factors influencing required mitigation for temporal and permanent wetland losses, need to increase required mitigation when proposed off-site, and the challenges with locating alternative mitigation lands. All of these factors would be considered by the applicant in preparing compensatory mitigation called for in Mitigation Measure BIO-3. The compensatory mitigation program must be reviewed and approved by the RWQCB. Refer to the response to Comment A03-16 regarding compensatory mitigation.</p>

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**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
A03-20	<p>Comment 6. Chapter 4.8, Hydrology and Water Quality, Ponds at the Site appear to be supported by local drainage.</p> <p>The discussion of stormwater runoff in Chapter 4.8 includes the following statements.</p> <p>There are two existing underground storm drain systems in the vicinity of the Marina Inn and Horatio’s Restaurant that drain into the pond at the Marina Golf Course. The system in the vicinity of Horatio’s Restaurant drains to the pond via an 18-inch storm drainpipe under Monarch Bay Drive, and the Marina Inn system drains to the pond via a 15-inch storm drainpipe under Monarch Bay Drive.</p> <p>Surface runoff from the Marina Golf Course drains into a pond located in the center of the golf course. The pond is used for irrigation of the golf course. The water in the pond is recharged by stormwater during wet months and supplemented by reclaimed water from the City’s Water Pollution Control Plant during dry months. Excess stormwater during large storms is pumped to another pond located at the south end of the Tony Lema Golf Course, located south of the Marina Golf Course.</p> <p>Any ponds that are filled during the wet season by gravity flow of stormwater runoff are considered to have a supporting watershed. Such ponds are likely to be regulated as waters of State.</p>	<p>The possibility of the ponds on the golf course being regulated waters of the State is noted and text has been added to the Golf Course discussion on page 4.8-15 of the Draft EIR, as follows:</p> <p><u>Surface runoff from the Marina Golf Course drains into a two ponds located in the center of within the golf course. The northern, larger pond is lined and receives water from the City’s treatment plant for use in irrigating the golf course turf used for irrigation of the golf course. The water in the smaller, southern pond is unlined and receives irrigation and stormwater runoff in the winter rainy season recharged by stormwater during wet months and supplemented by reclaimed water from the City’s Water Pollution Control Plant during dry months. Excess stormwater during large storms is pumped to another pond located at the south end of the Tony Lema Golf Course, located south of the Marina Golf Course. There also is a drainage channel along the western edge of the golf course that extends for a distance of about 1,000 feet. As discussed in further detail in the Biological Resources section of the EIR, a determination will be made by the Army Corps and RWQCB if the on-site ponds and drainage channel are regulated waters of the US and State.</u></p> <p>Also, see revised Mitigation Measure HYDRO-1B in the next response to the comment regarding waters of the State. Additional details are also included in the Biological Resources section of the EIR as revised in response to Comment A03-21. Revised Mitigation Measure BIO-3 and HYDRO-1B would apply to any waters determined to be waters of the State.</p>
A03-21	<p>Comment 7. Chapter 4.8, Hydrology and Water Quality, Mitigation Measure Hydro-1B should be revised to include impacts to waters of the State.</p> <p>The discussion of Mitigation Measure Hydro-1B includes the following statements.</p> <p>If it is determined that a small portion of the Project site west of Monarch Bay Drive and/or the drainage channel along the west side of the golf course are jurisdictional wetlands or regulated waters by the Army Corps, a Section 404 permit shall be obtained from the Army Corps and a Section 401 water quality certification shall be obtained from the RWQCB. The permit and certification shall specify methods for protecting water quality during construction activities, including BMPs to minimize turbidity, control floating debris, and provide spill containment and cleanup equipment.</p>	<p>The comment regarding the potential that the ponds on the golf course are regulated waters of the State is noted. Impact HYDRO-1 discloses that Project construction could adversely affect water quality. Mitigation Measure Hydro-1B has been modified as shown below. The construction controls in MM HYDRO 1-B have been further revised to address invasive species, in response to a public comment regarding water quality during construction. The below-referenced Wetland Area Protection Policy was adopted by the State Water Resources Control Board in 2008, and requires construction to avoid and minimize adverse impacts to the aquatic environment to the maximum extent practicable for activities that may result in the discharge of dredged or fill materials into water of the state, including wetlands. These techniques are designed to reduce the introduction of pollutants that adversely affect water quality during construction.</p>

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
	<p>Significance After Mitigation: Less than significant.</p> <p>As is discussed above in Comment 1, this mitigation measure should be revised to include impacts to waters of the State that are jurisdictional under the State’s Porter-Cologne Act, even though they may not be subject to federal jurisdiction under the Clean Water Act. As is discussed above in Comment 5, the DEIR should have included a specific mitigation proposal for impacts to waters of the State.</p>	<p>Text on page 4.8-31 of the Draft EIR revised as follows:</p> <p>Mitigation Measure HYDRO-1B: Minimize Potential for Fuel Releases <u>or Other Water Quality Degradation</u> During Waterside Demolition and Other Construction Activities. The following mitigation measures are designed to avoid potential releases of fuel constituents <u>and other pollutants</u> into the water column during demolition/construction activities:</p> <p>Text on page 4.8-32 of the Draft EIR revised as follows to add a new bullet and revise the last bullet:</p> <ul style="list-style-type: none"> <li>■ <u>In-water construction activities shall be controlled to prevent the introduction and spread of invasive species in and around the Project site. The latest procedures from aquatic invasive species prevention programs shall be used, such as hiring construction vessels from nearby areas or requiring hull cleaning from contractors prior to Project construction.</u></li> <li>■ If it is determined that a small portion of the Project site west of Monarch Bay Drive and/or the drainage channel along the west side of the golf course are jurisdictional wetlands or regulated waters by the Army Corps <u>or waters of the State that are jurisdictional under the State’s Porter-Cologne Act</u>, a Section 404 permit shall be obtained from the Army Corps and a Section 401 water quality certification shall be obtained from the RWQCB. The permit and certification shall specify methods for protecting water quality during construction activities, including BMPs to minimize turbidity, control floating debris, and provide spill containment and cleanup equipment. <u>For jurisdictional waters of the State, the project applicant shall comply with the Wetland Area Protection Policy and file a report with the San Francisco RWQCB, which could issue waste discharge requirements (WDRs) to regulate any discharge as necessary to protect the beneficial uses of the water.</u></li> </ul>
A03-22	<p>Comment 8. Chapter 4.8, Hydrology and Water Quality, Operational Impacts. The discussion of Operational Impacts includes the following statements. Water quality in stormwater runoff is regulated locally by the Alameda County Clean Water Program, which includes the C.3 provisions set by the San Francisco Bay RWQCB. Adherence to these regulations requires new development to incorporate treatment measures, an agreement to maintain them, and other appropriate source control and site design features that</p>	<p>This comment reiterates text that is included in the DEIR, first paragraph, page 4.8-35. As noted below in A03-23, the identification of media filtration devices is not appropriate for LID practices and has been deleted from the text on this page of the DEIR, as well as the reference to media filtration devices on page 3-12 of the DEIR in the Project Description.</p> <p>The commenter requests that more specific measures for complying with applicable</p>



**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
	<p>reduce pollutants in runoff. Many of the requirements consider Low Impact Development (LID) practices, such as the use of bioswales, infiltration trenches, media filtration devices, pervious surface treatments, and bioretention areas. In addition, the Project applicant is required by City ordinance to prepare a Stormwater Management Plan (SWMP) that includes the post-construction BMPs including site design measures, source control measures, and stormwater treatment measures that would be implemented. Neighborhood and lot-level BMPs to promote “green” treatment of storm runoff will be emphasized as voluntary measures, consistent with RWQCB guidance for NPDES Phase 2 permit compliance. BMPs would be designed in accordance with the California Stormwater BMP Handbook for New and Redevelopment or other accepted guidance manuals and all designs would be reviewed and approved by the City of San Leandro prior to the issuance of grading or building permits. BMPs appropriate to control runoff for the Project would include various LID measures as listed above. Since the Project area has a high water table, BMPs that do not rely on infiltration are most appropriate.</p> <p>The DEIR acknowledges the need to comply with the C.3 Provisions of the Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit (MRP) (Water Board Order No. R2-2009-0074; NPDES Permit No. CAS612008)). At this stage of Project development, specific measures for complying with the C.3 Provision of the MRP should be identified so that Water Board staff can evaluate their ability to satisfy the C.3 Provisions.</p>	<p>C.3 provisions be identified. This specificity is not required for CEQA purposes. It is sufficient for the Draft EIR to identify possible and effective techniques for controlling stormwater runoff. On page 4.8-35 of the DEIR, several examples are provided of potential LID measures that can be implemented, such as bioswales, infiltration trenches, etc.</p> <p>The following text has also been added to the first paragraph on page 4.8-33 of the DEIR to ensure that sufficient land is allocated for stormwater treatment measures:</p> <p style="padding-left: 40px;"><u>According to C.3 provisions, land area of up to 4 percent of the impervious area that drains to it could be required for the stormwater treatment facilities.</u> In addition, the Project applicant is required by City ordinance to prepare a Stormwater Management Plan (SWMP) that includes the post-construction BMPs including site design measures, source control measures, and stormwater treatment measures that would be implemented. Neighborhood and lot-level BMPs to promote “green” treatment of storm runoff will be emphasized as voluntary measures, consistent with RWQCB guidance for NPDES Phase 2 permit compliance.</p> <p>A large amount of open space will be retained on the golf course property and would be sufficient for stormwater treatment facilities. When final design plans are developed, they will choose from among the available techniques, which will then be reviewed through the specified regulatory permitting process. In this case, the City will review the resulting Stormwater Management Plan for compliance with the applicable ordinance. Post-construction water quality control measures, such as those described in the Draft EIR, would also be compiled in a project specific Operations and Maintenance Plan under applicable C.3 requirements for review by the City.</p>
A03-23	<p>The DEIR only provides a list of best management practices (BMPs) that may be used at the Project site to comply with the requirements of the MRP (Note: The use of media filtration devices is not usually considered consistent with LID practices.). The DEIR should be revised to include a discussion of the actual post-construction stormwater BMPs that will be used to comply with the treatment requirements in Provision C.3 of the MRP. The revised discussion of compliance with the MRP in the DEIR should include sufficient design detail to evaluate whether or not the Project has set aside sufficient land area for appropriately sized treatment measures to adequately mitigate</p>	<p>It is appropriate under CEQA for the Draft EIR to provide examples of measures that will effectively comply with stormwater control regulations. See response to Comment A03-22 above. The final design plans submitted for permitting will identify which specific controls are proposed for implementation. Also, the potential for using media filtration devices has been deleted from the text, in the first paragraph on page 4.8-33 of the Draft EIR, as per the RWQCB's comment that the use of mechanical separators or media filters is discouraged.</p> <p>The text on page 4.8-33 is revised as follows:</p>

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
	<p>pollutant-related impacts to waters of the state. Stormwater BMPs should consist of landscape-based treatment devices, such as vegetated swales, detention basins, or bio-retention cells. In general, the use of mechanical separators or media filters is discouraged, because these devices require much more rigorous oversight and maintenance than landscape-based treatment devices. Since the Project site will be almost completely redeveloped, it should be possible to avoid the use of media filtration devices in the development of stormwater quality treatment measures for the operational phase of the project.</p>	<p>Many of the requirements consider Low Impact Development (LID) practices, such as the use of bioswales, infiltration trenches, <del>media filtration devices</del>, pervious surface treatments, and bioretention areas.</p> <p>The text on page 3-12 of the Draft EIR under the heading Stormwater has been revised as follows:</p> <p>Compliance with Provision C.3 could include, but not limited to, incorporation of Low Impact Development practices, such as the use of bioswales, infiltration trenches, <del>media filtration devices</del>, pervious surface treatments, and bioretention areas.</p>
A03-24	<p>Effective implementation of LID principles requires that opportunities for stormwater quality treatment are identified early in the design process. Many treatment best management practices (BMPs) require that a land area on the order of two to four percent of the surface area of impervious surfaces at a project site be dedicated to treatment BMPs. At this stage of Project development and review, proposed LID stormwater BMPs should have been identified and incorporated into site plans. Since landscape-based stormwater treatment measures require that some of the site surface area be set aside for their construction, the proper sizing and placement of these features should be evaluated early in the design process to facilitate incorporation of the features into the site landscaping. This information should be included in the CEQA document, so that compliance with the MRP can be evaluated during the public review stage. Proposed mitigation measures should be presented in sufficient detail for readers of the CEQA document to evaluate the likelihood that the proposed remedy will actually reduce impacts to a less than significant level.</p>	<p>The City agrees that stormwater control features should be identified early in the design process, for the reasons stated in the comment. For this reason, the Draft EIR is based on a conceptual site plan, as shown in Figure 3-3 in the Draft EIR. Once the CEQA process is complete, adopted mitigation measures will be implemented through final design plans. See response to Comment A03-22 above for additional details. Based on the commenter's observations regarding adequate land area for landscape-based treatment measures, the potential for land area up to 4 percent of the impervious surface for the design of stormwater treatment facilities has been added to the text of the EIR, as shown in response to Comment A03-22.</p>
A03-25	<p>Comment 9. Chapter 4.8, Hydrology and Water Quality, Impact Hydro-3 does not acknowledge the potential significance of culverting 600 linear feet of a channel.</p> <p>The discussion of Impact Hydro-3 includes the following statements.</p> <p>HYDRO-3 The Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the amount of surface runoff in a</p>	<p>Culverting the drainage channel would not substantially alter the existing drainage pattern of the site or area. The channel is not being moved to a different location such that existing drainage to the channel would be re-routed or relocated. The existing drainage would simply go into the culvert rather than a channel. Even if it were considered an alteration, it would not substantially increase erosion or siltation on- or off-site. Construction activity related to culverting the drainage channel would be subject to all the same standard erosion and sediment control measures identified in Impact HYDRO-3. For the reasons stated in HYDRO-3, culverting the drainage channel would result in less than significant erosion or siltation impacts</p>

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
	<p>manner which would result in substantial erosion or siltation on- or offsite.</p> <p>The proposed Project does not involve the alteration of any watercourse, stream, or river. However, construction activities for the Project would involve demolition of existing structures and removal of the 462-slip harbor, grading, excavation, and the construction of buildings, sidewalks, driveways, and parking lots, which could increase the potential for erosion and/or siltation. As previously discussed under HYDRO-1, standard erosion and sediment control measures are required and would be implemented as part of the SWPPP for the proposed Project to minimize the risk during construction.</p> <p>The SWPPP must include an erosion control plan that prescribes measures such as phasing of grading, limiting areas of disturbance, designation of restricted-entry zones, diversion of runoff away from disturbed areas, protective measures for sensitive areas, outlet protection, and provisions for re-vegetation or mulching. The erosion control plan would also include treatment measures to trap sediment once it has been mobilized, including inlet protection, straw bale barriers, straw mulching, straw wattles, silt fencing, check dams, terracing, and siltation or sediment ponds. In addition, Chapter 7-12 of the San Leandro Municipal Code requires project applicants to prepare erosion control and sedimentation control plans for submittal to the City Engineer prior to the start of project construction. With implementation of these measures during construction, there would not be a substantial increase in surface runoff resulting in significant erosion or siltation and the impact would be <i>less than significant</i>.</p> <p>The culverting of 600 linear feet of a channel is likely to be considered a significant alteration of a water course.</p>	
A03-26	<p>Comment 10. The DEIR Should be Revised and Recirculated.</p> <p>In its present form the DEIR lacks an adequate discussion of impacts and proposed mitigation measures to support the issuance of Section 401 Water Quality Certification or WDRs for the proposed Project. Since impacts and mitigation measures are not presented in any detail, the DEIR should be revised and re-circulated. Re-circulation is necessary to allow for review and comment on the impacts and proposed mitigation. The following areas require further evaluation in the revised DEIR.</p>	<p>This and the following comments restate and summarize prior comments and assert that the Draft EIR should be revised and recirculated for public review. The City has responded to all prior comments and has proposed revisions to the Draft EIR as appropriate. In the course of preparing the responses, the City carefully considered whether they constituted new information requiring recirculation under CEQA Guidelines section 15088.5, and determined that they did not; thus, recirculation is not required. The City also disagrees with the assertion that there is a lack of adequate discussion regarding impacts and mitigation regarding issuance of a Section 401 permit or WDRs. Pursuant to CEQA and the CEQA Guidelines, the Draft EIR and responses to comments describe proposed project activities and how they could</p>

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
A03-27	More detail is required with respect to proposed modifications to the shoreline at the Project site (e.g., enhanced natural shoreline, perched beach, and aeration fountain). Design details for shoreline modifications and mitigation proposals for any associated impacts to waters of the State should be provided.	affect biological and hydrological resources. As detailed in the above responses, the Draft EIR also identifies mitigation measures that are directly responsive to the impacts. The EIR impacts and mitigations will be incorporated into the project as site and improvement plans are refined. The plans will be further refined in accordance with federal, state and local regulatory requirements as described in the EIR. Applications submitted for the Section 401 certification or WDRs will contain much more information than the EIR, and at a greater level of detail as specified in the relevant application requirements. It is premature to assess whether there will be adequate information for issuance of the referenced permits since that information will extend far beyond the EIR. CEQA simply does not require the level of detail the commenter is requesting and the Draft EIR need not be revised or recirculated to provide it.  This comment repeats prior comments regarding shoreline enhancements, the perched beach, and the aeration fountain. Please see responses to Comments A03-17 regarding shoreline enhancements, and A03-06, regarding the aeration fountain.
A03-28	A mitigation proposal should be prepared for impacts to the channel at the golf course that provides adequate mitigation in terms of linear feet and provides mitigation for the lost runoff treatment capacity that will result from fill of the drainage channel.	This comment repeats prior comments regarding potential impacts from filling the drainage channel. See responses to Comments A03-11, and A03-15.
A03-29	The Project proponent should confirm the State jurisdictional status of the golf course pond. If the pond is a water of the State, a mitigation proposal should be prepared for impacts to the golf course pond.	This comment repeats prior comments regarding potential impacts from filling the drainage channel. See responses to Comment A03-11, A03-12, A03-16, A03-20, and A03-21 regarding the pond's jurisdictional status.
A03-30	The current DEIR does not include proposed mitigation measures for public and governmental review, as is required by CEQA. Without this information, stakeholders are not able to assess whether or not the Project can provide mitigation measures that are likely to reduce Project impacts to waters of the State to a less than significant level. Therefore, the DEIR may not support the issuance of Water Board permits to fill of waters of the State.	This comment states that the Draft EIR does not include proposed mitigation measures as required by CEQA. The City disagrees. As stated on page 1-1 of the Draft EIR and documented through these responses, the Draft EIR was prepared pursuant to the requirements of CEQA and the State CEQA Guidelines. To the extent that significant impacts were found based on reasoned and substantiated evidence, as well as technical experts, mitigation measures were identified appropriately. In each chapter where a potentially significant is identified, a mitigation measure is identified to lessen that particular impact, and then states whether or not that impact would be reduced to a less than significant level or would remain significant and unavoidable. The impacts and related mitigation measures were based on the available level of detail, including the Conceptual Site Plan in Figure 3-3. CEQA does not require that an EIR be based on final design plans. Nor does it require the EIR to provide all details of how the mitigation measures will be implemented. The comment appears to suggest

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**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
A03-31	<p>Since an EIR should provide both proposed impacts and proposed mitigation measures for public and governmental review, the DEIR should be revised to include a detailed mitigation proposal for public review. The revised DEIR should be re-circulated. Re-circulation is necessary to allow for public and governmental review and comment on the impacts and proposed mitigation. Provision of this information in a Final EIR is inappropriate, since this information would not have been subject to public and governmental review before the Final EIR was adopted.</p>	<p>that the EIR is akin to a permit application and must include all information necessary to issue the Water Board permits. However, an EIR is not a permit application and projects are often revised or refined based on the EIR before regulatory permits are sought. Contrary to the assertions in the comment, the Draft EIR and these responses to comments provide extensive and specific information on what the project impacts are likely to be and how those impacts can be reduced or avoided. CEQA does not require the additional information requested and no further analysis is required.</p> <p>This comment states that the Draft EIR should be revised to provide proposed impacts and mitigation measures. The comment further implies that any new information must be recirculated for public review. That is not the law. CEQA Guidelines section 15088.5 recognizes that new information will frequently be generated in the course of preparing written responses to comments on a Draft EIR. Only "significant" new information as specified in the guidelines triggers recirculation; new information that clarifies, or amplifies, or makes insignificant modifications does not trigger recirculation. As noted in the responses to comments, the City as lead agency carefully reviewed the responses and determined that they were not new information requiring recirculation. Instead, the responses provide clarification and amplification but do not trigger recirculation. It is also not the law that an EIR must contain all necessary detail for the resources agencies to issue their permits. An EIR is not a permit application. The level of detail in the Draft EIR and responses to comments is adequate for the public and decision makers to understand the project's potential impacts and how those impacts will be mitigated.</p>
A03-32	<p>Please contact me at (510) 622-5680 or <a href="mailto:brian.wines@waterboards.ca.gov">brian.wines@waterboards.ca.gov</a> if you have any questions. All future correspondence regarding this Project should reference the CIWQS Place ID Number indicated at the top of this letter.</p> <p>Sincerely, Brian Wines Brian Wines Water Resources Control Engineer Watershed Division cc: <a href="mailto:state.clearinghouse@opr.ca.gov">State Clearinghouse (state.clearinghouse@opr.ca.gov)</a></p>	<p>This comment serves as a closing to the comments that were submitted and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.</p>
<b>A04 California State Lands Commission</b>		
A04-01	<p>Dear Ms. Chin: The California State Lands Commission (CSLC) staff has reviewed the subject Draft EIR for the San Leandro Shoreline Development Project (Project), which is being prepared by the City of San Leandro (City). The City, as a public</p>	<p>This comment serves as an introduction to the comments that follow and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.</p>

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TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
A04-02	<p>agency proposing to carry out a project, is the lead agency under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The CSLC is a trustee agency for projects that could directly or indirectly affect sovereign lands and their accompanying Public Trust resources or uses. Additionally, if the Project involves work on sovereign lands, the CSLC will act as a responsible agency.</p> <p><u>CSLC Jurisdiction and Public Trust Lands</u></p> <p>The CSLC has jurisdiction and management authority over all ungranted tidelands, submerged lands, and the beds of navigable lakes and waterways. The CSLC also has certain residual and review authority for tidelands and submerged lands legislatively granted in trust to local jurisdictions (Pub. Resources Code, §§ 6301, 6306). All tidelands and submerged lands, granted or ungranted, as well as navigable lakes and waterways, are subject to the protections of the Common Law Public Trust.</p> <p>As general background, the State of California acquired sovereign ownership of all tidelands and submerged lands and beds of navigable lakes and waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all people of the State for statewide Public Trust purposes, which include but are not limited to waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. On tidal waterways, the State's sovereign fee ownership extends landward to the mean high tide line, except for areas of fill or artificial accretion or where the boundary has been fixed by agreement or a court. Such boundaries may not be readily apparent from present day site inspections.</p> <p>The San Leandro Marina Harbor Basin site is located within various unfilled, partially filled, and filled and sold Board of Tideland Commissioners (BTLC) lots and a portion of Mulford Canal (identified as Assessor's Parcel Number 80G-0900-004-01). At this location, Mulford Canal was originally surveyed as Tideland Survey 99 but was sold under a BTLC private sale to Thomas W. Mulford on December 27, 1871. Pursuant to the court's holding in <u>City of Berkeley v. Superior Court</u> (1980) 26 Cal. 3d 515, any BTLC lands which remained submerged or subject to tidal action as of February 22, 1980, are subject to a Public Trust easement retained by the State. Under current practice, CSLC authorization is not required for use of lands underlying the State's Public Trust easement.</p> <p>The uplands at this location are located within lands the State acquired and</p>	<p>This comment serves as background information regarding the California State Lands Commission's jurisdiction and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.</p>

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**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
	<p>patented as Swamp and Overflow Lands Survey 140, 208, and 222 and Rancho San Leandro. Ranchos were confirmed into private ownership, including Rancho San Leandro that was patented by the Federal government on July 15, 1863. The State is precluded from asserting that it acquired sovereign title interests by virtue of its admission to the United States in 1850 pursuant to the holdings in <u>Summa Corporation v. California</u> (1984) 466 U.S. 198.</p> <p>The San Leandro Marina Harbor Basin is located adjacent to lands originally granted to the City of San Leandro pursuant to Chapter 685, Statutes of 1959. However, the grant reverted to the State on August 21, 1975, and is currently leased to the City of San Leandro. Please see the enclosed map that depicts the lease area. The Project does not appear to extend into the current lease area. Upon review, it appears that no lease is required for this Project, because the Project is located outside of the CSLC's leasing jurisdiction.</p> <p>This determination is without prejudice to any future assertion of State ownership or public rights should circumstances change or should additional information come to our attention. In addition, this letter is not intended, nor should it be construed as, a waiver or limitation of any right, title, or interest of the State of California in any lands under its jurisdiction.</p>	
A04-03	<p><u>Project Description</u> The City and Cal Coast Companies LLC have formed a public-private partnership to plan and implement this Project. The City and Cal Coast Companies propose to create an integrated master planned development on 52 acres of City-owned shoreline and 23 acres of water to meet the agency's objectives and needs as follows:</p> <ul style="list-style-type: none"> <li>• Build and economically viable and vibrant mixed-use development, which provides needed amenities and services to residents of the City; and</li> <li>• Create a regional destination for dining, lodging, entertainment, and recreation.</li> </ul> <p>From the Project Description, CSLC staff understands that the Project would include the following components:</p> <ul style="list-style-type: none"> <li>• <u>Housing, Offices, Hotel</u>. Upland components of the Project include construction of an office campus, a hotel, a conference center and 354 housing units. In addition, three restaurants, a parking structure and a community library would be built.</li> <li>• <u>Outdoor Recreation</u>. Recreational areas, picnic areas, and a pedestrian promenade would also be constructed on the upland.</li> </ul>	<p>This comment serves as background information and states California State Lands Commission's understanding of the project and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.</p>

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
	<ul style="list-style-type: none"> <li>• Removal of Existing Aquatic Structures. To construct the Project, wood and concrete docks and associated piers would be removed, riprap along the interior of the harbor and the harbor master's office, fuel pump/dock and an underground storage tank would also be removed.</li> <li>• <u>Aquatic Improvements.</u> A perched beach, dock, small boat launch, pedestrian and bicycle bridge, aeration fountain and several pedestrian piers would be constructed to improve the harbor basin and ensure access for non-motorized watercraft.</li> </ul>	
A04-04	The Draft EIR identifies the No Project Alternative as the Environmentally Superior Alternative. Since the Environmentally Superior Alternative is the No Project Alternative, the EIR identified the next Environmentally Superior Alternative to be the Reduced Density/Intensity Alternative, in accordance with State CEQA Guidelines section 15126.6, subdivision (e)(2).	This comment serves as background information and states California State Lands Commission's understanding of the Draft EIR's identification of the environmentally superior alternative in accordance with CEQA. The comment does not question the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
A04-05	<u>Environmental Review</u> CSLC staff submitted comments on the Project's Notice of Preparation (NOP) on August 8, 2013 (enclosed). While many of the comments and suggestions in that letter appear to have been addressed, the EIR does not discuss two specific comments related to (1) hydroacoustic effects on fish, and (2) invasive species. CSLC staff, therefore, submits the following comments in its capacity as a trustee agency pursuant to State CEQA Guidelines section 15386, and requests that the City consider the following comments on the Project's EIR.	This comment serves as an introduction to the comments that follow related to the hydroacoustic effects on fish and invasive species; see responses to Comments A04-06 and A04-07.
A04-06	1. <u>Noise and the Marine Environment:</u> Demolition of the existing piers and marina infrastructure, and construction of the new piers, docks, bridge, and aeration fountain may produce noise and vibration, which could impact marine species. The EIR discusses pile driving while constructing building foundations and analyzes its impacts to human receptors in the "Noise" section. In addition to this analysis, the EIR should disclose whether pile driving is planned for the construction of piers, docks, the bridge, and other marine structures. The EIR should evaluate noise and vibration impacts on marine species, and should determine whether the existing work window and other measures in MM BIO-1b will reduce impacts from underwater noise to a less than significant level. If impacts are not less than significant, consider additional mitigation, such as the use of bubble curtains, to reduce noise impacts to marine species.	As noted on page 4.3-15 of the Draft EIR, the proposed approach to construction for piers, docks, bridge and other marine structures would require drilling and excavation, and could include pile driving, vibrational and other methods. As further noted, this construction could affect not only water quality, but could also cause inadvertent loss or injury of special status fish species. A discussion of possible direct and indirect effects is provided under the discussion of Special-Status Fish Species in impact BIO-1 on pages 4.3-14 and 4.3-15 of the Draft EIR. This text is clarified in the first full sentence on page 4.3-15 of the Draft EIR as follows to specify that noise and vibration is among those potential construction effects:  Construction could result in disturbance to aquatic habitat of the bay, requiring drilling and excavation for pier/dock installation and shoreline modifications, and suspending silts and other substrate within the construction zone, <u>as well as noise and vibration.</u>
	Noise and vibration may create barotrauma effects to fish and other aquatic	As recommended by the commenter, Mitigation Measure BIO-1B calls for



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Number	Comment	Response
	<p>species if the underwater sound pressure levels (SPL) caused by construction and/or demolition activities exceed known injury thresholds. The EIR should analyze the potential for Project-related activities to disturb, injure, or kill sensitive fish, including eggs and larvae, or other aquatic organisms. CSLC staff recommends consultation with the California Department of Fish and Wildlife, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service to minimize the impacts of the Project on delta smelt, Sacramento splittail, Central Valley spring-run chinook salmon, longfin smelt, and other sensitive species. It is not clear whether the City consulted with these agencies with regard to this potential impact; CSLC staff also recommends that a history of consultation with these agencies be added to the EIR.</p>	<p>consultation and securing all necessary authorizations from the CDFW, NOAA Fisheries, and USFWS as required by federal and State law for potential harm to special-status fish species. This mitigation measure also identifies examples of physical and timing controls during construction in minimizing possible disturbance or injury to species. The use of bubble curtains to reduce noise impacts to marine species will be added to the examples in the first bullet on page 4.3-15 of the Draft EIR, as follows:</p> <ul style="list-style-type: none"> <li>■ Adequate measures shall be taken to minimize disturbance and sedimentation in aquatic habitat of the bay, which may include installation of silt curtains, <u>and bubble curtains</u>, around in-water construction zones, restrictions on in-water operations to low tide periods, and timing restrictions for in-water construction, among other possible controls and restrictions.</li> </ul>
A04-07	<p><u>Water Quality</u> 2. <u>Invasive Species</u>: The Project will require the use of in-water construction equipment and vessels to remove the existing marina infrastructure, riprap, fuel dock and to install the bridge, boardwalk/pier, boat launch, and aeration fountain. The use of in-water construction equipment and vessels has the potential to introduce or spread invasive species to the Project area through fouling on vessel hulls and construction equipment. Although the EIR acknowledges that South San Francisco Bay is listed as impaired for invasive species under the Clean Water Act, the EIR does not consider the potential for the Project to spread or introduce invasive species. The EIR should consider a range of options to slow the introduction of marine invasive species into the Project area, including hiring construction vessels from nearby, or requiring hull cleaning from contractors prior to Project construction. Please consider current and proposed aquatic invasive species prevention programs in the area as models for invasive species prevention during the Project.</p>	<p>The added information in the impact and mitigation statements further clarifies the construction impacts in Impact BIO-1 and does not constitute significant new information requiring recirculation of the Draft EIR. The City also notes that as details of the proposed project are refined, formal consultation with CDFW, NOAA Fisheries, and USFWS will be initiated, as called for under Mitigation Measure BIO-1B.</p> <p>The commenter raises concerns over the possible spread or introduction of invasive species as a result of in-water construction, which could further degrade habitat for special-status fish species and other aquatic life. In response to the comment, the potential construction effects in Impact BIO-1B are clarified to include the spread or introduction of invasive species in the second full sentence on page 4.3-15 of the Draft EIR, as follows:</p> <p style="padding-left: 40px;">This could result in a temporary reduction in water quality, <u>including the spread or introduction of invasive species</u>, or inadvertent injury or loss of individual special-status species, if present within the construction zone.</p> <p>Mitigation Measure BIO-1B on page 4.3-15 of the Draft EIR is likewise amended to add a new bullet as follows:</p> <ul style="list-style-type: none"> <li>■ <u>In-water construction activities shall be controlled to prevent the introduction and spread of invasive species in and around the Project site. These controls include but are not limited to hiring construction vessels from nearby areas or requiring hull cleaning from contractors prior to Project construction.</u></li> </ul>

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TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
A04-08	<p>Thank you for the opportunity to comment on the EIR for the Project. As trustee agency, we request that you consider our comments prior to the certification of the EIR.</p> <p>Please refer questions concerning environmental review to Holly Wyer, Environmental Scientist, at (916) 574-2399 or via e-mail at <a href="mailto:Holly.Wyer@slc.ca.gov">Holly.Wyer@slc.ca.gov</a>. For questions concerning CSLC leasing jurisdiction, please contact Nicholas Lavoie, Public Land Manager, at (916) 574-0452, or via e-mail at <a href="mailto:Nicholas.Lavoie@slc.ca.gov">Nicholas.Lavoie@slc.ca.gov</a>.</p> <p>Sincerely, Cy R. Oggins, Chief Division of Environmental Planning and Management Enclosures cc: Office of Planning and Research H. Wyer, CSLC N. Lavoie, CSLC S. Scheiber, CSLC</p>	<p>The revised text can also be seen in Chapter 3 of the Final EIR.</p> <p>This comment serves as a closing to the comments that were submitted and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.</p>
A05	Caltrans	
A05-01	<p>Dear Ms. Barros:</p> <p>San Leandro Shoreline Development Project - Draft Environmental Impact Report</p> <p>Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. We have reviewed the Draft Environmental Impact Report (DEIR) and have the following comments to offer.</p>	<p>This comment serves as an introduction to the comments that follow and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.</p>
A05-02	<p><i>Lead Agency</i></p> <p>As the lead agency, the City of San Leandro (City) is responsible for all project mitigation, including any needed improvements to State highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. This information should also be presented in the Mitigation Monitoring and Reporting Plan (MMRP) of the environmental document, a draft of which should be included in the DEIR. Please send the draft MMRP for our review before finalizing the Final Environmental Impact Report. Further comments may be provided prior to the February 6, 2015</p>	<p>This comment states that the City is responsible for all mitigation and that this information should be presented in the MMRP, which should have been included in the Draft EIR. To clarify the CEQA process, the City as lead agency is responsible for CEQA compliance, including preparation of the Draft EIR, and identifying project impacts and mitigation measures. Responsibility for implementing the mitigations would rest primarily with the applicant, but could include others, as stated in the mitigation measures themselves. While mitigation measures are required to be in the Draft EIR, the MMRP is not. Furthermore, given that mitigation measures and /or analyses can sometimes change based on comments received during the public review period, the MMRP is typically provided during the Final EIR and will be</p>

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Number	Comment	Response
	public review period deadline for the DEIR.	released to the public at that time for review. The MMRP will show the mitigation measure, as well as which department of the City is responsible for monitoring its progress.
A05-03	<p><i>Project Impacts / Interstate 880 Mitigation</i></p> <p>1. Caltrans does not agree with the assertion that mitigation to I-880 northbound segments north of Davis Street (MM TRAF-2A) or I-880 southbound at Marina Boulevard intersection ramp improvements (MM TRAF-7B, TRAF-7I) are infeasible due to cost and the fact that Caltrans ROW is beyond the City's control. Given the project's high trip generation, fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for mitigation at I-880. The City should work with Caltrans to develop a co-operative agreement to fund these future improvements. The I-880 Southbound HOV Project from Hegenberger Road to south of Marina Boulevard and the Davis Street (SR 112) lane widening from Warden Avenue-Timothy Drive to the I-880 interchange are planned improvements (see the Cumulative Impact Discussion of the DEIR).</p>	<p>The comment disagrees with the assertion that the mitigations to I-880 NB north of Davis Street (Mitigation Measure TRAF-2A) or I-880 southbound at Marina Boulevard intersection ramp improvements (Mitigation Measure TRAF-7B.1, TRAF-7B.2, and TRAF-7I) are infeasible due to cost and the fact that Caltrans ROW is beyond the City's control and is requesting additional discussion of potential mitigations. In the course of follow-up discussions on this comment, Caltrans also indicated its concern about pedestrian safety with the proposed mitigation.</p> <p>The DEIR concluded that the identified mitigation measures would not reduce impacts to less than significant due to uncertainty over their implementation and funding. Additional implementation actions for each of the mitigations (1) Mitigation Measure TRAF-2A and (2) Mitigation Measure TRAF-7B.1, , and TRAF-7I have been revised below, as requested, to include coordination with Caltrans to develop co-operative agreements to fund these improvements and calculate the project's fair share contribution to the cost of the improvements.</p> <p>Mitigation Measure TRAF-2A in the DEIR proposes to widen I-880 with an additional lane in the northbound direction, or alternatively develop a TDM plan to reduce single occupancy vehicles.</p> <p>Since a northbound I-880 HOV lane has been proposed in the Alameda CTC Transportation Plan as a Tier 1 project (i.e. fully-funded and ready for shorter term implementation) and is included in the recently passed Measure BB that will mitigate this impact to less than significant, the Project will contribute its fair share. The City and the Applicant shall work with Caltrans to reach concurrence on the project's fair share contribution. Since the timing of these actions is uncertain, the finding for the impacts remains significant and unavoidable.</p> <p>Mitigation Measure TRAF-7B.1 proposes to modify the traffic signal phasing to mitigate the impact at the I-880 southbound ramp intersection at Marina Boulevard. Related Mitigation Measure TRAF-7I discusses the modification in the Cumulative 2035 scenario. However the DEIR analysis did not account for the pedestrian phase required for the southbound on-ramp crossing under all scenarios, therefore, the analysis was modified to include the additional pedestrian signal phase in both the no project and plus project conditions. This modified analysis is documented in a</p>

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TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
		<p>technical memo from Kittelson &amp; Associates dated April 16, 2015 that has been included in Appendix K of this Final EIR. The modified analysis did not result in changes to the impact levels of significance.</p> <p>The following revisions have been made to the Draft EIR, and can also be seen in Chapter 3 Revisions in the Final EIR:</p> <p>First bullet under Mitigation Measure TRAF-2A on page 4.13-41 of the Draft EIR:</p> <ul style="list-style-type: none"> <li>■ <u>Widen I-880 to provide an additional travel lane in the northbound direction. The Project shall coordinate with Caltrans to develop a co-operative agreement to fund this improvement and determine the fair share contribution. The Project was found to contribute 0.9 percent of the total traffic volume during the AM peak hour in the Near Term 2020 Plus Project scenario and 8 percent of the total growth between existing and Near Term 2020 + Project conditions; or</u></li> </ul> <p>First bullet under the heading Significance After Mitigation on page 4.13-41 of the Draft EIR:</p> <ul style="list-style-type: none"> <li>■ <u>Widening I-880 is not considered to be feasible due to cost and freeway right of way constraints as a result of being within Caltrans right of way and would be beyond the control of the City. Widening I-880 would require the City and Caltrans to reach concurrence to implement the northbound I-880 widening mitigation measure north of Davis Street before the impact can be considered less than significant. Therefore, this impact remains significant and unavoidable since concurrence cannot be guaranteed; and</u></li> </ul> <p>Mitigation Measure TRAF-7B.1 on page 4.13-52 of the Draft EIR:</p> <p>Mitigation Measure TRAF-7B.1: <u>The Project shall coordinate with Caltrans to develop a co-operative agreement to fund modifications to alter</u> <del>Modify</del> the traffic signal to a <del>two</del> <u>three</u>-phase operation to provide non-conflicting:</p> <p>Added a third bullet under Mitigation Measure TRAF-7B.1 on page 4.13-52 of the Draft EIR:</p>

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**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
		<ul style="list-style-type: none"> <li data-bbox="1115 337 1900 423">■ <u>Pedestrian phase across the I-880 southbound on-ramp. This phase can be run concurrently with the southbound off-ramp right turn or the westbound through movement.</u></li> </ul> <p data-bbox="1079 464 1864 516">Revised text in the Significance After Mitigation paragraph on page 4.13-52 of the Draft EIR:</p> <p data-bbox="1115 557 1900 813"><b>Significance After Mitigation:</b> Significant and unavoidable. Implementation of these mitigation measures would improve the operations at the intersection of I-880 southbound ramps and Marina Boulevard to LOS C in the AM and Saturday peak hours and to LOS D in the PM peak hour, thereby reducing the Project impacts to a less-than-significant level. However, because this ramp intersection is under Caltrans' jurisdiction <u>and the cooperative agreement has not been implemented, the impact remains</u>, the implementation of timing and phasing Mitigation Measures are not under the City's jurisdiction. Therefore, this impact <del>would remain</del> significant and unavoidable.</p> <p data-bbox="1079 834 1780 855">Impact and Mitigation Measure TRAF-7I on page 4.13-62 of the Draft EIR:</p> <p data-bbox="1115 896 1900 1101">Impact TRAF-7I: The proposed project would cause the operations at the intersection of I-880 southbound ramps and Marina Boulevard (#14) <del>to reduce from LOS D to LOS E in the AM peak hour, adding to the existing substandard operations</del> to further reduce the level of service <del>from LOS E to LOS F in the PM and Saturday peak hours and cause</del> <u>causing the</u> volume-to-capacity (v/c) ratios to increase by <del>0.10</del> <u>0.06</u> during both periods, which is higher than the 0.05 allowed by the City.</p> <p data-bbox="1115 1141 1900 1349">Mitigation Measure TRAF-7I: <u>The Project shall coordinate with Caltrans to develop a co-operative agreement to fund modifications to alter</u> By modifying the signal to a <del>two</del> <u>three</u>-phase operation, <u>with the addition of an exclusive pedestrian phase across the southbound on-ramp during the third phase,</u> + Implementation of revised Mitigation Measure TRAF-7B.1 (described above) would improve the operations to LOS <u>C</u> in the <del>AM and Saturday peak hours,</del> and to LOS D in the PM peak hour.</p> <p data-bbox="1079 1390 1864 1411">Under Section 5.3 on page 5-2 of the Draft EIR, the following revisions have been</p>

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TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
A05-04	2. Additional mitigation when traditional geometric or engineering improvements are not available is recommended:	<p>made to impacts TRAF-2A, TRAF-7B, and TRAF-7I, and are also shown in Chapter 3 of the Final EIR:</p> <p>TRAF-2A. <i>Significant.</i> Although Mitigation Measures TRAF-2 would mitigate the impacts related to the reduction of level of service to an acceptable level on the I-880 northbound segment north of Davis Street, the mitigation measures <del>are not considered feasible due to cost and right-of-way constraints associated with widening I-880 would require the City and Caltrans to reach concurrence to implement the mitigation measure before the impact can be considered less than significant.</del> Further, the effectiveness of a shuttle service in reducing the number of Project trips cannot be adequately quantified. As such, this impact would remain <i>significant and unavoidable</i>.</p> <p>TRAF-7B. <i>Significant.</i> Additional traffic associated with the Project would cause I-880 southbound ramps and Marina Boulevard (#14) to reduce to LOS E during both the weekday AM and Saturday peak hours under Near-Term Cumulative Conditions. While Mitigation Measures TRAF-7B.1 and TRAF-7B.2 would improve level of service at this intersection, this ramp is under Caltrans jurisdiction <u>and the cooperative agreement has not been implemented;</u> therefore, <u>implementation and timing of these mitigation measures would not be within the City's jurisdiction and</u> the impact would remain <i>significant and unavoidable</i>.</p> <p>TRAF-7I. <i>Significant.</i> The Project would cause the operations at the intersection of I-880 southbound ramps and Marina Boulevard (#14) to reduce to LOS D to LOS E in the AM peak hour; and would reduce the level of service from LOS E to LOS F in the weekday PM and Saturday peak hours and cause the V/C ratios to increase by 0.10 during both periods, which is higher than the 0.05 allowed by the City. While Mitigation Measure TRAF-7I would lessen impacts, this ramp intersection is under Caltrans jurisdiction and <u>the cooperative agreement has not been implemented; the implementation and timing of this mitigation measure is not under the City control.</u> As such, this impact would remain <i>significant and unavoidable</i>.</p>
		The comment is recommending alternative mitigation measures where traditional measures are not available. As reflected in the DEIR, traditional geometric or

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**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
	<ul style="list-style-type: none"> <li>• Phasing project construction to coincide with available funding for needed improvements to nearby I-880 ramp and mainline freeway operations.</li> <li>• Reducing the scope and/or size of the project.</li> <li>• Modifying the project to maximize mixed-use and high density uses.</li> </ul>	<p>engineering improvements are available and have been proposed by the Project and/or as mitigation measures. Impacts such as TRAF 2A, 7B and 7I remain significant and unavoidable primarily because their implementation cannot be guaranteed or quantified sufficiently for a less than significant conclusion. The City nevertheless reviewed each of the commentor’s suggestions.</p>
		<p>1) Current construction is already underway at I-880/ Marina Boulevard ramps (TRAF-7B and 7I) and overcrossing and southbound HOV lane improvements and will be completed by spring of 2016 [] prior to anticipated construction of the Shoreline Project. Therefore phasing project construction is not needed for these improvements. However, timing of improvements to the northbound I-880 freeway mainline to reduce impact TRAF 2A to less than significant is uncertain at this time. Normally a project contributes its fair share with each phase of the project for improvements related to project mitigations, however at this time there is no schedule for when construction will commence for the northbound I-880 freeway mainline widening and furthermore there is no established mitigation program to which the applicant can contribute impact fees for improvements to northbound I-880. MM TRAF2A has been revised to require the project to coordinate with Caltrans to develop a funding plan that would identify the project’s fair share. Until there is a mitigation program for the project to contribute towards, however, the payment of fair share would not be feasible mitigation. While mitigations were identified for TRAF-2A, the impact would remain significant and unavoidable</p> <p>2) DEIR Chapter 6 considered reasonable alternatives to the Proposed Project including a No-Project, and a reduced density Alternative, both of which would reduce the scope and/or size compared to the project. Other alternatives were reviewed but were considered infeasible, including an Off-Site Alternative and a Hotel Removal Alternative. 3) The Project already includes elements of mixed use to maximize internal trip making, but higher density in this location was not considered feasible or desirable. This is because the project is in an area primarily consisting of existing single-family neighborhoods; there is limited retail and other supporting uses and limited public transportation. By contrast, the City has designated high-density transit-oriented uses in the downtown and near BART where retail and transit opportunities are available. As discussed above, the suggested additional mitigations either were considered or are not feasible to further reduce Impacts such as TRAF-2A, 7B or 7I.</p>
A05-05	3. <u>Travel Demand Management</u> (TDM). In addition to Mitigation Measure	The comment is requesting the project consider additional TDM strategies to those

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TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
	<p>TRAF-2A, consider lower parking ratios, car-sharing programs, bicycle parking and showers for employees, providing transit information and passes to residents and employees, and coordinating with AC Transit and BART in increase transit services or transit-related improvements. The analysis should evaluate trip reduction from TDM implementation and the Plan should include appropriate documentation for monitoring TDM measures, including annual reports. For information about parking ratios, see the Metropolitan Transportation Commission (MTC) report Reforming Parking Policies to Support Smart Growth or visit the MTC parking webpage: <a href="http://www.mtc.ca.gov/planning/smart_growth/parking">http://www.mtc.ca.gov/planning/smart_growth/parking</a>.</p>	<p>listed in Mitigation Measure TRAF-2A.</p> <p>The measures identified as part of the mitigation, including a shuttle to BART and other destinations, and facilitating car pool and ride sharing are examples of TDM measures that reduce project-related trips. The comment suggests additional examples of trip-reduction measures, which will be added to Mitigation Measure TRAF-2A, such as car-sharing programs, bicycle parking, transit passes and information, and coordinating with AC Transit and BART to increase transit services or transit-related improvements, as shown below. However, lower parking ratios are not considered feasible due to secondary impacts to the adjacent neighborhoods and are therefore not considered as part of the TDM strategies. The mitigation measure is also clarified to require the TDM plan to establish a trip reduction goal to reduce the impact of TRAF-2A. A review of project trips in the DEIR at the impacted location on I-880 north of Davis Street indicates a trip reduction of 71 trips in the AM peak hour on this segment, or 7 percent of the total project trip generation of 1,040 trips, would be required to mitigate this impact to less than significant. The Mitigation Measure will also be clarified to include appropriate monitoring of the TDM measures towards meeting the trip reduction goal, including periodic employee surveys to determine the effectiveness of the program and annual reporting to the City. This would not change the finding of SU because the effectiveness of the TDM measures still cannot presently be quantified, but provides additional specificity to the required TDM plan.</p> <p>The following text revisions to the Draft EIR have been made and can also be seen in Chapter 3 Revisions in the Final EIR:</p> <p>Added two bullet points to Mitigation Measure TRAF-2A regarding potential TDM measures on page 4.13-41 of the Draft EIR:</p> <ul style="list-style-type: none"> <li>■ Develop and implement a Transportation Demand Management (TDM) plan that would discourage single occupant vehicle trips. TDM measures may include:                     <ul style="list-style-type: none"> <li>○ Provide a shuttle service, <u>in coordination with Oakland International Airport’s Assistant Aviation Director,</u> that operates between the Project site and key locations such as San Leandro and Coliseum BART stations and Oakland International Airport;</li> <li>○ <u>Provide car-sharing programs, bicycle parking, and transit passes and</u></li> </ul> </li> </ul>



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**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
A05-06	4. The secondary impacts to pedestrians and bicyclists resulting from any traffic mitigation should be described with safety countermeasures that would in turn be needed as a means of maintaining and improving access to transit facilities and reducing vehicle trips and traffic impacts on State highways.	<p data-bbox="1178 321 1297 342"><u>information:</u></p> <ul data-bbox="1146 350 1898 431" style="list-style-type: none"> <li data-bbox="1146 350 1898 402">○ <u>Coordinate with AC Transit and BART to increase transit services or transit-related improvements and consider modifications to existing bus routes;</u></li> <li data-bbox="1146 407 1808 431">○ Facilitate carpool and ridesharing among residents of the Project.</li> </ul> <p data-bbox="1119 469 1898 550"><u>The TDM plan shall establish a trip reduction goal and include appropriate monitoring to meet this goal, including periodic employee surveys to determine the effectiveness of the program and annual reporting to the City.</u></p> <p data-bbox="1079 558 1898 786">The comment is requesting the DEIR describe any secondary impacts to pedestrians and bicyclists resulting from any traffic mitigations on State highways. There are no secondary impacts to pedestrians and bicycles because the mitigations identified in the DEIR include measures that address pedestrian and bicycle safety. The DEIR will be revised, as shown below and in Chapter 3 Revisions of the Final EIR, to clarify how the mitigations address pedestrian and bicyclist safety, including traffic control measures and safety countermeasures for pedestrians and bicyclists per City and Caltrans guidelines.</p> <p data-bbox="1079 826 1898 1346">This comment applies to the mitigations proposed for Doolittle (Mitigation Measure TRAF-2B) and the I-880 southbound ramps at Marina (Mitigation Measure TRAF-7B, Mitigation Measure TRAF-7I). These mitigation measures that involve a roadway widening to State highways would also include a bicycle lane and a pedestrian sidewalk per a typical cross-section in accordance with both City and Caltrans Design Guidelines For Doolittle, the Mitigation Measure TRAF-2B.1 has been modified as shown below. For Mitigation Measure TRAF-7B.1 and Mitigation Measure TRAF-7I, see Response to Comment A05-03 proposing modified mitigation language to the DEIR that proposes modifying the signal phasing at Marina Boulevard and the southbound ramps to I-880. The existing signal phasing plans for the currently under construction intersection at Marina Boulevard and the southbound ramps to I-880 already includes a pedestrian phase. This mitigation would require that pedestrian crossings be accommodated by the signal phasing to reduce vehicle/pedestrian conflict occurs with eastbound right-turn vehicles from Marina Boulevard to the I-880 southbound on-ramp and southbound off-ramp. The proposed mitigation measure accounts for these pedestrians in their own phase, allowing safe pedestrian crossing. Pedestrian crossings and signal push buttons are already included as part of the I-880 Marina Boulevard Project.</p> <p data-bbox="1079 1386 1898 1408">Text on page 4.13-42 of the Draft EIR in the Mitigation Measures and Significant After</p>

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TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
		<p>Mitigation paragraphs for Impact TRAF-2B have been revised as follows:</p> <p>Mitigation Measure TRAF-2B.1: Widen Doolittle Drive to provide an additional travel lane in the northbound direction <u>including addition of a bicycle lane, pedestrian sidewalk and pedestrian crossings</u>; or</p> <p><b>Significance After Mitigation:</b> Significant and unavoidable. Widening Doolittle Drive to provide an additional travel lane in the northbound direction would improve the level of service to LOS C in Year 2020 and LOS D in Year 2035 and would mitigate the Project impact to less than significant. <u>The roadway widening would include a bicycle lane and a pedestrian sidewalk per a typical cross-section in accordance with City and Caltrans Guidelines.</u> However, the feasibility of this measure is uncertain due to right of way constraints along this mostly developed corridor. <u>If implemented, widening Doolittle Drive north of Davis Street from two to four lanes would require relocation and restriping of the bicycle lanes and pedestrian crossings.</u> Alternatively, provision of a shuttle service that operates between the Project site and key locations, such as San Leandro and Coliseum BART stations and Oakland International Airport, during the PM peak hour would likely lessen the Project’s impact on the freeway segment.</p>
A05-07	<p><i>Mitigation Reporting Guidelines</i> Caltrans' <i>Guidelines for Submitting Transportation Information from a Reporting or Monitoring Program to the California Department of Transportation</i> identifies information lead agencies are required to include. Further information is available to download from the website and below: <a href="http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqajiles/Submittal_Guidelines_Micand_Mon_CovCkCert_07092004.pdf">http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqajiles/Submittal_Guidelines_Micand_Mon_CovCkCert_07092004.pdf</a></p> <ul style="list-style-type: none"> <li>• Name, address, and telephone number of the CEQA lead agency contact responsible for mitigation reporting</li> <li>• Type of mitigation, specific location, and implementation schedule for each transportation impact mitigation measure, and</li> <li>• Certification section to be signed and dated by the lead agency certifying that the mitigation measures agreed upon and identified in the checklist have been implemented, and all other reporting requirements have been adhered to, in accordance with Public Resources Code Sections 21081.6 and 21081.7.</li> </ul>	<p>This comment serves as background information regarding Caltrans' Mitigation Reporting Guidelines and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.</p>
A05-08	<p><i>Transportation Management Plan</i> Where traffic restrictions and detours affect State highways, a Transportation Management Plan (TMP) or construction TIS may be required. A TMP must be</p>	<p>This comment serves as background information regarding Caltrans' Transportation Management Plans, which would be required during project construction should the State highway be affected, and does not present specific information regarding the</p>

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

<b>Number</b>	<b>Comment</b>	<b>Response</b>
	prepared in accordance with California Manual on Uniform Traffic Control Devices. In addition, a TMP should be consistent with corresponding jurisdictions. For further assistance, please contact the Office of Traffic Management Plans/Operations Strategies at 510-286-4579 or download TMP information on the website below: <a href="http://www.dot.ca.gov/hq/traffops/engineering/mutcd/pdf/camutcd2014/Part6.pdf">http://www.dot.ca.gov/hq/traffops/engineering/mutcd/pdf/camutcd2014/Part6.pdf</a> .	content of the Draft EIR; therefore, no further response is required.
A05-09	<i>Encroachment Permit</i> Please be advised that any work or traffic control that encroaches onto the State ROW requires an encroachment permit that is issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to the following address: David Salladay, District Office Chief, Office of Permits, California Department of Transportation, District 4, P.O. Box 23660, Oakland, CA 94623-0660. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. See the website linked below for more information: <a href="http://www.dot.ca.gov/hq/traffops/developserv/permits">http://www.dot.ca.gov/hq/traffops/developserv/permits</a> .	This comment serves as background information regarding Caltrans' Encroachment Permits application procedures for actual construction in Caltrans' rights-of-way and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.
A05-10	We look forward to reviewing and coordinating with the City of San Leandro for these proposed recommendations. Should you have any questions regarding this letter, please call Sherie George at 510-286-5535 or <a href="mailto:sherie.george@dot.ca.gov">sherie.george@dot.ca.gov</a> . Sincerely, PATRICIA MAURICE Acting District Branch Chief Local Development - Intergovernmental Review	This comment serves as a closing to the comments that were submitted and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.
<b>A06</b>	<b>Caltrans</b>	
A06-01	Dear Ms. Barros: San Leandro Shoreline Development Project - Additional Comments to Draft Environmental Impact Report Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. In addition to official comments provided on this project in a letter dated January 22, 2015, we enclose the following additional specific comments on the Draft Environmental Impact Report (DEIR).	This comment serves as an introduction to the comments that follow and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.
A06-02	<i>Traffic and Highway Operations</i> 1. Performance Measurement System (PeMS) data is used to measure Level	The comment is requesting explanation of the reported existing level of service (LOS) as calculated based on the Caltrans' Performance Measurement System (PeMS) data.

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
	of Service (LOS) as referenced on page 4.13-16. Given that the corridor experiences constrained flow and below-free-flow speed during both AM and PM peaks, the throughput volumes do not represent demand. The data should explain how the reported LOS would not be skewed.	The freeway mainline analysis used the traffic volumes from the PeMS for January 2014 following the Caltrans Guide for the Preparation of Traffic Impact Studies (TIS guide). This data represents real-time volumes of traffic passing over detectors on the freeway system and is considered the best available source for freeway traffic counts. As noted on page 4.13-18 of the DEIR, the LOS for the freeway mainline segments was calculated by applying the most current edition of the Highway Capacity Manual (HCM), consistent with Caltrans TIS guide. The HCM 2010 methodology for freeway segments defines LOS using density (in passenger vehicles per miles per lane). Therefore, the LOS results shown in Table 4.13-8 represent the actual density of traffic on those freeway segments of I-880. As noted by the commenter, these segments of I-880 experience constrained traffic flow and below free-flow speed and therefore, the traffic count does not represent the demand. The density is calculated based on the actual traffic volume on the segment, consistent with CEQA requirements to identify existing conditions (see CEQA Guidelines section 15125(a)), rather than the demand, which is not measurable given the corridor conditions.
A06-03	2. The LOS results in Table 4.13-8 Existing Freeway Volumes and Level of Service (pg. 4.13-17) are consistently better compared to existing LOS within the Interstate I-880/Marina Interchange Project. For example, the northbound (NB) mainline between Davis Street and 98th Avenue is LOS D and C for AM and PM peaks. In the I-880/Marina Interchange Project, the same NB mainline is LOS F and E. In addition, the southbound (SB) mainline between Marina Boulevard and Washington Avenue is LOS C and D while the I-880/Marina Interchange Project shows the same SB mainline as LOS D and F. Please explain the differences between these two project analyses and confirm the validity of your LOS results.	The comment is asking why the existing level of service results on freeways segments are consistently better when compared to the I-880/Marina Interchange Project. The DEIR analysis commenced 7 years after the I-880/Marina Interchange Project. The DEIR used 2013 counts as a baseline while the I-880/Marina Interchange Project used 2005-2006 counts. Traffic counts from the 2013 Traffic Volumes on the California State Highway System are consistently lower than historic counts from the same source for 2005-2006. The mainline counts in 2013 are on average about 12 percent lower than 2005-2006 counts. Use of the 2013 baseline counts resulted in LOS results that are better than the I-880/Marina Interchange Project. Use of the 2013 baseline counts was appropriate and does not change the findings of the DEIR.
A06-04	3. With the substantial increases of traffic due to the proposed project, we are concerned with the level of services provided in the area, specifically the queues in many of the nearby intersections along Marina Boulevard. The report does not appear to address this issue and additional assessments regarding the impact on the queues should be included for our review.	The comment is questioning the level of service results, specifically the queues, along Marina Boulevard and requests further information on queues.  The DEIR focused on level of service (LOS) and impacts associated with LOS, which is especially appropriate for the closely spaced intersections along Marina Boulevard.. More detailed queue analysis is typically performed when recommending mitigations or designing new intersections. For example, a queuing analysis was done for the 2010 Kaiser Medical Center DEIR primarily because new street and intersection improvements were planned nearby to I-880 on Marina Boulevard and Merced Boulevard. The Shoreline project is not adding new intersections on these streets so the analysis focused on impacts and mitigations associated with LOS. However, as

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response																																																																																																		
A06-05	4. The Baseline Conditions Volume on I-880 from SB Davis Street to Marina Boulevard is higher than the Base + Project Volume (7941 vs. 7654) as referenced on page 4.13-35. This forecast should be verified in order to provide accuracy and validity of project volumes in the Transportation and Traffic Section of the DEIR.	<p>part of developing mitigation measures for the I-880 southbound ramp at Marina Boulevard, the traffic analysis reviewed the 50th percentile average and 95th percentile queues reported from the Synchro analysis software and found that the project would not result in queues under 2020 and 2035 conditions that would extend onto the freeway mainline from the ramps at I-880/Marina Boulevard. The queuing review was not summarized in the DEIR because it showed no backup onto the mainline, the following tables summarize the analysis and confirm that no queuing exceedances were observed directly onto the freeway mainline from the ramps at I-880/Marina Boulevard between the 2020 no-project and 2020 plus Project Mitigated, and the 2035 no-project and 2035 plus Project Mitigated scenarios. No additional analysis is required.</p> <p><b>Table 1: Marina Blvd Queueing - 50th Percentile Queue lengths (in feet)</b></p> <table border="1"> <thead> <tr> <th rowspan="3">Intersection</th> <th rowspan="3">Year Scenario</th> <th colspan="4">50th Percentile</th> <th colspan="2">Queue length added to</th> </tr> <tr> <th colspan="2">2020</th> <th colspan="2">2035</th> <th colspan="2">2020</th> </tr> <tr> <th>No-Project</th> <th>Project Mitigated</th> <th>No-Project</th> <th>Project Mitigated</th> <th>No-Project</th> <th>Project Mitigated</th> </tr> </thead> <tbody> <tr> <td rowspan="4">14 Marina Blvd &amp; I-880 SB off-Ramp (right-turn queue)</td> <td>Time</td> <td>Capacity</td> <td>1100</td> <td>1100</td> <td>1100</td> <td>1100</td> <td></td> </tr> <tr> <td>AM</td> <td></td> <td>357</td> <td>155</td> <td>399</td> <td>204</td> <td>-202</td> </tr> <tr> <td>PM</td> <td></td> <td>564</td> <td>137</td> <td>121</td> <td>170</td> <td>-427</td> </tr> <tr> <td>Sat</td> <td></td> <td>439</td> <td>36</td> <td>485</td> <td>65</td> <td>-403</td> </tr> </tbody> </table> <p><b>Table 2: Marina Blvd Queueing - 95th Percentile Queue lengths (in feet)</b></p> <table border="1"> <thead> <tr> <th rowspan="3">Intersection</th> <th rowspan="3">Year Scenario</th> <th colspan="4">95th Percentile</th> <th colspan="2">Queue length added to</th> </tr> <tr> <th colspan="2">2020</th> <th colspan="2">2035</th> <th colspan="2">2020</th> </tr> <tr> <th>No-Project</th> <th>Project Mitigated</th> <th>No-Project</th> <th>Project Mitigated</th> <th>No-Project</th> <th>Project Mitigated</th> </tr> </thead> <tbody> <tr> <td rowspan="4">14 Marina Blvd &amp; I-880 SB off-Ramp (right-turn queue)</td> <td>Time</td> <td>Capacity</td> <td>1100</td> <td>1100</td> <td>1100</td> <td>1100</td> <td></td> </tr> <tr> <td>AM</td> <td></td> <td>#493</td> <td>#477</td> <td>#537</td> <td>#513</td> <td>-16</td> </tr> <tr> <td>PM</td> <td></td> <td>#717</td> <td>#549</td> <td>#752</td> <td>#646</td> <td>-168</td> </tr> <tr> <td>Sat</td> <td></td> <td>#585</td> <td>#413</td> <td>#632</td> <td>#450</td> <td>-172</td> </tr> </tbody> </table> <p><b>Capacity</b> = turn bay length or distance to the closest intersection  <b>50th percentile queue lengths</b> that are at or over capacity have shaded cells  <b>m:</b> Volume for 50th percentile queue is metered by upstream signal.  <b>#:</b> 50th percentile volume exceeds capacity, so queue may be longer.  <i>Source: Kittelson &amp; Associates, Inc. 2015, using Synchro, version 8</i></p> <p><b>Capacity</b> = turn bay length or distance to the closest intersection  <b>95th percentile queue lengths</b> that are at or over capacity have shaded cells  <b>m:</b> Volume for 95th percentile queue is metered by upstream signal.  <b>#:</b> 95th percentile volume exceeds capacity, so queue may be longer.  <i>Source: Kittelson &amp; Associates, Inc. 2015, using Synchro, version 8</i></p> <p>The comment is requesting verification of a baseline condition volume on I-880 from SB Davis Street to Marina Boulevard. Table 4.13-16 on page 4.13-35 in the DEIR had an incorrect volume number for the I-880 southbound Davis Street to Marina Boulevard segment in Baseline + Project Volume (7,654 should have been 7,954). Therefore, the Baseline Conditions volume on I-880 from SB Davis Street to Marina Boulevard was not higher than the Base +</p>	Intersection	Year Scenario	50th Percentile				Queue length added to		2020		2035		2020		No-Project	Project Mitigated	No-Project	Project Mitigated	No-Project	Project Mitigated	14 Marina Blvd & I-880 SB off-Ramp (right-turn queue)	Time	Capacity	1100	1100	1100	1100		AM		357	155	399	204	-202	PM		564	137	121	170	-427	Sat		439	36	485	65	-403	Intersection	Year Scenario	95th Percentile				Queue length added to		2020		2035		2020		No-Project	Project Mitigated	No-Project	Project Mitigated	No-Project	Project Mitigated	14 Marina Blvd & I-880 SB off-Ramp (right-turn queue)	Time	Capacity	1100	1100	1100	1100		AM		#493	#477	#537	#513	-16	PM		#717	#549	#752	#646	-168	Sat		#585	#413	#632	#450	-172
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## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response				
		<p>Project Volume. While the reported volume in the Draft EIR table was incorrect, the LOS computation used the correct volume, and hence, the density and LOS results do not change. (Refer to the technical appendix for the Transportation Impact Study for the LOS Calculation Sheet.) Table 4.13-16 on page 4.13-35 has been revised as follows and will also be reflected in the Chapter 3 Revisions of the FEIR:</p> <p>The Baseline + Project Volume for Davis Street to Marina Boulevard under PM Peak Hour in Table 4.13-16 on page 4.13-35 of the Draft EIR has been revised as follows:</p> <table border="1" data-bbox="1186 592 1585 625"> <tr> <td style="text-align: center;"><del>7,654</del><u>7,954</u></td> <td style="text-align: center;">34.5</td> <td style="text-align: center;">D</td> </tr> </table>	<del>7,654</del> <u>7,954</u>	34.5	D	
<del>7,654</del> <u>7,954</u>	34.5	D				
A06-06	<p>5. Impact TRAF-2A degrades the I-880 NB segment north of Davis Street from LOS E to LOS F in the PM peak hour under Year 2020 conditions, deeming it significant and unavoidable (pg. 4.13-41). To ensure all possible mitigations have been investigated, the project should contribute fair share for any future traffic improvements in the area including recently passed Alameda County Measure BB with the 'I-880 NB HOV/HOT Extension from A Street to Hegenberger Street Project."</p>	<p>The comment is requesting the Project contribute its fair share contribution to future traffic improvements on I-880 to address the impact at the I-880 NB segment north of Davis Street. Please see response to Comment A05-03 regarding fair share payments.</p>				
A06-07	<p>6. Intersection #13 at Kaiser Driveway/Marina Boulevard should be a signalized intersection, not Two-Way Stop-Controlled (TWSC) as shown in Tables 4.13-23 through 4.13-29 (pgs. 4.13-51-62). The intersection should be reevaluated using the correct assumptions.</p>	<p>The commenter identifies the incorrect control at the Kaiser Driveway/Marina Boulevard intersection as TWSC under future 2020 and 2035 conditions.</p> <p>The DEIR incorrectly labeled the intersection in Tables 4.13-23 through 4.13-29 as unsignalized in the future conditions. However, the analysis of intersection #13 correctly assumed a signal under 2020 Near Term and 2035 Cumulative conditions. (See the SYNCHRO LOS outputs provided in the appendix.) The impact findings for this intersection have therefore not changed. Corrections to the intersection control in the DEIR Tables 4.13-23 through 4.13-29 (pgs. 4.13-51-62) are shown below and will also be shown in Chapter 3 revisions to reflect the correct signalized intersection control.</p> <p>Intersection #13 in Tables 4.13-23 through 4.13-29 on pages 4.13-51 to 4.13-62 of the Draft EIR have been revised as follows to correct the control column from TWSC to Sig:</p> <table border="1" data-bbox="1079 1356 1766 1383"> <tr> <td style="text-align: center;">13</td> <td style="text-align: center;">Kaiser driveway</td> <td style="text-align: center;">Marina Blvd</td> <td style="text-align: center;"><del>TWSC</del><u>Sig</u></td> </tr> </table>	13	Kaiser driveway	Marina Blvd	<del>TWSC</del> <u>Sig</u>
13	Kaiser driveway	Marina Blvd	<del>TWSC</del> <u>Sig</u>			

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
A06-08	7. Clarify why the 1-880 SB Ramp/Marina Boulevard intersection LOS + Project Conditions would improve to a better level than without Project Conditions under MM TRAF-7B.1 (pg. 4.13-52). For example, Table 4.13-23 shows LOS F to D. Signal timing modification is a continuous effort to maintain traffic conditions and if it is the only proposed mitigation, then the intersection LOS should not improve with added project traffic. Pre-modification analysis should assume an optimized timing assumption rather than the fixed (thus non-optimized) assumption.	<p>The comment is requesting a clarification why the I-880 SB Ramp/Marina Boulevard intersection LOS with Project Conditions would improve to a better level than without Project Conditions under Mitigation Measure TRAF-7B.1 (pg. 4.13-52) and is asking whether an optimized signal timing was applied prior to reaching the finding of potentially significant.</p> <p>For the 2020 Near Term Cumulative without project analysis, the signal timing assumed the timings from the Caltrans proposed interchange design plans. Once the Project traffic was added, the signal timing was not optimized (i.e., was not adjusted to reduce overall delays) to reach the finding. If timing had been optimized upon applying Project volumes, the 2020 Near Term Cumulative plus Project condition would still result in LOS F. With the proposed Mitigation Measure TRAF-7B.1 to modify the signal phasing, the delay and LOS after mitigation are lower than Near Term Cumulative without project conditions, showing that the mitigation measure would not only reduce the expected impacts of project-added traffic, but would also improve the Near Term Cumulative traffic conditions without the added project. Also see response to Comment A05-03 that applied signal timing to Mitigation Measure TRAF-7B.1.</p>
A06-09	8. Mitigation Measure TRAF-7B.2 proposes to prohibit westbound U-turn movements (pg.4.13-52). Because U-turn movements are not generally forecasted, explain how the analysis would account for improvement of operations at the 1-880 SB Ramp/Marina Boulevard intersection.	<p>The comment is requesting explanation of how the effects of Mitigation Measure TRAF-7B.2 to prohibit westbound U-turns at the I-880 SB ramps/Marina Boulevard intersection were analyzed.</p> <p>The DEIR proposed two-phase signal operation as Mitigation Measure TRAF-7B.1. This mitigation also requires prohibiting U-turns on the westbound approach, to avoid delays caused by conflicts with opposing eastbound traffic. U-turns were not forecasted, but the prohibition of U-turn improves the operation of the east-west movements.</p>
A06-10	Should you have any questions regarding this letter, please call Sherie George at 510-286-5535 or sherie.george@dot.ca.gov. Sincerely, PATRICIA MAURICE Acting District Branch Chief Local Development - Intergovernmental Review c: State Clearinghouse	This comment serves as a closing to the comments that were submitted and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
<b>A07</b>	<b>Alameda County Transportation Commission</b>	
A07-01	<p>Hi Jennifer, Thank you for the opportunity to comment on the Shoreline Development Project DEIR. Attached is our response to the DEIR. Have a good weekend, Daniel Wu, Assistant Transportation Planner Alameda County Transportation Commission 1111 Broadway, Suite 800, Oakland, CA 94607 510.208.7453 (Direct) 510.208.7400 (Main Line) Email: dwu@alamedactc.org</p>	<p>This comment serves as an introduction to the comments that follow and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.</p>
A07-02	<p>Dear Ms. Chin, Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the San Leandro Shoreline Development Project. The project is located in the San Leandro Shoreline Area, which encompasses approximately 1,800 acres of land situated on the eastern shore of the San Francisco Bay at the western end of Marina Boulevard. The proposed development site is the area generally west of Monarch Bay Drive between Marina Boulevard and Fairway Drive.</p> <p>The San Leandro Shoreline Development Project is proposed as an integrated master planned development and a public/private partnership with the City on 52 acres of the City-owned marina. The proposed components of the Project include:</p> <ul style="list-style-type: none"> <li>• 150,000 square foot office campus</li> <li>• 200 room hotel</li> <li>• 15,000 square foot conference center</li> <li>• 354 units of housing (61 condominiums, 159 market rate apartments, 92 townhomes, and 42 single-family detached homes.)</li> <li>• 3 new restaurants (totaling 21,000 square feet)</li> <li>• Library/Community building</li> <li>• Parking structure with 800 spaces</li> <li>• Public amenities.</li> </ul> <p>The Alameda County Transportation Commission (Alameda CTC) respectfully submits the following comments:</p>	<p>This comment serves as an introduction to the comments that follow and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.</p>
A07-03	<ul style="list-style-type: none"> <li>• In Section 4.13.1.1 Regulatory Setting (p. 4.13-1), the DEIR briefly described the Congestion Management Program (CMP) as mandated by California law. The DEIR should reference Land Use Analysis Program (LUAP) that has been</li> </ul>	<p>The comment is requesting the DEIR reference the CMP Land Use Analysis Program (LUAP).</p>



**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
	<p>developed in compliance with the state's CMP legislation. Alameda CTC's LUAP reviews land use development projects, assesses the impacts of individual development actions on the regional transportation system, and ensures that significant impacts are appropriately mitigated. Please refer to Chapter 6 of the Alameda CTC Congestion Management Program 2013 report for detailed description of the LUAP.</p>	<p>The FEIR will add a reference to the Land Use Analysis Program (LUAP) as shown below. In compliance with State CMP legislation, the Alameda CTC developed the Land Use Analysis Program (LUAP) to assess the impacts of individual development actions on the regional transportation system and to ensure that significant impacts are appropriately mitigated. While the LUAP was initially conceived as a program to meet a particular state legislative mandate, the growing interest in coordinating land use and transportation planning has resulted in the program's evolution. The program now also serves as an opportunity for strategic thinking about how to plan for development that efficiently uses the transportation system, while ensuring that the mobility and access needs of residents and workers in Alameda County are fulfilled.</p> <p>The text on page 4.13-1 of the Draft EIR under the heading Alameda County Transportation Commission has been revised as follows:</p> <p>The Alameda County Transportation Commission (Alameda CTC) coordinates transportation planning efforts throughout Alameda County and programs local, regional, State and federal funding for project implementation. <u>In compliance with State CMP legislation, the Alameda CTC developed the Land Use Analysis Program (LUAP) to assess the impacts of individual development actions on the regional transportation system and to ensure that significant impacts are appropriately mitigated. While the LUAP was initially conceived as a program to meet a particular state legislative mandate, the growing interest in coordinating land use and transportation planning has resulted in the program's evolution. The program now also serves as an opportunity for strategic thinking about how to plan for development that efficiently uses the transportation system, while ensuring that the mobility and access needs of residents and workers in Alameda County are fulfilled.</u> Additionally, <del>it</del> the Alameda CTC prepares the Congestion Management Program (CMP), a plan mandated by California law to describe the strategies to address congestion problems on the CMP network, which includes State highways and principal arterials. The CMP requires analysis of Metropolitan Transportation System (MTS) roadway and transit system and uses level of service standards as a means to measure congestion and has established level of service standards to determine how local governments meet the standards of the CMP.</p> <p>The transportation analysis (as documented in Appendix H of the DEIR) fulfilled the</p>

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

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A07-04	<ul style="list-style-type: none"> <li>The DEIR used the 2011 Alameda CTC Countywide Model. Please note that the Alameda CTC has updated its Countywide Model in 2013. The DEIR should indicate that the 2011 Countywide Model was the most recent model version at the time of the study.</li> </ul>	<p>requirements outlined in the LUAP by performing analysis on select MTS and CMP roadways and transit systems identified by the Alameda CTC and disclosing all level of service and impacts associated with the Project for 2020 and 2035 conditions. Under 2020 conditions, the TIS analysis identified one impacted freeway segment with the Project on northbound I-880 north of Davis Street during the PM peak hour as Impact TRAF-2A. Mitigations under Mitigation Measure TRAF-2A were proposed that included widening of I-880, development of a TDM plan that includes a shuttle service or facilitating carpool and ridesharing at the Project (see Chapter 3 for revisions). Under 2035 conditions, the TIS identified no impacted freeway segments with the Project. In addition, under 2020 and 2035 conditions, the TIS identified one impacted arterial segment with the Project on northbound Doolittle Drive during the PM peak hour with the Project as Impact TRAF-2B. Mitigations under Mitigation Measure TRAF-2B were proposed that included widening of Doolittle Drive, or development of a shuttle service to operate between the Project and key locations like the Oakland Airport, San Leandro and Coliseum BART stations. With identification of impacts on the regional transportation system and implementation of the identified mitigations, and the identified CEQA thresholds for significance in DEIR section 4.13.2, the analysis complies with the CMP Land Use Analysis Program (LUAP). Text revised on page 4.13-36 of the Draft EIR as follows:</p> <p style="padding-left: 40px;">Congestion Management Program The Land Use Analysis Program (LUAP) developed by the Alameda CTC was <del>performed</del> <u>used in the TIS</u> to identify <del>any</del> potential impacts of the Project on the Metropolitan Transportation System (MTS) roadway network and the MTS transit operators. ...</p> <p>Please refer to Chapter 3 of the Final EIR for revisions to the Transportation and Traffic chapter to indicate that the 2011 Countywide Model was the most recent model version at the time of the Notice of Preparation.</p> <p>Page 4.13-27 of the Draft EIR, text under the heading Traffic Volume Forecasting Approach is revised as follows, and can also be seen in Chapter 3 of this FEIR:</p> <p style="padding-left: 40px;">The Alameda Countywide Travel Demand Model was used to forecast traffic volumes for both background No Project and plus Project scenarios of all study conditions. <u>At the time of the Notice of Preparation, the 2011 Alameda Countywide Model was the most recent version.</u> The <del>latest (August-2011)</del> model <del>is</del> <u>was</u> based on assumptions from the <i>Transportation 2035 Plan for the San</i></p>

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
A07-05	<ul style="list-style-type: none"> <li>The DEIR concluded that the proposed projects would result in significant and unavoidable impacts on the Northbound segment of Doolittle Drive after implementation of two mitigation measures (p. 4.13-42). Alameda CTC acknowledges that the DEIR has shuttle service between the project site and key regional transit nodes as one of the two mitigation measures. Alameda CTC suggests that the DEIR also consider the proposed bicycle lane on Doolittle Drive between Fairway Drive and Williams Street as a mitigation measure. This bicycle lane was a proposed improvement in the City of San Leandro's 2010 Bicycle and Pedestrian Master Plan.</li> </ul>	<p><i>Francisco Bay Area</i>, a regional transportation (RTP) published by the Metropolitan Transportation Commission (MTC), and the <i>Alameda Countywide Transportation Plan</i>, and on socio-economic forecasts from <i>Projections 2009</i>, published by the Association of Bay Area Governments (ABAG).</p> <p>This comment suggests that the Mitigation Measures included on page 4.13-42 should include bike lanes along Doolittle Drive.</p> <p>However, as stated on page 4.13-42, right-of-way constraints at this segment prevent the road widening mitigation measures from being feasible, which led to the determination of significant and unavoidable. Under the City's street section standards and consistent with the referenced master plan, a bike lane would normally be included as part of any Doolittle Road widening. The bike lane could potentially lessen the impacts at this segment of Doolittle Drive by providing an alternative to automobile travel, and will therefore be added to the potential mitigations, as follows:</p> <p>Page 4.13-42 of the Draft EIR is revised to include Mitigation Measure TRAF-2B.3:</p> <p><u>Mitigation Measure TRAF-2B.3: Implement a bicycle lane on Doolittle Drive between Fairway Drive and Williams Street, as identified in the City of San Leandro's 2010 Bicycle and Pedestrian Master Plan.</u></p> <p>Page 4.13-42 in the Significance After Mitigation paragraph, starting on line 5, the discussion has been revised to include text as follows :</p> <p>However, the effectiveness of the shuttle service in reducing the number of Project trips on Doolittle Drive cannot be adequately quantified. <u>Even if Doolittle Road could be widened enough to extend the bicycle lane from Fairway Drive to Williams Street, as identified in the City of San Leandro 2010 Bicycle and Pedestrian Master Plan, it is uncertain whether the bike lanes would reduce Project auto trips enough with the addition of the continuous bike lane to reduce the impact to less than significant. The proposed bike lanes would need to reduce Near Term 2020 vehicle trips on Doolittle Drive north of Davis Street by 41 trips (from 104 to 63 trips), and Cumulative 2035 trips by seven trips (from 71 to 64 trips). Therefore, the</u>As discussed above, the on-going I-880 Integrated Corridor Management effort led by the Metropolitan Transportation Commission that aims to optimize freeway, arterial signal, rail, and bus systems and</p>

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
A07-06	<ul style="list-style-type: none"> <li>In Section 4.13.3 Impact Discussion (p.4.13-47), the DEIR described bicycle facilities in the study area including a planned Class I bicycle path in the marina area of the project site. This planned bicycle path will be a segment of the region's Bay Trail and will connect the project site to the regional bicycle route network. Alameda CTC recommends that the DEIR includes this information about connectivity to the Bay Trail.</li> </ul>	<p><del>incorporate Intelligent Transportation System would also help enhance efficiency on the freeway. However, for the reasons listed above this impact would remain significant and unavoidable.</del></p> <p>This comment recommends the Draft EIR should mention that the planned cycle path will be a segment of the region's Bay Trail.</p> <p>Page 4.13-47 and -48 of the Draft EIR have been revised as follows, and can also be seen in Chapter 3 of the Final EIR.</p> <p>The proposed public promenade along the waterfront edge would provide the Class I facility identified in the plans, <u>which would connect to the existing Bay Trail</u>, and a Class II bicycle lane proposed by the Project would complete the bicycle lane along Monarch Bay Drive.</p>
A07-07	<p>Thank you for the opportunity to comment on this DEIR. Please contact me at (510) 208-7405 or Daniel Wu of my staff at (510) 208-7453 if you have any questions.</p> <p>Sincerely, Tess Lengyel Deputy Director of Planning and Policy cc: Daniel Wu, Assistant Transportation Planner file: CMP/Environmental Review Opinions/2015</p>	<p>This comment serves as a closing to the comments that were submitted and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.</p>
<b>A08</b>	<b>Port Of Oakland</b>	
A08-01	<p>Dear Ms. Chin Attached is the Port's comment letter on the draft EIR. We also faxed comments to you. Angela Brisco Executive Assistant 510-627-1560</p> <p>Pages 25 of 25, including this cover sheet. If you do not receive all pages please contact Mr. Richard Sinkoff at 510-627-1182.</p>	<p>This comment serves as an introduction to the comments that follow and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.</p>
A08-02	<p>Dear Ms. Chin: The Port of Oakland (Port) appreciates the opportunity to provide comments on the City of San Leandro's (City) Draft Environmental Impact Report (DEIR) for the proposed Shoreline Development Project ("The Project.")</p>	<p>This comment serves as an introduction to the comments that follow and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.</p>

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
	<p>As stated in the Project Description, the Project proposes an integrated master planned development and a public-private partnership between Cal Coast Companies LLC and the City of San Leandro on 52 acres of City of San Leandro-owned shoreline and 23 acres of water area. The major Project components include office, hotel, conference center, and restaurant uses, 354 housing units and public amenities including a community library/community meeting space, aquatic center, and outdoor recreation areas.</p>	
	<p>The Project Description states that Oakland International Airport ("OAK") is located to the north of the Project Site. The Port of Oakland owns and operates Oakland International Airport. The Port of Oakland provided written comments to the City of San Leandro on August 2, 2013 regarding the scope of analysis of the Draft EIR in response to the Notice of Preparation ("NOP") for the Project. Please find below specific comments on the environmental analysis in the Draft EIR:</p>	
A08-03	<p>1. The Project Area is within the Airport Influence Area ("AIA") defined by the Alameda County Airport Land Use Commission ("ALUC"), based on political boundaries, noise contours, and flight tracks. As specified in ALUC's Oakland International Airport Land Use Compatibility Plan ("OAK ALUCP", December 2010), the ALUC is authorized to review the City of San Leandro's DEIR for noise, safety compatibility, airspace protection, and aircraft over-flights. Please include an analysis of noise and safety compatibility, airspace protection and aircraft overflights in the Final EIR, and please provide this analysis to the ALUC for its review.</p> <p>This comment was originally included in the Port's response to the Notice of Preparation dated August 2, 2013. The Port of Oakland requests that the City of San Leandro extend the public comment period on the Draft EIR to ensure that the ALUC's comments are included in the public comments on the Draft documents.</p>	<p>Consistent with the comment, page 4.9-6 of the Draft EIR advises that the project site is in the airport influence area, and together with text on page 4.9-19 discusses the four review areas mentioned in the comment, i.e., noise, safety compatibility, airspace protection, and aircraft overflights. See, e.g., Impact HAZ-5, Impact NOISE-5, and Impact TRAF-3 in the Draft EIR. No airport-related significant impacts were identified. As noted on page 4.9-19 of the Draft EIR, the project General Plan Amendment will be submitted to the Airport Land Use Commission (ALUC) for review.</p> <p>The noise section discusses the OAK ALUC and relevant noise impacts under Impact NOISE-5. That discussion notes that there are no noise-sensitive land uses planned in the proposed project that would be within the OAK 65 dBA CNEL contour lines. Additionally, the only area within the OAK 60 dBA CNEL contour line will contain non-sensitive uses (i.e., a proposed restaurant and parking lot areas). Thus, all aspects of the proposed project are within the 'normally compatible' classification of the City's General Plan and would also be compatible under the Oakland Airport ALUC. The DEIR appropriately considered potential noise-related impacts at the Project from OAK aircraft operations and found the impacts to be less than significant.</p> <p>Regarding safety, Impact Discussion HAZ-5 beginning on page 4.7-17 of the Draft EIR acknowledges that the Oakland International Airport is located less than two miles from the project site and states that the project would be required to comply with</p>

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
A08-04	2. Please update Figure 4.10-1 with the Noise Compatibility Zone in Figure 3-3 of the 2010 OAK ALUCP. Figure 4.10-1 appears to be based on an older map. Please update the Noise Section.	<p>ALUC's Airport Land Use Compatibility Plan (ALUCP) requirements to ensure the project would not result in a safety hazard for people residing or working in the vicinity of the project; therefore, a less-than-significant impact was found.</p> <p>Regarding airspace protection and aircraft overflights, Impact Discussion TRAF-3 on page 4.13-45, as stated on this page, the nature of the project as a mixed-use, low rise residential, commercial and recreational project is such that it would not result in building heights that would result in a change to air traffic patterns, and no impact was found as a result.</p> <p>Consequently, the Draft EIR provides adequate analysis to facilitate that review. Therefore, no additional analysis is required and there is no need to extend the public review period.</p>
A08-05	<p>3. Flights at Oakland International Airport regularly result in overflights of the Project Site. As previously stated in the August 2, 2013, NOP letter, the Port strongly recommends that consideration be given to sound insulation for all buildings proposed by the Project, with special attention to all proposed residential units. The Port requests that Mitigation Measure Noise 1A be revised to require that all developers of residential, commercial and public amenity uses, especially the proposed library, perform noise/acoustical studies to determine if the building design should be upgraded (e.g. windows and doors and or additional soundproofing) to reduce outdoor aircraft noise levels associated with the following four flight procedures at Oakland International Airport:</p> <ol style="list-style-type: none"> <li>1. Runway 30 Approaches</li> <li>2. Runway 30 Departures</li> <li>3. Runway 12 Departures</li> <li>4. Runway 10R Night-time Departures</li> </ol>	<p>DEIR Mitigation Measure NOISE-1A already calls for an acoustical study to be submitted and reviewed by the City's Building Department for all development, residential and non-residential, to demonstrate compliance with applicable exterior noise standards. As noted on page 4.19-19 of the Draft EIR, none of the project components would be located in the airport's adopted 65 dBA CNEL noise contour. However, the City's standards are stricter, and Impact NOISE-1 identifies a potentially significant impact. In addition to compliance with exterior noise standards, the noise study must show how residential (i.e., noise-sensitive) uses for the Project comply with the 45 dBA CNEL state and local noise standards. Further, the mitigation measure also calls for a case-by-case determination of the need for acoustical studies for all non-residential uses; according to the type of activity proposed. As noted on pages 4.10-30-31 of the Draft EIR, non-residential uses in the project are compatible under the ALUC, and can be developed "with standard construction methods to provide [an] acceptable and interior noise levels." Under these circumstances, the noise study would sufficiently include noise intrusion concerns for commercial and public amenity uses, including the proposed library; however, the commenter's suggestions are incorporated as follows, and can also be seen in Chapter 3 of the Final EIR, to provide additional direction for the study.</p>

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
A08-06	<p>4. The Port and the City of San Leandro entered into a Settlement Agreement on November 7, 2000, and entered into two settlement agreements on July 22, 2003 and December 16, 2004 (collectively, the "Agreements.") The Port requests that these Agreements be reviewed regarding specific conditions related to development in the vicinity of Oakland International Airport. For example, under the Agreements, sound insulation has been provided for residents in up to 200 homes in the Davis West, Timothy Drive, and Neptune Drive areas. Because proposed new residential uses in the Project are proposed closer to OAK's main runway (Runway 30), sound insulation may be warranted for these new residential uses.</p>	<p>Mitigation Measure NOISE-1A on page 4.10-20 of the Draft EIR is revised as follows:</p> <p>...The study shall demonstrate that all development meets applicable exterior noise standards and all new residences meet an interior noise level due to exterior noise of 45 dBA CNEL consistent with State and local noise standards. <u>For non-residential uses, the study shall include, but not be limited to, noise levels associated with Runway 30 Approaches, Runway 30 Departures, Runway 12 Departures, and Runway 10R Night-time Departures.</u> The acceptable interior noise levels for all nonresidential construction will be determined based on a case-by-case basis according to the type of activity proposed. ...</p> <p>The new information in Mitigation Measure NOISE-1A clarifies and amplifies the acoustical study but does not constitute significant new information requiring recirculation of the Draft EIR.</p>
A08-07	<p>5. Mitigation Measure Noise-1A: The Port supports the inclusion of noise insulation measures to achieve an interior level of 45 dBA CNEL for residential uses. Please confirm that the acoustic study referenced in the mitigation will be made available to the public during the site plan review or tentative map process, and that the Port will be informed when it is available. Also, please confirm that the proposed library will receive noise insulation to achieve the 45 dBA CNEL level.</p>	<p>The referenced agreements between the Port and the City of San Leandro were not CEQA documents and were primarily with respect to (a) defining specific areas with the City that were impacted by OAK in the early 2000s and (b) delineating the City's responsibilities in managing the airport-funded sound insulation program in the identified neighborhoods. The current project is not included in the funding for and implementation of sound insulation upgrades per those earlier agreements. To comply with CEQA and protect future land uses within the proposed project, the DEIR calls for an acoustical study to be submitted and reviewed by the City's Building Department for all new residential uses, as well as for non-residential uses. DEIR Mitigation Measure NOISE-1A appropriately encompasses acoustical insulation considerations for all proposed uses of the Project. See also the response to Comment A08-05.</p> <p>Application materials, including the acoustical study, for Site Plan Review and Tentative Maps will be available for public review.</p> <p>Regarding the proposed library, it should be noted that the City of San Leandro Noise Compatibility Standards (for exterior noise levels in the 'Normally Acceptable' classification) are the same for libraries as for residential uses (i.e., at or below 60 dBA CNEL). Thus, siting and land use compatibility assessments would be the same for both types of developments within the project area. However, the interior requirement of 45 dBA CNEL comes from the California Building Code and applies specifically for residential uses, which includes considerations for 24-hour habitation</p>

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
A08-08	6. All areas within an AIA are subject to noise from overflight of aircraft, and other noise and other impacts associated with proximity to an airport. The proposed area is located wholly within the Overflight Notification Zone (Figure 3-6 of the ALUCP). Overflight protections and disclosures are necessary to inform potential buyers and lessors of the proximity to Oakland International Airport's main carrier runway, and to avoid significant noise impacts that were the subject of the Agreements. As a condition of approval for development, the Port requests that all residential and commercial developers be required to record an avigation easement and grant notice, and that all developers and property managers be required to include disclosures to commercial and residential buyers and lessees. Copies of an avigation easement, a grant notice, and a real estate disclosure are attached.	and sleeping environments. Therefore, the 45 dBA CNEL interior level is not mandated for a use such as a library. Nonetheless, such an interior level would be an appropriate design target maximum and accounting for sound insulation features for a library near a large airport would be prudent.  The commenter's description of the overflight status is reflected in the Draft EIR discussion, including NOISE-5 on page 4.10-30, which finds no significant impact. The City's standard conditions would normally include a requirement for notice of aircraft overflight.
A08-09	7. Transportation and Traffic Section: TRAF-3: The determination that the Project would not result in "a change in air traffic patterns" should be determined by the ALUC. There are two airspace concerns: 1) the height of the structures and 2) the height of the construction equipment (typically cranes) used to construct the structures. Please secure a finding of consistency from the ALUC regarding the permissible heights of structures.	This comment states that the conclusion regarding air traffic patterns should be determined by the ALUC and that height of construction equipment and structures are a concern.  The Draft EIR cannot defer this analysis to another agency; it is a required discussion under the CEQA Guidelines Appendix G checklist. As stated on pages 4.9-5 and 4.9-6 of Chapter 4.9, Land Use and Planning, the Project site is not located within any of the designated Safety Compatibility Zones identified in the Oakland Airport Land Use Compatibility Plan; therefore, no change to air traffic patterns would be expected and no further discussion under CEQA is required. As further noted in the Draft EIR, the General Plan amendment necessary for the project would be subject to review by the ALUC for consistency with the Airport Land Use Plan. This requires the City to submit a draft of the proposal to the Land Use Commission for review. At the time of such review, the ALUC would ensure that the development would not conflict with aircraft safety, among other consistency requirements. No changes are necessary.
A08-10	8. Construction of buildings typically requires the use of cranes and other equipment that exceed the finished height of the building. As such, a separate FAA Form 7460 is required that includes the construction equipment to be used at the Project. Any penetration of airspace in the vicinity of Oakland International Airport at any time would adversely affect operations. Please include a mitigation measure to require that, as a condition of approval ("COA"), prior to receiving a building permit, the applicant shall submit to the	The commenter states that FAA Form 7460 is required that includes the construction equipment to be used at the project in the context that construction equipment potentially penetrating airspace could affect air operations and suggests revisions to Table 3-2 of the Draft EIR to include the FAA and Port of Oakland to the list.  Table 3-2 of the Draft EIR has been modified to include the FAA and Port of Oakland, as shown below and in Chapter 3 of the Final EIR. Also, please see response to



**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response				
	<p>FAA a Form 7460 that includes the construction equipment for the project, and shall receive an FAA determination of "No Hazard to Air Navigation" and no impacts to operations at the Airport. Also, please include that the applicant shall coordinate the submission of the application with Port of Oakland staff. As these issues involve required permits and approvals, please revise Section 3.5: Required Permits and Approvals, and Table 3-2: Permits and Approvals, accordingly.</p>	<p>Comment A08-03 regarding safety and airspace protection.</p> <p>Table 3-2 on page 3-14 of the Draft EIR has been revised as follows, adding the FAA and Port of Oakland to the list of Permits and Approvals:</p> <table border="0" style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;"><u>Federal Aviation Administration (FAA)</u></td> <td style="text-align: center;"><u>Form 7460</u></td> </tr> <tr> <td style="text-align: center;"><u>Port of Oakland</u></td> <td style="text-align: center;"><u>Plan Review</u></td> </tr> </table>	<u>Federal Aviation Administration (FAA)</u>	<u>Form 7460</u>	<u>Port of Oakland</u>	<u>Plan Review</u>
<u>Federal Aviation Administration (FAA)</u>	<u>Form 7460</u>					
<u>Port of Oakland</u>	<u>Plan Review</u>					
A08-11	<p>9. Oakland International Airport (OAK) is known for its reliability of operations and convenient access for passengers. The DEIR should analyze the potential traffic impacts of the Project on critical access routes to OAK, specifically impacts to Hegenberger Road, 98th Avenue, Ron Cowan Parkway, and Doolittle Drive. Further, in the discussion of any roadway improvements necessary to mitigate potential traffic issues related to the Project, please indicate that the Project proponent will be responsible for these improvements, including all associated costs.</p>	<p>The comment is requesting the DEIR address impacts at additional roadway segments on access roads to the Oakland Airport.</p> <p>The DEIR evaluated key segments on MTS and CMP roadways initially identified by the Alameda CTC in their letter responding to the NOP, dated December 19, 2013, including segments along Doolittle Drive and I-880. Several other segments were considered for analysis, but a preliminary review of distribution of project traffic indicated that several segments would experience minimal effects and thus were not included in the impact analysis as part of the affected roadways. The roadways specifically identified by the comment all have less than 3 percent project traffic and in many cases less than 1 percent during the AM and PM Peak hours for the access roads to the Oakland Airport and in most cases is less than 1 percent. Project traffic and trip distribution percentages on each roadway for each direction in 2020 and 2035 are as follows:</p> <ul style="list-style-type: none"> <li>■ Hegenberger Road – 14 &amp; 9 vph (0.5% &amp; 0.9%) during the AM peak, 12 &amp; 16 vph (0.5% &amp; 0.5%) during the PM peak;</li> <li>■ 98th Avenue – 11 &amp; 9 vph (0.2% &amp; 0.7%) during the AM peak, 14 &amp; 16 vph (0.3% &amp; 0.4%) during the PM peak;</li> <li>■ Ron Cowan Parkway – 2 &amp; 7 vph (0.6% &amp; 0.7%) during the AM peak, 5 &amp; 9 vph (0.7% &amp; 0.6%) during the PM peak;</li> <li>■ Doolittle Drive north of Hegenberger Road – 39 &amp; 55 vph (1.7% &amp; 4.6%) during the AM peak, 21 &amp; 13 vph (1.3% &amp; 0.9%) during the PM peak.</li> </ul> <p>Based on these project trips and percent amounts, the project does not contribute more than 3 percent to the identified roadways which are therefore not expected to be impacted by the Project and were not considered for further analysis beyond the TIA.</p>				
A08-12	<p>10. The DEIR references shuttle services to Oakland International Airport.</p>	<p>This comment requests coordination between the Assistant Aviation Director</p>				

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
	Please coordinate shuttle services with the Assistant Aviation Director to ensure proper licensing and other regulatory agreements.	<p>regarding shuttle service to and from the Project site. Mitigation Measures TRAF-2A and TRAF-2B.2 are revised as follows to clarify that if the mitigation is implemented, shuttle services shall be coordinated with the Assistant Aviation Director:</p> <p>Mitigation Measure TRAF-2A on page 4.13-41 of the Draft EIR is revised as follows:</p> <ul style="list-style-type: none"> <li>■ Provide a shuttle service, <u>in coordination with Oakland International Airport’s Assistant Aviation Director</u>, that operates between the Project site and key locations such as San Leandro and Coliseum BART stations and Oakland International Airport;</li> </ul> <p>Mitigation Measure TRAF-2B.2 on page 4.13-42 of the Draft EIR is revised as follows:</p> <p><b>Mitigation Measure TRAF-2B.2:</b> Provide a shuttle service, <u>in coordination with Oakland International Airport’s Assistant Aviation Director</u>, that operates between the Project site and key locations such as San Leandro and Coliseum BART stations and Oakland International Airport.</p>
A08-13	<p>Please send formal project correspondence, all project notices and updates to the following contacts at the Port of Oakland:</p> <p>Diane Heinze Environmental Assessment Supervisor Environmental Programs and Planning 530 Water Street, 2nd Floor Oakland, CA 94607 (510) 627-1759 dheinze@portoakland.com</p> <p>Sean Charpentier Aviation Project Manager Aviation Planning and Development 530 Water Street, 6th Floor Oakland, CA 94607 (510) 627-1569 scharpentier@portoakland.com</p> <p>Larry Galindo Airport Operations - Airside</p>	This comment serves as a closing to the comments that were submitted and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
	<p>Noise Abatement Environmental Office One Airport Drive, Box 45 Oakland, CA 94621 (510) 563-2881 lgalindo@portoakland.com</p>	<p>Thank you again for the opportunity to provide comments on the San Leandro Shoreline Development Project Draft Environmental Impact Report (Draft EIR.) We look forward to your responses to these comments in the Final Environmental Impact Report (FEIR.) Sincerely, Richard Sinkoff Director of Environmental Programs and Planning Port of Oakland 510-627-1182</p>
<b>B. ORGANIZATIONS AND INDIVIDUALS</b>		
<b>B01</b>	<b>Palmieri, Tyler, Wiener, Wilhelm &amp; Waldron LLP</b>	
B01-01	<p>Hi Cynthia, Good morning and Happy New Year.</p> <p>As you know, we represent The Marina Inn. It is our understanding that there are a number of meetings coming up in the next few weeks regarding the Shoreline Development project.</p> <p>Can you give us some information on what will be going on at these meetings? What information will be presented? What is the purpose of each? Will any votes be taken/decisions be made? How will these meetings impact the City's significant stakeholder--The Marina Inn?</p> <p>We would like your input as soon as possible and look forward to your response. Thanks in advance for your help. Erin Naderi cc: client Erin B. Naderi   Partner Palmieri, Tyler, Wiener, Wilhelm &amp; Waldron LLP 2603 Main Street, Suite 1300   Irvine, CA 92614 Direct Dial (949) 851-7348   Fax</p>	<p>This comment requests information on meetings related to the project. The commenter was added to the project notice lists for future meetings.</p>

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
	(949) 825-5426	
B02	Marina Action Committee	
B02-01	<p>Comments:</p> <p>Without any doubt, the Planning Commission members have reviewed the eight (8) sections of the Draft EIR. Indeed, the size and scope of the content is truly complex. However, I feel that issues remain that need further clarification concerning the total impact of the Shoreline Development Project. These additional clarifications are necessary to substantiate the Draft EIR conclusions. These are the issues to be resolved as listed in Section 1-4 of the Draft EIR:</p> <ul style="list-style-type: none"> <li>• Whether the Draft EIR adequately describes the environmental impact of the Project.</li> <li>• Whether the social and economic benefits of the Project override these environmental impacts that cannot be feasibly avoided or mitigated to a level of insignificance.</li> <li>• Whether the proposed land use changes are compatible with the character of the existing area.</li> <li>• Whether the identified mitigation measures should be adopted or modified.</li> <li>• Whether there are other mitigation measures that should be applied to the Project besides those Mitigation Measures identified in the Draft EIR.</li> <li>• Whether there are any alternatives to the Project that would substantially lessen any of the significant impacts of the Project and achieve most of the basic objectives.</li> </ul>	<p>This comment quotes Draft EIR text from section 1.4, Issues to be Resolved and serves as an introduction to the comments that follow. The City notes that the Draft EIR is required to identify issues to be resolved (see CEQA Guidelines section 15123(b)(3)).</p>
B02-02	<p>In Section 1.5 of the Executive Summary of the Draft EIR, Areas of Controversy, is a list of "Issues that are likely to be of concern to agencies and interested members of the public during the environmental review process." This is a more complete list of unresolved Areas of Controversy of concern to the public.</p>	<p>This comment provides an introduction to the comments that follow regarding Section 1.5 of the Executive Summary of the Draft EIR, Areas of Controversy. The comments that follow are the commenter's opinion of a more complete list of unresolved areas of controversy of concern to the public than provided in Section 1.5 of the Draft EIR. The Draft EIR is required to address areas of controversy known to the City as lead agency (see CEQA Guidelines section 15123(b)(2)). The second paragraph under Section 1.5 on page 1-6 of the Draft EIR states "While every concern applicable to the CEQA process is addressed in this Draft EIR, this list is not necessarily exhaustive, but rather attempts to capture those concerns that are likely to generate greatest interest based on the input received during the scoping process." As such, the list is not intended to be exhaustive, but rather attempts to identify areas of controversy likely to be of most concern, as they relate to potential environmental impacts. Each of the commenter's issues is addressed in the</p>

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
B02-03	<ul style="list-style-type: none"> <li>• Selection of the firm chosen to perform the environmental impact report. Was it chosen by the City of San Leandro, Cal-Coast Development, or by an objective third party?</li> </ul>	<p>responses below.</p> <p>The commenter asks how the EIR consultant was selected. Through a standard competitive process, the City of San Leandro, as the Lead Agency, issued a Request for Proposal (RFP) for services to identify consulting firms qualified to prepare the EIR. In partnership with Cal-Coast, the City selected PlaceWorks (formerly The Planning Center DC&amp;E) to provide EIR services based on expertise and experience in preparing EIRs.</p>
B02-04	<ul style="list-style-type: none"> <li>• Environmental Impact - The Marina is surrounded by protected waters so how will the enormity of the Project impact habitat for protected species? Air quality issues are already generated by the Oakland Airport without being added to by those generated by the Marina development, and not just those connected to the construction but those generated by the Project itself in the future.</li> </ul>	<p>This comment asks how habitat for protected species will be impacted. Please see the analyses under impact discussion BIO-1 of Chapter 4.3 of the Draft EIR which discusses these impacts to special-status species. Potential impacts to special-status fish species are discussed on pages 4.3-14 and 4.3-15 and concluded less than significant impacts with implementation of Mitigation Measure BIO-1B. Chapter 4.2 of the DEIR provides a comprehensive analysis of potential air quality impacts from construction and operation of the Project. Operations at the existing airport are not part of the proposed Project. However, a health risk assessment (HRA) was prepared for the Oakland Airport (Port of Oakland, 2003; cited in the Air Quality chapter) and confirmed that health risk impacts in the Project site area would be less than significant.</p>
B02-05	<ul style="list-style-type: none"> <li>• Traffic Impact- Current issues covering parking overflow on neighborhood streets will be compounded from future residential development. Simple things such as street sweeping and placement of waste containers have become problematic for years within existing neighborhoods. The practicality and efficiency regarding the proposed use of mini-roundabouts should be questioned.</li> </ul>	<p>The commenter notes current issues with parking overflow, street sweeping and placement of waste containers in the existing neighborhood and questions the practicality and efficiency of mini-roundabouts.</p> <p>Per Page 84 of the <i>“Transportation Impact Study, San Leandro Shoreline Development Project”</i> dated November 2014, which serves as an Appendix to the DEIR, a detailed parking analysis was conducted that indicated the Project will provide a supply of 2,057 spaces, with a demand of 2,140 spaces. While this provision is 83 spaces short of the parking requirement, the report indicates there will be adequate parking available due to the mixed-use nature of the project that will facilitate shared parking by creating more internal trips that will not require any additional parking. Therefore, the Project provides adequate on-site parking that conforms to parking requirements put forth in the San Leandro Municipal Code and will not exacerbate parking overflow into the neighborhood streets and will not impact street sweeping and placement of waste containers within existing neighborhoods.</p> <p>The DEIR proposes mini-roundabouts or a traffic signal as mitigations at Intersection #10, Aurora Drive and Marina Boulevard (Mitigation Measure TRAF-1C), and</p>

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
B02-06	<ul style="list-style-type: none"> <li>Noise- Noise created by the development as well as noise generated by the Oakland Airport. People do not hear "average noise"; they hear "single event level noise" (SEL) - "community noise equivalent level" (CNEL) as noted in the Draft EIR is misleading. There are already issues with noise levels from the Airport. One would ask how any residential project could be so well insulated that people could sleep at night. The proposed residential units are right in line with the South Field runway with no breaks over the water to reduce noise. (I invite members of the Planning Commission and City Council to witness airport noise from FedEx flights in the 2 a.m. to 4:30 a.m. time period on weekdays.) The 2-mile distance, as described in the Draft EIR, from the Oakland Airport to the Project, does not nearly mitigate the impact of the noise.</li> </ul>	<p>proposes a mini-roundabout as mitigation at Intersection #19, Monarch Bay Drive and (Mitigation Measure TRAF-1D). As stated in the DEIR, mini-roundabouts have the potential to improve unsignalized intersection operations and can be designed compactly while maintaining the geometric qualities that make them safe, effective traffic control elements.</p> <p>While people around airports do, indeed, hear and respond to individual aircraft over-flight events, the standard metric used for community impact assessment is the 24-hour CNEL metric as required by statute for general plan noise elements, by Title 24 for interior noise levels (DEIR page 4.10-8), the airport's noise standard (DEIR page 4.10-19) and per FAA regulations. Thus, the DEIR is using the mandated noise metric in the consideration of potential aircraft-related noise impacts. Overflight from airport operations was assumed in the noise analysis; e.g., 5 of the 7 noise measurements sites on pages 4.10-14 to -16 are affected by airport flights. As noted in the Land Use Compatibility discussion under Impact NOISE-1 and in Impact NOISE-5 on pages 4.10-19 and -30, respectively, none of the project is within the airport's 65 dBA CNEL noise contour. The Sound Exposure Level (SEL) and Single Event Noise Exposure Level (SENEL) are two other (and different from each other) noise level metrics that can help to define the amplitude and duration aspects of noise from individual aircraft over-flight events, but neither is a required metric in the ALUC.</p> <p>See also Mitigation Measure NOISE-1A and the response to Comment A08-05 regarding noise insulation studies for residential and non-residential land uses within the proposed project using the FAA-mandated CNEL noise metric. Such studies would account for daytime and nighttime (sleeping) periods within the project area.</p>
B02-07	<ul style="list-style-type: none"> <li>Saturation of units in the EIR proposal - Please revisit reduced density alternatives. Define percentage of "above-moderate-income units" and "low-income units." Why was the number of residential units almost doubled from the original Plan to the current one? (188 to 354)</li> </ul>	<p>This comment requests revisiting the alternatives analyzed, specifically the reduced density alternative, but doesn't identify what elements should be revisited. Pursuant to CEQA, alternatives are intended to minimize potentially significant impacts found through the analyses in the Draft EIR while also meeting most of the objectives of the Project, as described in Chapter 6 of the Draft EIR. The DEIR is not required to analyze the distribution of income categories related to housing, but rather addresses only environmental impacts related to construction of the Project. Similarly, the EIR analyzes the project as proposed, which is 354 dwellings. The reduced density alternative assumes 25 percent less, or 265 units (DEIR page 6-2, Table 6-1).</p>
B02-08	<ul style="list-style-type: none"> <li>Depreciation of existing home values of the Project.</li> </ul>	<p>This comment does not address the adequacy of the analysis of the Draft EIR. CEQA does not require analysis regarding depreciation of existing home values; therefore, no further response is required.</p>

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

<b>Number</b>	<b>Comment</b>	<b>Response</b>
B02-09	<ul style="list-style-type: none"> <li>Why was the Marina development, from the very beginning, never a ballot measure?</li> </ul>	The DEIR is required under CEQA to analyze the proposed project, and is thus based on the development application from Cal Coast. Cal Coast did not propose the project via a ballot measure; the City notes that citizen sponsored ballot measures submitted to the voters are not subject to environmental review under CEQA.
B02-10	The task still at hand is to consider these issues and to be able to conclude, with confidence, that they have not been fully resolved and need to be further evaluated. We must not forget the importance of placing the highest priority on our quality of life!	This comment serves as a closing to the comments that were submitted and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.
<b>B03</b>	<b>San Leandro Unified School District, Mike McLaughlin</b>	
B03-01	<p>Hi Jennifer, Attached please find San Leandro Unified School District's comments on the SL Shoreline Draft EIR. Let me know if you need the original letter. Thank you. <i>Linda Pollard, Administrative Assistant to the Superintendent &amp; Board of Education</i> <i>San Leandro Unified School District</i> <i>835 E. 14th Street, Suite 200</i> <i>San Leandro, CA 94577</i> <i>Office: 510-667-2522; Fax: 510-667-6234</i> <a href="mailto:lpollard@slusd.us">lpollard@slusd.us</a></p>	This comment serves as an introduction to the comments that follow and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.
B03-02	Dear Members of the San Leandro Planning Commission and City Council: My staff has reviewed the Draft EIR as it relates to the capacity of schools in the San Leandro School District. My comments are as follows:	This comment serves as an introduction to the comments that follow and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.
B03-03	1. The EIR does not adequately address the impact of the proposed residential development on San Leandro Unified Schools.	The DEIR analyzes the potential for impacts to schools in section 4.12.3 beginning on page 4.12-10. The discussion includes the regulatory framework - which is the most important element of CEQA analysis for schools, because mitigation is limited by statute, as described in the text. Existing conditions and Impact SVCS-5 are identified. The DEIR concludes there is no significant impact because the project would pay statutory developer fees, which is deemed by law to be full mitigation of potential school impacts related to student generation. The commenter does not identify how this analysis is inadequate; the DEIR is straightforward, based on the district's data and contains no apparent inadequacies, therefore, no changes are proposed.
B03-04	<p>2. Garfield Elementary School, Muir Middle School and San Leandro High School have insufficient capacity to absorb students from the proposed development.</p> <p>3. The proposed housing will generate 248 students and we only have space</p>	This comment states that Garfield Elementary, Muir Middle School, and San Leandro High School would have insufficient capacity to absorb students generated by the Project. As described in impact discussion SVCS-5, the SLUSD projects 1 elementary and 1 high school would be needed in 2016 or 2017 to accommodate future growth.

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
	for 117. We will be required to build new classrooms and other required facilities for 131 unhoused students.	In combination with the district’s ability to levy fees against new construction projects, the Project would be subject to paying statutory developer fees to adequately mitigate potential impacts to the school district caused by the project. Therefore, the analysis already takes into consideration the lack of capacity of the SLUSD. No changes are necessary.
BO3-05	4. The draft EIR proposes that the developer pay only \$1,348,534.00 in "Level 1 School Fees." Our cost to build new classrooms and other required facilities will be \$5,858,008.80, a shortage of \$4,509,474.80. With no state bond or local bond dollars available, the District will need a funding source from the development before housing construction may begin.	<p>As stated in impact discussion SVCS-5, California Education Code Section 17620 allows school districts to levy fees against new construction projects and that a Developer Fee Justification Study for the SLUSD established a Level I impact fee of \$3.36 per square foot of residential construction and \$0.54 per square foot for commercial/industrial construction. Accordingly, the \$1,348,534 fee was calculated based off of the SLUSD fees established in the Developer Fee Justification Study. As further discussed in this impact discussion, the school district can assess Level II and Level III impact fees, issue a general obligation bond, or establish a community facilities district to levy additional funding. Under applicable law, developer payment of statutory mitigation fees is deemed to be complete mitigation of project impacts regarding student generation.</p> <p>Text on page 4.12-14 of the Draft EIR has been revised as follows to update the estimated school service impact fee:</p> <p style="padding-left: 40px;">... Since the Project proposed to add 296,050 square feet of commercial space and 353,770 square feet of residential space, the total <u>estimated</u> fee that would be collected by SLUSD from the Project applicant from Level I fees would be \$1,348,534. ...</p>
BO3-06	We look forward to working with you and staff to resolve this school facility funding issue. Sincerely, Mike McLaughlin, Ed.D Superintendent	This comment serves as a closing to the comments provided and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.
<b>B04</b>	<b>UNITE HERE Local 2850</b>	
BO4-01	Ms. Chin: Please see the attached letter which comments on the Draft EIR for the Shoreline project, along with two other attachments that are referred to in the letter. Thank you! Ty Hudson Research Analyst	This comment serves as an introduction to the comments that follow and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.



**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
BO4-02	<p>UNITE HERE Local 2850  <a href="http://www.unitehere2850.org">http://www.unitehere2850.org</a>  <a href="http://www.unitehere.org">http://www.unitehere.org</a>                      cell: 213-509-9114</p> <p>Dear Ms. Chin:                      Thank you for the opportunity to comment on the San Leandro Shoreline Draft EIR. UNITE HERE Local 2850 represents hotel and food service workers throughout Alameda County as well as elsewhere in the Bay Area. We are particularly familiar with the impacts of the development of hotels and related facilities, and we are particularly interested in the potential of effects of the hotel, restaurants, and conference center that are part of the Shoreline project. Because many of our members live in San Leandro, and because we have a strong belief in the importance of responsible development in general, we area also interested in the whole range of potential environmental impacts of the project We are not opposed to the project, and we believe it has the potential, if done right, to significantly benefit the San Leandro community. That said, there are a few omissions in the Draft EIR that we would like to comment on and which we hope to see addressed in the Final EIR.</p>	<p>This comment serves as an introduction to the comments that follow and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.</p>
BO4-03	<p>Hazards and Hazardous Materials</p> <p>As we explained in our letter responding to the Notice of Preparation for the Shoreline EIR, we believe it is important that the EIR analyze the project's potential impacts with respect to the health and safety of the employees who will eventually work in the various operations of the project (such as the hotel, conference center, and restaurants) and the potential impacts of those operations on public health and safety. Section 4.7.3 of the Draft EIR concerns itself primarily with the construction of the project, which is certainly important, but contains only cursory discussion of the potential impacts of the operation of the project. To give just one example of the potential for operations hazards that should be analyzed, hotel and restaurant workers frequently report health problems related to the chemicals used to clean hotel rooms, bathrooms, linens, floors, grills, and other kitchen equipment.</p> <p>Many such businesses engage in unsafe practices in the use of cleaning chemicals and provide inadequate training regarding the correct handling of such chemicals. For example, OSHA's "infosheet" on "Protecting Workers Who Use Chemicals" (attached) lists a number of potential hazards from</p>	<p>This comment suggests the Draft EIR include a discussion regarding the health and safety of employees who will work at the Project site. CEQA is intended to analyze construction and operational hazards of the project on the environment. Beginning at page 4.7-1, the Regulatory Setting describes extensive requirements at federal, state and local levels, not only for protection of the environment and the public generally, but also for worker and workplace safety through OSHA and CalOSHA. The discussion of potential hazardous materials from urban level residential and commercial uses is adequate as the nature and quantity of such materials would be typical of such development. As noted in the DEIR, there are no industrial uses that might use or generate acutely hazardous or large quantities of hazardous materials. The businesses at the project site would be required to operate in accordance with local, regional, State, and/or federal labor laws intended to protect the health and safety of its employees.</p> <p>The businesses would also be subject to regulatory requirements for use and disposal of hazardous materials. For example, the City of San Leandro regulates hazardous materials through its "City of San Leandro Hazardous Materials Ordinance" [Chapter 3-17- Hazardous Materials of the San Leandro Municipal Code], which incorporates</p>

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
	<p>common cleaning chemicals. The EIR should address these potential impacts and strategies to mitigate them, as well as potential impacts on the public from the use and disposal of these chemicals.</p>	<p>by reference several chapters of the California Health and Safety Code, including but not limited to: Chapter 6.5 (hazardous waste); Chapters 6.7 and 6.75 (underground storage tanks); Chapter 6.95 Article 1 (hazardous materials); and Chapter 6.5 (hazardous materials).</p> <p>Given that working conditions are largely the responsibility of the operator of the restaurant as well as regulatory agencies who monitor working conditions, such as the County and/or the City, operational working conditions are not required to be analyzed pursuant to CEQA.</p>
BO4-04	<p>Section 4.7.3 argues that the San Leandro Environmental Services Section (ESS) and the City's existing General Plan policies regarding hazards and hazardous materials are sufficient to ensure that the impacts of this project will be less than significant. But the Draft EIR does not specify any particular regulations or practices of the ESS that would prevent or mitigate particular impacts, and the General Plan merely spells out the general goals and intention of the City with respect to these issues, not specific regulations or mitigation measures. Similarly, some of the best practices recommended in the OSHA "infosheet" are actual requirements, but others are just recommendations, and even the requirements are often vague mandates, the enforcement of which is far from automatic.</p> <p>Even when specific regulations exist, our experience in the hotel and food service industries indicates that enforcement is challenging and often lacking. If existing regulations and enforcement practices by themselves were sufficient, there would not be so many hotel and restaurant workers reporting health problems. The EIR's mitigation monitoring program should describe specific strategies for ensuring that best practices will be followed consistently by the businesses operating at the project</p>	<p>This comment states that the Draft EIR does not provide sufficient information regarding how the Environmental Services Section (ESS) and GP policies in San Leandro would sufficiently result in less than significant impacts. As stated in HAZ-1 on page 4.7-16, part of the ESS' responsibility is to coordinate review of building permits to ensure that hazardous materials requirements are met prior to construction, including required separation of hazardous materials. Additionally, many of the policies that would provide protection from the routine transport, use and disposal of hazards and hazardous materials are listed in Table 4.7-1 and include requirements such as: working with county, regional, State, and federal agencies to develop and implement programs for hazardous waste reduction, handling and disposal; requiring soil evaluations as needed to ensure that risks are assessed and remediation is provided; and requiring that all hazardous materials storage and handling areas are designed to minimize the possibility of environmental contamination and adverse off-site impacts. Further, detailed information regarding the ESS is provided on page 4.7-7, which outlines the several programs that the ESS oversees that would apply to the Project.</p> <p>In addition to local regulations and policies, several federal, State, and regional agencies include safety laws and regulations related to routine transport, use, and disposal of hazards and hazardous materials, as described in Section 4.7.1.1 Regulatory Framework of the Draft EIR starting on page 4.7-1. Such agencies include, but not limited to, the United States Environmental Protection Agency, United States Department of Transportation, California Environmental Protection Agency, and California Division of Occupational Safety and Health.</p>
BO4-05	<p>Geology, Soils, and Seismicity The ever-present possibility of a major earthquake in the Bay Area is another significant potential threat to the health and safety of the employees, residents, and visitors at the project Section 4.5.3 of the Draft EIR presents</p>	<p>This comment expresses concern regarding liquefaction due to the fill placed over Bay Mud. The City agrees that the Bay Mud and liquefaction potential is a particular issue for the project site, as reflected in the Site Geology and Liquefaction text and Figure 4.5-1 on pages 4.5-4 to -6 as well as in Impacts GEO-1 and GEO-3. As discussed</p>

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
	<p>standard practices such as the preparation of geotechnical reports prior to construction and compliance with the City's Engineering Department's Standard Plans as sufficient to mitigate this risk. But the marina site is not an ordinary site. As noted by the Draft EIR itself, most of the project site consists of fill that was placed over Bay Mud and alluvial deposits, which increase the potential for earthquake damage and the potential for physical harm to employees, residents, and visitors at the site. The Opportunities and Constraints Analysis that was prepared for the site in 2007 (attached) notes that the project site has "a high potential to experience liquefaction." The Opportunities and Constraints Analysis concludes that areas of the project site that consist of artificial fill or where Bay Mud is present may require "deep foundation systems such as driven piles" and "excavation and importation of engineered fill."</p> <p>The Draft EIR echoes these possible mitigation measures, though with even less specificity, and provides no further analysis of the specific conditions present at the site or the specific mitigation measures that will be necessary. Identification of specific mitigation measures is put off for future geotechnical reports. Although the precise details of the design of the buildings in the project may not be known, the EIR should examine in more detail the condition of the site and analyze to the greatest degree of specificity possible what specific mitigation measures can minimize the potential danger to residents, workers, and visitors to the project A foreseeable hazard with such potential for serious injury and death to so many people warrants serious and detailed attention that should not be unnecessarily postponed, and will require significant mitigation measures whose identification and execution should not be blithely assumed.</p>	<p>in Impact Discussion GEO-1, the Project site is characterized by Bay Mud alluvium, in the western portion of the site and could increase shaking. However, Mitigation Measure GEO-1 requires geotechnical reports for all development to consider the potential for impacts caused by groundshaking or liquefaction. Impact GEO-3 identifies liquefaction specifically as a potential impact. Related Mitigation Measure GEO-3A further specifies deep foundations and removal of liquefiable soils as techniques to be included in the geotechnical reports. These techniques are recognized by geotechnical engineers as being effective treatment for liquefaction conditions.</p> <p>Further, the City's grading permit regulations [San Leandro Municipal Code Section 7-12-225] requires the grading permit application site map and grading plan to show all proposed correctional actions to alleviate land stability problems, which would include liquefaction.</p> <p>Additionally, the 2013 California Building Code states, that where geotechnical investigations are required, the report shall include, among other things, recommendations for foundation type and design criteria, including but not limited to: bearing capacity of natural or compacted soil; provisions to mitigate the effects of expansive soils; and mitigation of the effects of liquefaction [2013 CBC Section 1803.7(5)].</p> <p>The impacts and mitigation measures included in the Draft EIR, along with compliance with the California Building Code address liquefaction specifically and are adequate to ensure the implementing seismic design measures will provide adequate safety regarding seismic hazards, including liquefaction. Please refer to response to Comment CO1-52 for revised language regarding Mitigation Measures GEO-1 and GEO-3A requiring geotechnical reports at the time of Site Plan Review and Tentative map applications.</p>
B04-06	<p>Conclusion</p> <p>We are fully aware that the project site, in addition to being a site with great potential for beneficial development, is also a difficult site due to the factors discussed here as well as other factors. We appreciate the efforts of City staff and others to help realize this potential and grapple with the difficulty. We remain confident that it is possible to do this project in such a way that adverse impacts will be minimized and the benefit to the community will be great However, we are concerned about the safety of the people who will live and work at the project, including hotel and food service workers, whose interests and welfare our union exists to protect and advance. We believe</p>	<p>This comment serves as a closing to the comments that were submitted, expresses an opinion on the merits of the project, the challenges of the site, and the safety of people who will live and work at the project. In general, safety related concerns, as they pertain to CEQA, can be found in Chapter 4.5, Geology, Soils, and Seismicity, Chapter 4.7, Hazards and Hazardous Materials, Chapter 4.8, Hydrology and Water Quality, and Chapter 4.10, Noise. These discussions specifically and the DEIR generally provide a comprehensive and thorough examination of the potential impacts of development on the project site.</p>

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TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
	<p>that one of the primary purposes of CEQA is to enable concerned organizations and the public to collaborate with public officials, developers, and others to make sure that development projects meet their potential while minimizing harm. It is in this spirit that we submit these comments. Thanks again for the opportunity, and please keep us informed regarding the progress of the project.</p> <p>Sincerely, Ty Hudson Research Analyst</p>	
<b>B05</b>	<b>ABAG (Bay Trail Project)</b>	
BO5-01	<p>Hi Jennifer, Attached in the PDF document is an electronic copy of the Bay Trail Project's comments on the San Leandro Shoreline Development Project DEIR. Another hard copy will follow via U.S. Mail. Please let me know if you have any questions.</p> <p>Lee Lee Chien Huo Bay Trail Planner Association of Bay Area Governments Bay Trail Project P.O. Box 2050 Oakland, CA 94604-2050 Tel: (510) 464-7915 Fax: (510) 433-5515 LeeH@abag.ca.gov www.abag.ca.gov</p>	<p>This comment serves as an introduction to the comments that follow and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required. .</p>
BO5-02	<p>Dear Ms. Chin: On behalf of the San Francisco Bay Trail Project, I am writing to submit comments on the DEIR for the San Leandro Shoreline Development Project (Shoreline Development Project). The Bay Trail Project is a nonprofit organization administered by the Association of Bay Area Governments (ABAG) that plans, promotes, and advocates for the implementation of the Bay Trail. The Bay Trail is a planned 500-mile continuous network of multi use bicycling and hiking paths that, when complete, will encircle San Francisco and San Pablo Bays in their entirety. It will link the shoreline of all nine Bay Area counties, as well as 47 cities. To date, 340 miles of the proposed Bay Trail system has been developed.</p>	<p>This comment serves as an introduction to the comments that follow and states the commenter is pleased to see that the project will complete the planned Bay Trail segment along Mulford Point.</p>

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**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
	<p>Within the City of San Leandro, the adopted Bay Trail alignment stretches from the Bill Lockyer bicycle/pedestrian bridge near the Port of Oakland southward to San Leandro's boundary with the unincorporated San Lorenzo area. The majority of the Bay Trail alignment within the City has been completed with the exception of the segments along Neptune Drive and in the San Leandro Marina area. The Bay Trail began as a recreational trail but has also become an important alternative commute corridor for the region. In addition to the San Francisco Bay Trail Plan, the Bay Trail alignment has been incorporated into the Metropolitan Transportation Commission's Regional Bicycle Plan as well as the Alameda Countywide Bicycle and Pedestrian Plans.</p> <p>The Bay Trail Project is pleased to see that the Shoreline Development Project proposes to complete the planned Bay Trail segment along Mulford Point by providing a 20-foot wide promenade that will accommodate both pedestrians and bicyclists. After reviewing the DEIR, we have the following comments to ensure that the DEIR consistently reflects the Shoreline Development Project's proposal and vision for the Bay Trail.</p>	
BO5-03	<p>1) Although it is clearly indicated in several locations in the DEIR that the 20-foot-wide promenade will be for both bicycle and pedestrian access, there are many instances throughout the document that describes the promenade as a "pedestrian promenade" without references to bicycle access. The DEIR should be revised so that it is clear throughout the document that the 20-foot-wide promenade is for both bicycle and pedestrian use.</p>	<p>This comment states that the DEIR should be revised so that the 20-foot wide promenade references always state pedestrian and bicycle. The commenter is correct that several references in the DEIR are to the public promenade, without specifying both pedestrian and bicycle use (e.g., Figure 3-3, page 3-10 bullet list). The proposed public promenade is an important feature of the project and is addressed more specifically under Pedestrian and Bicycle Circulation on page 3-11. This text states that the promenade will provide both a pedestrian path and a Class I bicycle path. Through this response, the City clarifies that the promenade includes both the pedestrian and bicycle features and both should be assumed even if not otherwise specified. Specific revisions beyond this clarification will not be made because the revisions would extend throughout the entire Draft EIR.</p>
BO5-04	<p>2) Although the text in the DEIR clearly states the promenade will be 20-foot-wide and that the bridge from Mulford Point to Pescador Point will be for both bicyclists and pedestrians, Figure 3-3 identifies the bridge as a "Pedestrian Bridge" and indicates that the promenade at the end of Mulford Point is only 10 feet wide. Figure 3-3 should be revised to indicate that the bridge is for both bicyclists and pedestrians and to show the promenade as 20 feet wide throughout its length.</p>	<p>Figure 3-3 will be revised to show the requested clarification. Please see chapter 3 of the Final EIR for revisions.</p>
BO5-05	<p>3) The DEIR is unclear if bicycle and pedestrian facilities will be provided along</p>	<p>Page 3-11 of Chapter 3 states that the proposed promenade would be 2-miles along</p>

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TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
	Pescador Point to the proposed bicycle/pedestrian bridge. The project description and scope should be clarified to state that bicycle and pedestrian facilities will be provided through Pescador Point.	the waterfront edge and would also provide a Class I bicycle path. As shown on Figure 3-3, this would include the water's edge along Pescador Point. No changes are necessary.
BO5-06	4) In several locations in the DEIR, Neptune Drive is indicated as a Class III-facility that is a part of the Bay Trail. Although Neptune is part of the adopted Bay Trail alignment, this segment of the Bay Trail is considered an incomplete section of the Bay Trail since it does not provide Class II bicycle facilities. It is the goal of the Bay Trail Project that on-street segments of the Bay Trail will have a minimum of Class II bicycle facilities with sidewalks. As such, the DEIR should be revised to state that Neptune Drive is considered an incomplete Bay Trail segment since it does not provide Class II facilities.	<p>The comment provides clarification on the status of Neptune Drive as part of the adopted Bay Trail alignment.</p> <p>Neptune Drive between Marina Boulevard and the access to Oyster Bay Shoreline park is designated as a Class III bike route in Figure 9 of the 2010 San Leandro Bicycle and Pedestrian Master Plan. This segment serves as a critical link between the Class I path in Oyster Bay Shoreline and the proposed Class II lanes on Monarch Bay between Fairway Drive and Marina Boulevard as well as the proposed Class I path through the Project, as described on Page 4.13-47 in the DEIR. The Project includes a public promenade along the waterfront providing the Class I facility and completes the Class II bicycle lane along Monarch Bay Drive.</p> <p>The last sentence under the Neptune Drive heading on page 4.13-7 of the Draft EIR has been revised as follows:</p> <p><u>Per Figure 9 of the 2010 San Leandro Bicycle and Pedestrian Master Plan, Neptune Drive has been designated as a Class III bike route and is a part of the San Francisco Bay Trail. Neptune Drive is part of the adopted Bay Trail alignment and ABAG considers this segment to be an incomplete section of the Bay Trail since it does not currently provide a Class II or Class I bike facility.</u></p>
BO5-07	The Bay Trail Project appreciates the opportunity to comment on the DEIR for the San Leandro Shoreline Development Project and looks forward to our continued partnership with the City to improve the Bay Trail within San Leandro. Please do not hesitate to call me at (510) 464-7915 if you have any questions regarding the above comments or the Bay Trail. Sincerely, Lee Chien Huo Bay Trail Planner	This comment serves as a closing to the comments that were submitted and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.
<b>B06</b>	<b>The Marina Inn</b>	
BO6-01	Dear Ms. Chin, I have been a resident of San Leandro for almost a decade. I am also the General Manager of The Marina Inn. The Marina Inn continues to be very concerned about the massive Shoreline Development Project.	This comment serves as an introduction to the comments that follow and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
	<p>The Marina Inn has been a significant stakeholder in San Leandro for decades. We have operated a great hotel. We are well received by the people of the City and our hotel guests.</p> <p>From our perspective, with regard to the Shoreline Development Project, the City and the developer have not been forthcoming or consistent with information. The Marina Inn is in a unique situation as it relates to this proposed development We will be one of two businesses left in the marina area. We will be at ground zero for the construction and implementation of this project.</p>	
BO6-02	<p>The City and developer are attempting to proceed with this project while withholding the details from the public and stakeholders of the City of San Leandro. The DEIR does not come close to addressing the many potential and actual impacts of the proposed project. As presented to the public, the draft EIR is false and inadequate. The asserted conclusions are not made in good faith.</p>	<p>This comment expresses the opinions of the commenter and does not provide specific details or evidence of any inadequacies of the analyses contained in the Draft EIR. Therefore, no further response is required.</p>
BO6-03	<p>It is not even close to believable to situate a new 200-room hotel directly in front of The Marina Inn and obstruct our views of the San Francisco Bay and beyond and then conclude that there are no view impacts.</p>	<p>This comment expresses the opinion of the commenter that a new 200-room hotel would be placed directly in front of the Marina Inn and would obstruct its view of the bay and beyond. As an existing business and one expected to remain, the aesthetic effects of the project on the inn are a particular focus in the DEIR. The inn is pictured in photos in Figures 4.1-2 and -3. Those photos show lawn area and a path in front of the inn as well as a series of large, industrial looking boat covers. Existing slips, boats and masts could be visible beyond the tall boat cover structures. It appears that many of the first floor units would have little or no medium or long range views, while near range views would be dominated by the boat covers and the existing marina. Viewpoints G1 and G2 were chosen to show the effect of the project from the Marina Inn as discussed on page 4.1-29 of the DEIR. Figure 4.1-11a shows existing views in front of the inn from the third floor. Figure 4.1-11b is a photo simulation of the project. The simulation shows that no hotel or any other structure is proposed directly in front of the inn. Instead, the boat slips and industrial-looking boat covers will be replaced by open water in the marina basin. The proposed hotel would be located across the marina, beyond the open water views. Comparing the existing views and simulations, the views from the Marina Inn would be considerably improved in the near field, while views in the mid- and far-range would be somewhat affected, but not to a significant degree. Note also that the simulations are based on height and bulk assumptions to represent the CEQA worst case and do not account for design and landscaping features that will likely soften the views of the future structures. As discussed in impact AES-1 in Chapter 4.1 of the Draft EIR, mid- to far-field views would be altered by the Project due to the hotel and two restaurants on</p>

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
BO6-04	<p>In another section of the report, it is apparent that the company doing the report was hired to reach false conclusions. It is as though the developer needed to pay someone to say 2+2=5, so it hired a company that would reach that false conclusion.</p> <p>The proposed project is destructive to our community. It will harm the environment. It will disrupt the lives of the people who use and enjoy the marina area. It will cause great harm to the marina and The Marina Inn. The Marina Inn cannot support this project.</p> <p>Sincerely, Audrey Velasquez</p>	<p>Mulford Point; however, these views are already partially obstructed by boat masts and would not be adversely affected by the project. The discussion also states that the views of certain features (i.e., San Francisco Bay, and the Santa Cruz Mountains) would still be visible. Additionally, the Project provides multiple opportunities where mid- and far-field views would be available, such as the public promenade, and pedestrian lookouts proposed by the Project. The analysis concluded that views from the Marina Inn would change but the changes would be less than significant. The analysis is straightforward and based on objective data to the extent feasible, and the data supports the conclusions that implementation of the project would not have a significant adverse effect on views from the Marina Inn. No changes to the DEIR are necessary.</p> <p>This comment does not say what other part of the DEIR it thinks are false conclusions, so no discussion or clarification is possible. The comment expresses the opinion of the commenter on the merits of the project and unspecified environmental harms and does not address the adequacy of the analysis in the Draft EIR; therefore, no further response is required.</p>
<b>B07</b>	<b>Mulford Gardens Improvement Association</b>	
BO7-01	<p>To whom this may concern:</p> <p>I am troubled by the traffic condition at Marina Blvd where Aurora crosses. The hand drawn sketch is not to scale and is not considering the private property at that intersection. There is concern with the underground utilities and there will be conflict. The Garfield Elementary School that is a half block from that corner has a lot of congestion all along Aurora from Williams to Marina and this "round about" can not possible account for that kind of traffic.</p>	<p>The comment expresses concern about traffic and the proposed mini-roundabout at Aurora Drive and Marina Boulevard (TRAF-1C) and whether it will be able to function operationally with the traffic from Garfield Elementary School.</p> <p>The DEIR considered two options as part of Mitigation Measure TRAF-1C, including a mini roundabout as one solution for mitigation of traffic impacts at the intersection of Marina Boulevard and Aurora Drive as explained in the DEIR on page 4.13-33, and installation of a traffic signal as an alternate mitigation. An operational analysis of the mini-roundabout was performed for the AM, PM, and Saturday peak hours. This analysis determined the mini-roundabout would be able to accommodate typical peak hour volumes (see Tables 4.13-27, 4.13-28, and 4.13-29 in the DEIR). These volumes include the traffic associated with the Garfield Elementary School as part of</p>



**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
		<p>the existing counts collected during the AM and PM peak periods and therefore have been accounted for as part of the operations analysis of the mini-roundabout.</p> <p>According to the Federal Highway Administration (FHWA) publication (Roundabouts: An Informational Guide) mini-roundabouts have an inscribed circle diameter of between 45 and 90 feet. The intersection of Aurora Drive and Marina Boulevard could accommodate an inscribed circle diameter of about 75 feet without requiring right-of-way from neighboring private property. Therefore, a mini-roundabout concept is considered a feasible mitigation measure. Additional engineering design that considers underground utilities or other conflicts will need to be performed before the selection of a final mitigation measure.</p> <p>Text on page 4.13-33 of the Draft EIR under Mitigation Measure TRAF-1C has been revised as follows to clarify the mini-roundabout mitigation and timing for selection between the alternate mitigations:</p> <p><b>Mitigation Measure TRAF-1C:</b> Install a modern mini-roundabout that could be accommodated within the existing right-of-way. Research has shown that roundabout-controlled intersections have similar low frequency and severity of crashes as all-way stop-controlled intersections. Further, the slower speed at roundabout also reduces the risk of injuries and fatalities for road users in the event of a crash. A conceptual drawing of a mini-roundabout is provided in Figure 4.13-5. <u>With the proximity of the school to this intersection, the mini-roundabout shall be designed with safety countermeasures to address student crossings. Safety measures such as high-visibility crosswalks, advanced warning signs, and a mini-roundabout design that promotes slow circulating speeds should be considered.</u> Implementation of <del>this mitigation measure</del> <u>a mini-roundabout</u> would improve the operation of this intersection to LOS A in the AM, PM and Saturday midday peak hours.</p> <p><u>Alternatively, installation of a traffic signal would also mitigate the project impact as peak hour signal warrant is met. However, the decision to install a traffic signal should not be based solely upon a single warrant. Additional engineering analysis and design shall be completed prior to selection of final mitigation measure.</u> Upon implementation <u>of the traffic signal</u>, the intersection would improve to LOS B in the AM peak hour and LOS A in the PM peak hour and Saturday midday peak hour.</p>

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
BO7-02	I question the validity of taking a sample of traffic based on one day at one time of year. There may have been an anomaly of minimal traffic on that day and as such averages should be considered instead of basing this entire project on one day's tally.	<p><b>Significance After Mitigation:</b> Less than significant. Implementation of this Mitigation Measure would improve the operation to LOS A in the AM and PM peak hours as well as the Saturday peak hour. This would reduce this impact to a less-than-significant level during the PM peak hour.</p> <p><u>The City will make the final decision of selection of one of the two mitigation options. The design of the selected mitigation shall be included in the development applications for site plan review/tentative map.</u></p>
BO7-03	I did not see where there were discussions about how traffic patterns will change as the new plans are created. What will be done to circumnavigate these changes as people work around the system.	<p>The comment is questioning the use of traffic counts sampled for one day of the year.</p> <p>While there is variation of traffic during the year, the DEIR states that counts were conducted during typical weekday, mid-week (Tuesday thru Thursday) conditions, during the morning and evening peak periods when schools are in session, and with good weather conditions to represent average traffic conditions during the peak periods. The one-day traffic counts are considered standard practice and are routinely used as the basis for the City CEQA analyses. In addition, City traffic analysis guidelines allow for one-day traffic counts to be collected. Given normal daily fluctuations in volumes and incidents that affect volumes, when anomalies were identified during the analysis and review with City staff, field observations and possible re-counts would have been conducted to verify conditions.</p> <p>The comment is requesting further information on how the traffic patterns were developed and how they respond to new plans and developments.</p> <p>The DEIR states on page 4.13-25 that the Alameda Countywide traffic model was used to develop traffic distribution patterns. The traffic model accounts for new project trip generation, trip distribution, new roadway facilities, and roadway capacities as it develops traffic distribution patterns for the new project trips. Project trip distribution is referenced in the DEIR on page 4.13-25 and shown graphically in the detailed Traffic Report on page 37. The trip distribution methodology used for this Project is consistent with standard practice for land use development projects in the City and Alameda County.</p>
BO7-04	The boat berths that exist in the harbor provide a habitat for the local birds and water creatures. If the berths are removed they will suffer. The RipRap that will be removed also provide a habitat for bay life and there is nothing offered as a solution there.	<p>The concerns of the commenter over the loss of artificial habitat for local birds and aquatic wildlife with the proposed removal of boat berths and riprap in the marina are noted. A discussion of the proposed impacts of the project on wildlife species, habitat and movement opportunities is provided under impact BIO-1, BIO-3, and BIO-</p>

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
BO7-05	The Monarch butterfly is not being given credible space from the construction that will be done. Once the housing is built it will be too close to the trees that the Monarch settles into. I want to see hard evidence that can back up the manipulation of their habitat.	<p>4. The proposed project includes creation of enhanced natural shoreline along lower segments of the existing riprap, which should actually improve habitat conditions for wildlife, and the majority of the riprap will remain in place and continue to provide resting and roosting habitat for wildlife of concern to the commenter.</p> <p>The concerns of the commenter over the proximity of the proposed residential development to the Monarch butterfly colony is noted. A detailed discussion of the potential impacts of the project on the Monarch butterfly colony is provided under impact BIO-1 on pages 4.3-13 and 4.3-14 of the Draft EIR. The status of this species is reviewed under the setting discussion on pages 4.3-9 and 4.3-10 of the Draft EIR. Mitigation Measure BIO-1A calls for ensuring protection of the Monarch butterfly colony through specific construction controls (see also response to Comment B34-03, which adds to the proposed protections in BIO-1A). This would ensure consistency with the intent of Section 4-1-1000 of the San Leandro Municipal code. Implementation of the mitigation measure may require relocation of the east edge of the South Golf Course Residential area where it extends under the canopy of the wind buffering trees to the west of the stand of blue gum eucalyptus where the winter roosting colony of monarch butterflies tend to congregate at the eastern edge of the golf course. The DEIR adequately identifies the critical components of the butterfly habitat, the potential project impacts and specific controls to maintain the viability of the habitat and thus, the butterflies. No additional discussion is required.</p>
BO7-06	Noise during construction will be very disrupting to Mulford Gardens. Pile driving will be disturbing to all factors of life there. The community of Mulford Gardens wants any construction that takes place to comply with a consensus of approval regarding all noise factors of the construction.	<p>In the DEIR, Impact NOISE-4 was found to be a significant impact regarding construction noise at the proposed project. Mitigation Measure NOISE-4 included provisions for (a) temporary sound barrier walls, (b) temporary noise control blanket barriers, (c) the notification of upcoming construction activities for all businesses, residences, and other noise-sensitive land uses within 500 feet of the perimeter of the construction site, (d) the posting of signs that included an on-site complaint and enforcement manager, and (e) the responding to and tracking of complaints regarding construction noise effects. These provisions, as well as others contained in Mitigation Measure NOISE-4, will help minimize the effects of construction noise for all residents and other sensitive receptors in the vicinity of the project site.</p>
BO7-07	Please consider and answer to each of my issues above before moving forward with this project. I am writing this letter on behalf of all members of the Board of Mulford Gardens Improvement Association Thank You, Steve Modifer, President MGIA	<p>This comment serves as a closing to the comments that were submitted and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.</p>

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
<b>B08</b>	<b>Levenson, Susan</b>	
BO8-01	<p>Hi Sally,</p> <p>This project sounds amazing, but the following says that work is going to be done “on 23 acres of water”. This doesn’t include any portion of wetlands, does it? Just wondering because I just read an article about the importance of wetlands and how they serve as carbon sinks. Thought I would check to make sure. I am pretty proud of how the City has dealt with past projects, and want to encourage and support such developments as long as important stuff (like wetlands) are not forgotten! I used to work at the Hayward Shoreline and know how many positives a nice wetland can give to its surroundings.</p> <p>Thanks, Susan Levenson</p>	<p>This comment states a question regarding the Projects impacts to wetlands. As stated in impact discussion BIO-3 in Chapter 4.3 of the Draft EIR, the Project would result in direct and indirect impacts to wetlands along the shoreline of the San Francisco Bay and upland areas in the golf course. However, as stated on page 4.3-18 of the Draft EIR, modifications to regulated waters, including wetlands, would require appropriate authorizations from State and federal regulatory agencies, including the Army Corps of Engineers and the Regional Water Quality Control Board under Section 404 and 401 of the Clean Water Act. Upon further review by some or all of these agencies, a compensatory mitigation program will likely be required to offset impacts to wetlands caused by the Project.</p>
<b>B09</b>	<b>Dictor, Johanne #1</b>	
B09-01	<p>Ms. Chin:</p> <p>I have further comments to my message below: It appears we are adding "class A" building space; of course, this will bring in workers without any public transit to San Leandro aside from AC Transit and BART which would be a daunting trip given the location of the marina. Again, providing ferry service would provide direct service to and from the City. This would compliment AC Transit and BART services. Ferry service is the more efficient way of addressing public transport for this project given we are located on the water and our water ways can be put to good use.</p> <p>Johanne Dictor 1166 Glen Drive San Leandro, CA 94577 510-220-4477</p>	<p>This comment expresses concern regarding the adequacy of public transportation to and from the project site. As stated in the analysis in impact discussion TRAF-2 of the Draft EIR beginning on page 4.13-44, the project would not result in significant impacts to existing public transit service based on expected increases in ridership. As stated beginning on page 4.13-44, the capacity of BART, and AC Transit Routes S, 75, and 89, would not be exceeded by project generated increases in ridership; therefore, existing public transit serving the project area would be sufficient.</p> <p>Additionally, as stated in Chapter 4.13 Transportation and Traffic of the Draft EIR beginning on page 4.13-8, AC Transit Route 89 operates in the study area and provides service directly to and from the project site and the San Leandro BART station. Additional routes operate in the project area, including AC Transit bus Routes S and 75, as well as the LINKS shuttle, which provides free shuttle service between the San Leandro BART station to major employment centers in west San Leandro, as shown in Figure 4.13-2 of the Draft EIR.</p> <p>Further, Chapter 3 Project Description of the Draft EIR identifies an objective on page 3-5 that the banquet/conference facility is intended for use by residents and local groups, in addition to meetings and conferences. Further, another project objective of the project as listed on page 3-5 of the Draft EIR is to enhance connections between San Leandro’s shoreline and the San Francisco Bay Trail, thereby encouraging use of alternative modes of transportations, such as walking and biking.</p>

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

<b>Number</b>	<b>Comment</b>	<b>Response</b>
<b>B10</b>	<b>Dictor, Johanne #2</b>	
B10-01	Ms. Chin: My comments regarding this project are in regards to public transportation. This location is out of the way as far a public transit goes and would be far more successful if there was a ferry that provided service from San Leandro to the City. I cannot understand how you can build a large hotel and conference center without proper public transportation. Most people going to a conference will not want to take a bus to the Marina.	This comment states that the project site is out of the way from public transit, as well as questions how the project can build a large hotel and conference center without public transportation. Please refer to response to Comment B09-01 regarding the adequacy of public transit in the project area, as well as a discussion of project objectives intended to enhance and encourage alternative modes of transportation.
B10-02	It appears there is an agenda to take away the berths for the boats thus disallowing for dredging. In my opinion this is not a good idea we should we consider keeping the berths and the boats along with doing the proper dredging and implementing ferry service. We need to take advantage of our water destination much like other cities such as Alameda, Oakland and Vallejo. This is the progressive thing to do. Thank you, Johanne	This comment expresses the opinion of the commenter regarding the removal of the berths at the marina. As stated on page 1-4 of Chapter 1 of the Draft EIR, and also in Chapter 3 on page 3-9, the existing San Leandro Marina would be maintained for as long as financially feasible. Further, as stated on page 3-10 of the Draft EIR, the marina would remain accessible for non-motorized watercraft, such as canoes, kayaks, or stand-up paddle boards. In regards to dredging, the City has addressed the feasibility of continued dredging operations and the financial challenges of continuing to do so since 2005. The issue was raised again in 2007 in an Environmental & Regulatory Constraints Assessment which also included a revenue feasibility study and public opinion poll to determine if people would be willing to approve a parcel tax to fund dredging; however, the results indicated that, although the boat harbor is an asset, people were not willing to tax themselves to offset the cost of continued dredging. Subsequently, in 2010 the City and Cal Coast prepared a Harbor Basin Study providing options for possibilities for use of the harbor basin, including continued dredging operations. According to the City of San Leandro website, the channel was last dredged in 2009 however the harbor itself was not dredged, due to lack of local funding. The City has the financial responsibility for dredging and the approximately \$2 million required for dredging is more than what the Shoreline Enterprise Fund can afford. This issue dates back to 2007 when the City conducted a public opinion poll
<b>B11</b>	<b>Pitcaithley, Dwight #1</b>	
B11-01	Thank you very much Jennifer. It's all perfectly clear now. HAPPY HOLIDAY! Dwight  Hi Mr. Pitcaithley, Both the Planning Commission and City Council will be hearing comments on the Draft EIR at the meetings on January 15 (Planning Commission) and	This comment was email correspondence between the commenter and city planning staff regarding general questions about the EIR certification process and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.

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## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

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Number	Comment	Response
	<p>January 26 (City Council). Both meetings are to be held at 7 pm in the City Council Chambers.</p>	
	<p>The process to certify an EIR is at the discretion of the Planning Commission and City Council only. Public comments are received and responded to, and are part of the public record, but there is no vote by the public per se. If you have further questions, please contact Debbie Pollart, Public Works Director, <a href="mailto:dpollart@sanleandro.org">dpollart@sanleandro.org</a>. For your information, the City is closed from December 24, 2014-January 2, 2015.</p> <p>Thank you, Jennifer Chin</p>	
	<p>Thank you Jennifer: Lastly, the planning commission makes its recommendations and it's then in the hands of City Council. So at no time will the citizens and taxpayers be able to vote on the project? Dwight</p>	
	<p>Hi Mr. Pitcaithley, As required by CEQA, the comments and written responses are compiled in the Final EIR; therefore, once the Final EIR is released, all comments and related responses will be available to the commenters, as well as the rest of the public. The Planning Commission will consider the Final EIR at their public hearing on the Project, tentatively scheduled for late Spring 2015. Once the Planning Commission makes its recommendations on the EIR certification and the Project, the City Council will consider the Final EIR before taking action on the Project. The Final EIR will be made available a minimum of 10 days prior to the Planning Commission public hearing. I hope this answers your question. Thank you, Jennifer</p>	
	<p>Good Morning Ms. Chin: Will those making comments and questions be able to see the answers to their questions prior to consideration of the Final Environmental Impact Report? At what point will questioners see what Planning Commission and</p>	

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**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
	<p>City Council has stated for the record regarding questions and comments? Thank you, Dwight</p> <p>Good morning, Mr. Pitcaithley, All comments received become part of the public record for the project. At the conclusion of the public review period, all comments received will be responded to in writing (as part of the Final Environmental Impact Report) and will be forwarded to the Planning Commission and City Council as they consider certification of the Final Environmental Impact Report. Thank you, Jennifer</p> <p>Hi Ms Chin: Regarding the DEIR: I will be allowed to submit my questions in writing directly to you with, "Comments on SL Shoreline Draft EIR" in the subject line? This is important: Please tell me this in not a mere "comment," as before City Hall, but citizens submitted concerned questions the City will be required to answer? Thank you, Dwight Pitcaithley</p>	
<b>B12</b>	<b>Sellars, John</b>	
B12-01	<p>Dear Ms. Jennifer Chin: As a property owner in the vicinity of the San Leandro Marina Complex I look forward to the property being developed. However, in my opinion the inclusion of residential rental units in the project would significantly degrade the quality of life in the city in general and within the shoreline community specifically. Thank you for your consideration. John Sellars</p>	<p>This comment expresses the opinion of the commenter and does not address the adequacy of the analysis in the Draft EIR; therefore, no further response is required.</p>
<b>B13</b>	<b>Wilson, Frank #1</b>	
B13-01	<p>Is there some place I can see a model of the proposed development? With only 2 small roads, Fairway dr. and Marina blvd, with access to the park it seems to me that adding 354 housing units to the park will cause back-up traffic all the time on these 2 residential roadways. As a boater and yacht club</p>	<p>The comments inquires about a model of the development, and comments that adding 354 housing units will cause back-up traffic at Fairway Drive and Marina Boulevard. The comment also expresses the opinion of the commenter that housing is not a good use of the property. Currently, there is no model of the proposed</p>

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
	<p>member I must agree that the marina should go.(Does everybody know that the channel out to the deep water in the bay that has to be. constantly dredged is 2 miles long! I)? And is seldom used? But plugging the park up with hundreds of housing and cars is not,in my opinion, a good use of the property. Regards, Frank Wilson 2326 Fairway Dr.</p>	<p>project available. Regarding traffic, Chapter 4.13, Transportation and Traffic of the Draft EIR addresses potential traffic impacts, including several intersections of Fairway Drive and Marina Boulevard. Please refer this chapter of the Draft EIR for potential impacts along those two roadways. The City acknowledges the commenter's statement that the channel is 2 miles long; this is among the reasons that dredging may not be economically feasible in the future (see response to Comment B10-02).</p>
<b>B14</b>	<b>Finley, Brooks</b>	
B14-01	<p>I have been reading about this issue in the Times for years, never been able to attend the meetings but becoming more and more disillusioned. In 2000 I bought my home in Washington Manor specifically because San Leandro was "built out" and no more land was being developed. The city appeared to be infilling the empty properties, which I admired. As the plan moved on it seems that San Leandro was banking on high cost homes for the more wealthy, and conference centers using up our wonderful and now accessible shoreline park and area. The parking already is sparse when using Marina Park, and I can only imagine what it will be if this project is approved. Aside from the marina issue I feel the access for San Leandro residents of all incomes will be adversely effected and I am so sorry the the Mayor and city council have spent so much money not only on the "consultants" but the planning of this inadvisable project. My taxes are high enough, especially if it is something that will NOT benefit me as a resident! Brooks Finley 1485 Dayton Ave San Leandro, CA</p>	<p>This comment expresses the opinion of the commenter regarding the accessibility of the project site. As stated in Section 3.3 of Chapter 3, Project Objectives, of the Draft EIR, objectives includes ensuring the project complements existing amenities and provides needed connection between amenities and current shoreline uses, and provide multiple areas for the public to enjoy scenic views and interact with the San Francisco Bay, to name a few. Further, as stated on pages 3-9 and 3-10 of the Draft EIR, proposed public amenities, such as pedestrian piers, public promenade, amphitheater, boardwalk/lookout pier, and small boat launch, are intended to enhance and encourage accessibility to the shoreline. Also, please see response to Comment B09-01 regarding the project's objective relating the intended use of the banquet/conference center encouraging local use.</p>
<b>B15</b>	<b>Pellerino, Marcel</b>	
B15-01	<p>Dear Ms. Chin: We, (and most all San Leandrans we feel), LOVE the shoreline views of the Marina. We hope that after living in San Leandro for 45 years, and enjoying the Marina, the Shoreline Development Project doesn't ruin the special and precious views of the Marina with a hotel, residences, more traffic, noise, and litter, which would also make it busier, rather than a calming, beautiful scenic spot! It could retain its beauty and enjoyment if properly planned, which we expect and hope will happen.</p>	<p>This comment states a general concern regarding views, traffic, and noise impacts; however, does not raise a specific concern nor does it question the adequacy of the analysis in the Draft EIR. Please refer to Chapters 4.1, Chapters, 4.10, and 4.13 for analyses pertaining to Aesthetics (i.e., views), Noise, and Transportation, respectively. No further response is required.</p>
B15-02	<p>The Marina area is the "SPECIAL GEM of San Leandro"! Some of our out-of-town visitors have commented that it reminds them of the Monterey coast line!</p>	<p>This comment serves as a closing to the comments that were submitted and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.</p>



**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
	<p>Also, the El Torito Restaurant has been enjoyed for many years for good food and lovely view, and would like to see it continue serving at the Marina with the other new restaurants if possible. Seniors may have liked to see at least a sketch of the project in the Daily Review as many may not have been able to go to the Development office.</p> <p>Thank you for your consideration regarding our opinion. Sincerely, Mrs. Marcel Pellerino 2356 Marineview Drive San Leandro, CA 94577</p>	
<b>B16</b>	<b>Marggraff, Gerd &amp; Melissa</b>	
B16-01	Please find attached our concerns regarding the EIR for the shoreline development. If you have problems opening this file, please contact us ASAP.	This comment serves as an introduction to the comments that follow and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.
B16-02	Dear Planning Commission & City Council. We are concerned about the following issues related to EIR for the proposed marina development:	This comment serves as an introduction to the comments that follow and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.
B16-03	<p><b>NOISE IMPACT</b></p> <p>The study did not take into consideration that construction and day-to-day noise created by the apartments &amp; businesses will propagate over the Bay to our homes on Neptune Drive. As every noise study will tell you, noise propagates over water much better than over land.</p>	<p>In the DEIR, Impact NOISE-4 was found to be a significant impact regarding construction noise at the proposed project. The analysis accounted for sensitive receptors around the project site that could be potentially impacted by construction noise, including those that immediately adjacent to planned Project elements (which are approximately 140 feet away from the nearest residences). The construction noise analysis also conservatively accounted for the propagation pathways to nearby receptors (including pathways over both water and land to nearby residential land uses along Neptune Drive and other, nearby streets). Although temporary or periodic increases in ambient noise levels would result from construction activities associated with demolition, excavation, and construction associated with buildout of the Project, with implementation of Mitigation Measure NOISE-4, the construction noise impacts would be reduced to less than significant levels. See also the response to B07 above for additional details on the mitigating provisions of Mitigation Measure NOISE-4. The DEIR examined day-to-day, or operational, noise in Impact NOISE-1 and found it less than significant.</p>
B16-04	At no point, was noise on the Neptune properties considered, especially those that face the water. There was no noise monitoring or estimation done for home on Neptune.	Two of the noise monitoring sites in the Draft EIR analysis were near Neptune Drive. Long-term site 1 is in the northern portion of the project site and assessed noise from the El Torito parking lot, among other sources (page 4.20-14). Short-term site 4 on Marina Blvd. near Neptune Drive assessed noise received from the residential

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
B16-05	Having 160 rental units directly in our back-yard, will increase the noise level considerably, maybe beyond an acceptable level. Already now, wheelies and yelling and screaming at the marina, wakes us up during the night.	<p>area immediately north of the project site (page 4.10-18, and Figure 4.10-2). The measurement site captures noise at the existing residences closest to the development area - approximately 140' away; the commenter's location is further away from the project, north along Neptune Drive, and would receive less noise than at locations farther south on Neptune Drive. Please see the response to B16-03 above.</p> <p>Future owners and/or tenants in the various, proposed project facilities will all be under the authority and jurisdiction of the City of San Leandro Municipal Code. Chapter 4.1 of the code regulates nuisance noise, as further described in the DEIR on page 4.10-8. As such, excessive noise generation will fall under the enforcement provisions of said Municipal Code.</p>
B16-06	<p>PARKING</p> <p>The development will introduce almost 2000 cars to the marina area. If you look at parking around the apartments in the NE corner, there seems to be very little parking in the vicinity of those units. It looks like the small parking lot will be shared by offices &amp; apartments. There will be an enormous amount of car spillage on Neptune Drive. Already now, the Marina Blvd. apartment spillage is blocking Neptune Drive completely. This completely ignored by the EIR.</p>	<p>The comment is requesting further information on parking issues and impacts. While the commenter described issues with the off-site parking condition in the area, these conditions are not created by the Project. The detailed Traffic Impact Study provided as a technical appendix to the DEIR includes a detailed parking discussion and analysis that adhered to all applicable City guidelines for parking standards. As stated on page 3-11 of the Draft EIR, the Project has proposed to provide 2,057 on-site parking spaces located in surface lots and a parking structure (see DEIR pages 3-9, -11). This parking analysis assessed the adequacy of the proposed number of spaces based on the City's zoning code requirements as well as parking demand estimation according to Parking Generation (4th edition) published by the Institute of Transportation Engineers (ITE). Due to the mixed-use nature of the proposed Project, there are ample opportunities for shared parking as well as internal trip making that would likely be conducted on foot rather than by vehicles. However, such opportunities were not used to reduce either the number of spaces required by the City's code or the estimated parking demand, so as to ensure a conservative analysis. The DEIR adequately addressed parking for the Project.</p>
B16-07	<p>TRAFFIC</p> <p>Already now, we have a fair percentage of illegal turns in and out of Neptune Drive. The develop will certainly increase on traffic on Neptune to an intolerable, probably dangerous level given that Neptune is a heavy parked in street where only one lane is available for car traffic (due to quantity of parked cars). No study was done regarding the traffic impact on Neptune or how to stop fair percentage of traffic from using Neptune.</p>	<p>The comment is noting existing travel behavior on Neptune Drive associated with parking and illegal turns despite the turn prohibitions at Neptune Drive and Marina Boulevard.</p> <p>Given the restricted access at Neptune Drive and Marina Boulevard, the Project does not have direct access to Neptune Drive. Instead, the project traffic would access Neptune Drive via Aurora Drive and Williams Street. As a result, the project will not increase through traffic on Neptune Drive. The City has already implemented turn prohibition for turns in and out of Neptune Drive, and these prohibitions were assumed in the DEIR traffic analysis in Chapter 4.13. The level of parking activity on</p>

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
B16-08	<p>HOME CONSTRUCTION Having been on the airport committee and being a resident on Neptune Drive. Developers and the airport love to play with “AVERAGE” noise levels. What really impacts residents, particularly during the night, are single event noise levels. During the entire study, only averages were used and there is no mention of the frequencies.</p>	<p>Neptune Drive is an existing condition and not the result of the project. The City could consider additional measures, like more enforcement, parking control such as a residential parking permit program, or stricter traffic control measures, to reduce traffic on Neptune to address this existing condition.</p> <p>Please see the response to B02-06 above regarding 'average' noise levels and single-event noise levels.</p> <p>The CNEL noise metric, mandated by the FAA for the assessment of airport noise, is inherently defined as a 24-hour average (DEIR p. 4.10-2). Additionally, the CNEL noise metric is defined in terms of the A-weighting frequency filter, which approximates the frequency response of the human ear (DEIR p. 4.10-1). Thus, both temporal variations and the frequency-content of aircraft noise were accounted for using the industry-standard noise level metrics. Beyond the CNEL metric, the Sound Exposure Level (SEL) or Single Event Equivalent Level (SENEL) metrics can be used for measuring aircraft fly-overs on a single-event basis. Additionally, some research has been conducted on low-frequency content of aircraft engine run-up events and take-off episodes. However, the use of these other sound level metrics and measurement techniques has not been incorporated into the FAA or California regulations for airport noise assessment, nor have they been incorporated into the Oakland International Airport Land Use Compatibility Plan (OAK ALUCP). Without such accepted standards, it is effectively impossible to arrive at a threshold of significance for noise level metrics (either temporal or spectral) beyond the CNEL value. The CNEL metric used in the DEIR noise analysis is appropriate. Furthermore, the DEIR carefully located the noise measurement sites to ensure that airport noise was represented.</p> <p>Please also see the response to B02-06 above regarding 'average' noise levels and single-event noise levels and the response to Comment B16-09 regarding the frequency (pitch) content of aircraft noise.</p>

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
B16-09	<p>The apartments will be built in the blast zone of airport runway on take-off. During this event, aircraft will be blasting the development with low frequency noise. There is only one way of isolating from those, and it is with 12" of concrete. In the EIR there has been an inadequate assessment of air-traffic noise events.</p>	<p>While the low frequency noise (LFN) component of airport noise may be a concern to residents around any given airport, there are no standardized processes to measure, assess, or mitigate the effects of LFN caused by jet aircraft take-off and climb-out. Neither the state, FAA, or the Oakland ALUCP addresses LFN; thus, there is no informational, documented basis on which to define thresholds of significance or conduct a related analysis. That is, without such accepted standards, it is effectively impossible to arrive at a threshold of significance for LFN effects. Rather, the only available standardized thresholds from the FAA, the State of California, the City's General Plan Noise Element, and the OAK ALUCP are based on the CNEL metric, which was used in the DEIR assessment process to evaluate the potential impacts of aircraft operations noise at the proposed project.</p>
		<p>The DEIR analyzed airport noise specifically in Impact NOISE-5. Noting that none of the residential uses are in the airport's own defined critical noise contour, the impact was found less than significant. Of course, future residents of the apartment complex will have to decide whether they wish to live close to an active airport and its noise (including LFN). Although the impact is not significant, response to Comment A08-08 notes the City's standard conditions would normally include a requirement for notice of aircraft overflight.</p>
		<p>See also the response to Comment A08-05 regarding noise insulation studies for residential and non-residential land uses within the proposed project using the FAA-mandated CNEL noise metric.</p>
B16-10	<p><b>CONSTRUCTION IMPACT</b> At no point has the study considered how ongoing construction vibration will impact soils &amp; foundations Neptune Drive. The liquefaction factor in our type of sediment may be important. Structural and permanent on foundations on Neptune and other adjacent neighborhoods would be full responsibility of the City and must be studied. It seems to be the EIR has not taken into consideration that neighborhoods close to the bay are built on soft sediment.</p>	<p>There are no known literature sources or evidence that have shown construction activities, even vibration-intensive activities such as pile driving, can generate enough groundborne vibrational energy to create liquefaction effects at adjacent land uses. Rather, liquefaction effects, particularly on a neighborhood-wide basis, would only be likely from seismically induced ground movements.</p> <p>Further, as part of project development, Mitigation Measures NOISE-2 includes a provision for inspecting and reporting on the current condition of existing buildings within 200 feet of vibration-intensive construction activities. As noted in the DEIR, groundborne vibration generated by human activities typically attenuates rapidly with distance from the source of the vibration. Man-made vibration effects are, therefore, usually confined to relatively short distances (500 to 600 feet or less) from the source and are limited to architectural damage (cracks and sticking doors) or annoyance (rattling windows or items on a shelf). With the lack of enough energy to induce liquefaction effects and with the DEIR's inclusion of Mitigation Measure</p>

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
B16-11	<p><b>INFRASTRUCTURE IMPACT</b> Little to no consideration was given to west San Leandro infrastructure impact--- electrical capacity, sewer, etc. Sewer lines in the area are old and are under constant repair even now. Integrating a large development with 300 homes is likely to lead to failure effecting both the development, local neighborhoods, and the Bay water quality.</p>	<p>NOISE-2, groundborne vibration during construction activities will result in less-than-significant impacts.</p> <p>This comment expresses the opinion of the commenter and does not provide evidence that the infrastructure would lead to failure with the Project nor does it raise a specific concern regarding how the infrastructure was not adequately considered in the Draft EIR. However, Chapter 4.14 Utilities and Service Systems beginning on page 4.14-13 of the Draft EIR addressed potential environmental impacts of sanitary wastewater service. As discussed in impact discussion UTIL-5, and also in UTIL-4 and UTIL-6, future sanitary wastewater demands of the project would not exceed the design or permitted capacity of the wastewater treatment plants serving the project. Also, as stated on page 4.14-21, the project would preserve in place existing infrastructure, and if necessary, extensions and/or replacement of sewer pipes/lift stations would be installed to provide wastewater service to structures proposed by the project. Additionally, as further stated on page 4.14-21, the City regularly replaces aging components of its wastewater collection and transmission system. For example, the Sanitary Sewer Line Replacement and Repair Project 2012/2013 anticipated to be completed in Spring 2015, will replace or repair sewer mains, or aspects of the sewage collection system identified by video inspections to be defective or in need of repair. Consequently, the analysis in impact discussion UTIL-5 concluded less-than-significant impacts related to sewer infrastructure given that General Plan policies 52.01 to 52.04 would ensure that development is not approved until it can be demonstrated that adequate wastewater collection capacity exists or until a financial commitment to create such capacity has been secured.</p> <p>Regarding electrical capacity, Chapter 4.14 beginning on page 4.14-34 of the Draft EIR addressed potential environmental impacts related to energy conservation. In general, impact discussions UTIL-11 addressed the projects potential impacts to energy resources, including construction energy impacts, operational energy impacts, transportation energy impacts, and renewable energy impacts. As stated on page 4.14-46, the project would result in an increase in energy consumption; however, Mitigation Measure UTIL-11 would increase energy conservation and reduce those impacts related to energy generation to a less-than-significant level. Further, Table 4.14-5 of the Draft EIR identifies several General Plan goals and policies that the project would comply with to reduce energy consumption.</p>

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
B16-12	<p><b>AIR QUALITY</b></p> <p>There was no study of air quality. Both the development and local neighborhoods are living in the constant cloud of air traffic pollution combined with bay area smog might. During peak hours, we have to close our veranda doors at the smell of burning kerosene gets too bad. At no point, has there been a study of the air quality and health impact of airport. As economy improves, pollution likely to get worse and might reach an unhealthy limit. After all the development will be the closest point to the jet exhaust. A baseline air study must be done prior to building 300 homes in the jet exhaust path.</p>	<p>The EIR analysis fully complies with CEQA. It describes existing air quality conditions (page 4.2-14) and applicable thresholds and methodologies for the analysis (pages 4.2-18 to -22). Potential impacts of constructing and operation of the project are set forth in impacts beginning on page 4.2-22, including Impacts AQ-5 and -6 related to public health and AQ-7 related to odors. Operations at the existing airport are not part of the proposed Project. However, a health risk assessment (HRA) was prepared for the Oakland Airport (Port of Oakland, 2003; cited in the Air Quality chapter) and confirmed that health risk impacts in the Project site area would be less than significant.</p>
B16-13	<p><b>PROTECTED &amp; THREATENED SPECIES</b></p> <p>The impact on the Monarch butterfly was ignored in the EIR. San Leandro is proud to have one of the west coast nesting grounds for this butterfly. The trees adjacent to the golf course, etc. are the main wintering point of flocks of these beautiful creatures. Although in North America the Monarch Butterflies are not considered an “endangered” or “threatened” species, they are highly protected under law, especially around their wintering roosting sites. A legal problem is very likely to arise.</p>	<p>Contrary to the assertion by the commenter that impacts on monarch butterfly were “ignored in the EIR”, a detailed discussion of the potential impacts of the project on the Monarch butterfly colony is provided under impact BIO-1 on pages 4.3-14 and 4.3-14 of the Draft EIR. The status of this species is reviewed under the setting discussion on pages 4.3-9 and 4.3-10 of the Draft EIR. Mitigation Measure BIO-1A on page 4.3-14 (as revised in Chapter 3) calls for ensuring protection of the Monarch butterfly colony through preparation of a Monarch Butterfly Roosting Habitat Protection Program. This would ensure consistency with the intent of Section 4-1-1000 of the San Leandro Municipal code. Implementation of the MBRHPP may require relocation of the east edge of the South Golf Course Residential area where it extends under the canopy of the wind buffering trees to the west of the stand of blue gum eucalyptus where the winter roosting colony of monarch butterflies tend to congregate at the eastern edge of the golf course.</p>
B16-14	<p><b>REMOVAL OF RIP RAP</b></p> <p>Studies in other marinas have found that old rip-rap becomes its own ecosystem. No study was done how removal of such a huge amount of shore line habitat (even if it is man-made) will affect the bay water quality and local species that may have taken up residence there.</p>	<p>A discussion of the potential adverse effects of the project on aquatic habitat is provided in the Biological Resources section of the Draft EIR. Impacts BIO-1 and BIO-3 address the potential effects on special status species and on wetlands habitats. This includes acknowledgement that some modifications to areas of riprap would occur, together with removal of existing pilings, docks and piers in the existing marina, creation of enhanced natural shoreline along the interior of the existing marina, installation of new piers, docks and pedestrian bridge over the mouth of the entrance to the existing marina, as discussed on page 4.3-15 of the Draft EIR. The existing riprap may provide some function for wildlife, but the proposed modifications to riprap would not be considered a significant impact on wildlife resources, as discussed under impact BIO-4 of the Draft EIR.</p>
B16-15	<p>Every day, we are listening to the airport noise, traffic on Marina Drive, and noise created in the marina parking lot (next to El Torito). A loud car radio in the marina parking lot, can be heard clearly in our backyard and in our</p>	<p>Please see the response to B16-05 above regarding the control of noise from future residents/users of the proposed project facilities.</p>

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
B16-16	<p>bedrooms. The increase in units across the existing marina parking lot will have a very adverse impact on our quality of life on Neptune Drive. We already are suffering from noise impact from the airport, well beyond what the City will admit. You know that Neptune Drive is the buffer zone concerning airport noise for the rest of Mulford Gardens. We are not interested in being the buffer zone for noise from the rental units.</p> <p>An additional concern is the increase of traffic and street parking of non-Neptune Drive residents. With abundant rental units being planned for the marina, there will be substantially more traffic on Neptune disturbing our quality of life. Already there are traffic problems on Neptune Drive. A lot of Neptune Drive residents have complained time and time again about the illegal right turns onto Marina. Regarding parking, already now, the Marina apartments are filling our street halfway up Neptune Drive. The residents show little care for the street, often littering. There have been numerous times they have parked to block residential driveways and even the intersection of Neptune and Marina. We anticipate the rental units will only add to these problems.</p>	<p>The comment expresses a concern related to potential increases of traffic and parking along Neptune drive. As shown on Table 4.13-14 of Chapter 4.13 of the Draft EIR, intersection #9 (Neptune and Marina Drive) would operate within an acceptable level of service with the addition of traffic generated by the Project. Illegal right turns from Neptune onto Marina represent an enforcement related issue, and do not present a potential impact onto the environment caused by the project, therefore, no response is required regarding illegal right turns from Neptune onto Marina. Further, issues related to parking represent an enforcement issue, and does not raise a question of adequacy of the analysis contained in the Draft EIR.</p>
B16-17	<p>When the decision was made to proceed with the marina development, a lot of us on Neptune were very supportive. A positive marina development with a few restaurants and additional jobs for San Leandro residents was promised to us....NOT another a low cost rental disaster! This development will change the character of west San Leandro and our quality of life even more to the negative.</p> <p>Sincereley, Melissa &amp; Gerd Marggraff</p>	<p>This comment serves as a closing to the comments that were submitted and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.</p>
<b>B17</b>	<b>Pitcaithley, Dwight #2</b>	
B17-01	<p>To conform with the requirement I put: Comments on SL Shoreline Draft EIR this time. Wouldn't like to be eliminated on a technicality. Perhaps you already submitted them. Thanks Dwight</p> <p>Hi Jennifer: Here are my DEIR questions. I've fully read the DEIR and have formed these questions carefully in the knowledge that the DEIR has offered no complete response in its substance and matter. If it's your job to qualify questions to be submitted please notify me as to which questions I may need to rephrase. I've personally met with Cynthia Battenberg, Sally Barros, and Debbie Pollart, and other City officials and have come to know them and their educational and</p>	<p>This comment serves as an introduction to the comments that follow and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.</p>

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
	<p>business history. They are likely the most important members of our fine city. Such an astonishing challenge of Shoreline Development adherence and compliance to see to fruition.</p> <p>Please tell me if there's a limit to the number of questions I'm allowed to submit and so make alternative considerations for submission. They're also included in pdf. Please confirm. you've received these.</p> <p>Honorable Councilmembers And City Planners:                      On behalf of citizens of San Leandro and myself the following questions are of interest and concern regarding the DEIR and Shoreline Development. I've carefully and fully read the DEIR and consider these questions pertinent and as yet not answered. Please consider these question worthy of your response and reconciliation.</p>	
B17-02	<p>1. Given FEMA projection for sea level rise of 55" at century's end, and by geotechnical scientific projections 2.5' sea level rise by 2050, what is the expected lifespan of Cal Coast Shoreline Development businesses and residences, considering their structures and business will at some point in the next 40-60 years will be compromised by sea level rise, storm surge and flooding?</p>	<p>This comment questions protection measures regarding sea level rise. Sea level rise was addressed in Chapter 4.8 of the Draft EIR on page 4.8-21 and 4.8-39 under potential flooding impacts. Figure 4.8-4 confirms that the project site is vulnerable to a projected end-of-century sea level rise of 55 inches (see also, Impact HYDRO-7 on p. 4.8-39). As stated on page 4.8-21, the Bay Conservation Development Commission has jurisdiction to regulate new development within 100 feet inland from the Bay shoreline, which would apply to waterside portions of the Projects west of Monarch Bay Drive. Local government retains its authority over development more than 100 feet inland from the Bay shoreline. Accordingly, the Project would comply with BCDC regulations within its jurisdiction; given BCDC is the regulatory authority for planning surrounding the San Francisco Bay. City and BCDC jurisdiction is reflected in implementation of Mitigation Measure HYDRO-7 to address flooding impacts. The last bullet specifically addresses flooding due to sea level rise, and has been revised to include examples of design features that would protect against sea level rise, as shown below and also in Chapter 3 Revisions of this Final EIR. Mitigation Measure HYDRO-7 is intended to minimize the potential for flooding in the 100-year floodplain and within areas subject to sea level rise. Implementation of this mitigation would result in a less than significant impact. The DEIR notes that the floodplain maps are currently being revised, therefore, the mitigation measure requires that a sea level rise assessment be prepared before approval of the project site plan review and tentative map so the City can confirm that any design changes needed to accommodate future inundation levels will be incorporated into the project.</p>



**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
		<p>The last bullet under Mitigation Measure HYDRO-7 on Page 4.8-40 of the Draft EIR is revised as follows to identify design strategies for protection against sea level rise:</p> <ul style="list-style-type: none"> <li> <p>Prior to issuance of site plan review or a tentative map, whichever is first, a sea level rise risk assessment shall be prepared and submitted to the City for areas of the Project that are subject to sea level rise. The risk assessment shall be prepared by a qualified engineer and shall be based on the estimated 100-year flood elevation and the best estimates for future sea level rise and current and future flood protection. A range of sea level rise projections for mid-century and end of century shall be used in the risk assessment along with inundation maps (for example, from BCDC materials). The risk assessment shall identify all types of potential flooding, degrees of uncertainty, consequences of defense failure, and risks to existing habitat from proposed flood protection devices. The Project shall be designed to be resilient to a mid-century sea level rise projection, <u>and include appropriate design standards for building construction to protect structures from sea level rise, such as including elevated grades or floodable development, hard structures such as seawalls and bulkheads, and/or soft structures such as Low-Impact Development (LID), green infrastructure, detention basins, mini-floodplains, biofiltration, and stormwater parks.</u> If the Project would remain in place longer than midcentury, an adaptive management plan shall be developed to address the long-term impacts that would arise. The results of the risk assessment shall be incorporated into the site design, as reflected in the site plan review and tentative map review. The sea level rise risk assessment shall also be submitted to BCDC for review and approval for the areas of the project that are within BCDC’s jurisdiction (i.e. within 100 feet of the shoreline), prior to the start of construction or development.</p> </li> </ul>
B17-03	2. What is the City's plan to protect Cal Coast Shoreline Development businesses and its residential dwellings from this century's inevitable sea level rise, storm surge and potential flooding?	Please refer to response to Comment B17-02.
B17-04	3. What will be the raised height above the current elevation of Mulford Point Drive and Pescador Point Drive needed to compensate for sea level rise, storm surge and flooding.	This comment asks what the raised height above current elevation that Mulford Point Drive and Pescador Point Drive need to be to compensate for sea level rise. See response to Comment B17-02 regarding Mitigation Measure HYDRO-7.
B17-05	4. Who will be financially responsible for FEMA required sea level rise barriers or expensive flood insurance?	This comment questions the financial responsibility of FEMA required sea level barriers, and does not question the adequacy of the analysis of the Draft EIR. Therefore, no further response is required.

## COMMENTS AND RESPONSES

**TABLE 5-1 RESPONSE TO COMMENTS**

<b>Number</b>	<b>Comment</b>	<b>Response</b>
B17-06	5. What will be taxpayers liability should the City's Cal Coast's Shoreline Development businesses and residences fail to meet financial expectations and forced into bankruptcy?	This comment questions taxpayers responsibility, and does not question the adequacy of the analysis of the Draft EIR. Therefore, no further response is required.
B17-07	6. With the projected opening of Shoreline Development, what is the 20 year plan by which the City will first yield revenue from its businesses and residences?	This comment questions revenue of future businesses and residences, and does not question the adequacy of the analysis of the Draft EIR. Therefore, no further response is required.
B17-08	7. Should Shoreline Development be built to completion, what year will San Leandro taxpayers assume financial responsible and liability for Shoreline Development?	Please refer to response to Comment B17-06.
B17-09	8. What's the projected ground breaking date for Shoreline Development?	This comment seeks clarification on the start date of construction. As stated on page 3-12 of the Draft EIR, the construction phasing is dependent on market forces, and/or the timing of required approvals. Accordingly, there is no set date for start of construction given the numerous variables involved in securing applicable approvals and/or permits.
B17-10	9. What is the projected time for culmination of Phases 1, 2 and 3 construction, and at what point of initial construction will public access prohibited?	Please refer to response to Comment B17-09.
B17-11	10. What is the projected date Cal Coast Mulford Point Drive 2 restaurants and motel will open for business?	Please refer to response to Comment B17-09.
B17-12	11. Regarding Cal Coast's 2 restaurants and motel on Mulford Pt. Dr, with their DEIR stated 410 parking spaces, what number of these parking spaces will be allowed for public visitation?	The proposed parking is shown in Table 3-1 on page 3-11 of the Draft EIR. The project is expected to result in a net increase of 100 spaces.
B17-13	12. In the proposed 3 story 800 parking space structure, will there be public visitation parking and a parking fee?	Allocation and management of the parking spaces will be determined by the developer.
B17-14	13. Where will public visitation in the project area be required to park?	Please see response to Comment B17-12. Please refer to Figure 3-3 of the Draft EIR for areas of proposed parking.
B17-15	14. Regarding Shoreline Development residential 220 Flats/Condos, 92 Townhomes, 42 Single Family Detached Homes, how many parking spaces are delegated for their owners and their visitors?	This comment questions how many parking spaces are delegated for owners and visitors of the 220 flats/condos, 92 townhomes, and 42 single-family detached homes. As shown in Table 3-1 in Chapter 3 Project Description of the Draft EIR, there's 2,057 proposed parking spaces distributed throughout the project site. As shown in the table, north residential would have 308 parking spaces, south mixed-use residential would have 158 parking spaces, north golf course residential would have 160 parking spaces, and the south golf course residential would have 241 parking spaces. The locations of the referenced residential areas can be seen on Figure 3-3 Conceptual Site Plan.
B17-16	15. Will Mulford Point Drive businesses have an enforced public access curfew paid for by taxpayers?	Please refer to response to Comment B17-06 regarding questions related to taxpayer responsibilities.

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

<b>Number</b>	<b>Comment</b>	<b>Response</b>
B17-17	16. Given the fact Shoreline Development proposed 200 room, 3 story motel will have 24 hour customer access, how will security be accomplished and will taxpayers be funding security?	Please refer to response to Comment B17-06 regarding questions related to taxpayer responsibilities. Regarding security, Chapter 4.12 Public Services and Recreation of the Draft EIR addressed police services beginning on page 4.12-7. As stated in Impact Discussion SVCS-3, the project would increase visitors to the project site which would require one additional police officer and one police service technician to accommodate the increase in calls for police services, the additional two staff members would be unlikely to result in the need for expansion of or construction of existing police protection facilities. Further, the analysis states that General Plan policy 45.05 requires the San Leandro Police Department to review the development plans of the project to ensure adequate levels of service can be provided. Security at individual properties or components of the project, such as additional security at the proposed hotel and/or commercial establishments at the project site beyond what would be provided by the San Leandro Police Department, is the responsibility of the establishment and/or developer.
B17-18	17. In the project site along Monarch Bay Drive, Mulford Point Drive and Pescador Point Drive, where will public parking be allowed and how many spaces allotted?	The commenter asks where public parking will be allowed and how many spaces will be provided. As shown in Table 3-1 in Chapter 3 Project Description of the Draft EIR, the project proposes a total of 2,057 parking spaces. As stated on page 3-11, proposed parking would accommodate the office campus, conference center, retail and mixed-use, restaurant, hotel, library, and boat rentals. That parking areas can be seen on Figure 3-3 Conceptual Site Plan. As shown, most of the proposed parking would be at the project site along Monarch Bay Drive, at Pescador Point Drive, along Mulford Point Drive, and at the library at Fairway Drive.
B17-19	18. How does the City intend to control the current unruly social element with Shoreline Development's new restaurants, motel and convention center on Mulford Point Drive?	This comment is questioning the social element related to the project; however, this comment does not address the adequacy of the analysis of the Draft EIR. Therefore, no response is required.
B17-20	19. What kind and size of retaining wall will be erected around the now marina harbor area to constrain visitors from the vacated marina - presumably only usable by paid for unpowered small boat and kayak customers?	The commenter asks what kind and size of retaining wall will be erected around the marina harbor basin. As shown on Figure 3-3 Conceptual Site Plan of the Draft EIR, several public access points are proposed along the interior of the marina, including steps at the northeast corner for access to the water, small boat launch at the southern end of the interior of the marina, and several pedestrian lookouts throughout the interior. Although final designs of the project have not yet been prepared, therefore specific size and type of fencing and/or any retaining walls that may be constructed cannot be determined at this time, construction of the project components would comply with any applicable development regulations regarding size and/or design. However, in general, limiting public access is not the intent of the project. As stated on page 3-5 of the Draft EIR, some of the objectives of the project are to increase and enhance the public's access to the San Francisco Bay, and to

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
		provide multiple areas for the public to enjoy scenic views and interact with the San Francisco Bay.
B17-21	20. What is the revised Marina harbor area renovation detailed costs, once stated as \$14,000,000, with its demolition and construction expenditures, and will taxpayers or Cal Coast be financially responsible and by what terms of payment?	This comment is requesting cost of the project and taxes, and does not address the adequacy of the Draft EIR. Please see response to Comment B17-06 regarding taxpayer responsibilities. No further response is required.
B17-22	21. Does the City still intend on erecting a taxpayer funded \$5-\$7 million dollar "Pedestrian Walking Bridge" across the harbor entrance, and will this be funded by Cal Coast or the taxpayers, and what will be the terms of agreement?	This comment asks if the City is planning on constructing a pedestrian walkway bridge. As stated on page 3-10 and shown on Figure 3-3, a pedestrian/bicycle bridge is planned across the existing harbor entrance.
B17-23	22. Post "Mitigation Measure GEO-3A:" and overdue Hayward Fault seismic activity, and considering a nearby epicenter earthquake, what earthquake seismic Richter value does the EIR geotechnical engineer believe will create liquefaction in the project area?	<p>This comment questions what Richter value the EIR "geotechnical engineer" believes will create liquefaction in the project area.</p> <p>As stated in Impact Discussion GEO-3 on pages 4.5-12 and 4.5-13 of the Draft EIR, there is the potential for liquefaction at the project site; however, Mitigation Measure GEO-3A on page 4.5-12 and 4.5-13 of the Draft EIR, requires a project-specific geotechnical report be prepared in accordance with the City's grading permit regulations, at which time recommendation for both special foundations and other geotechnical engineering measures would be specified during design and construction. Implementation of Mitigation Measure GEO-3A would reduce potential liquefaction impacts to a less-than-significant level.</p>
B17-24	23. Whose financial responsibility will be damage costs should the EIR "geotechnical engineer," engineering deemed of some acceptable significance, be overwhelmed by Hayward Fault seismic activity?	This comment questions the financial responsibility of the project, and does not address the adequacy of the analysis of the Draft EIR; therefore, no further response is required.
B17-25	24. Has City Planners delegated all available Mulford Point Drive and Pescador Point Drive jetty areas for Cal Coast businesses, residences, and parking and so negating the potential for future private marina yacht harbor development and facilities?	This comment questions the project components. Please refer to Section 3.4.1.2 in Chapter 3, Project Description, of the Draft EIR for a description of the proposed project.
B17-26	25. Will Marina Blvd, Monarch Bay Drive and Fairway Drive become a one way thoroughfare from and to Doolittle Drive, and how will significant new Shoreline Development traffic be mitigated?	This comment questions traffic along Marina Boulevard, Monarch Bay Drive, and Fairway Drive and mitigation of traffic impacts. One-way traffic was considered; however, it was determined that two-way traffic would better serve community needs. Please refer to Chapter 4.13, Transportation and Traffic, of the Draft EIR for analyses of the roadway network affected by the project, and associated mitigation measures for impacts found to be significant.
B17-27	26. When will the City's and Cal Coast's Shoreline Development 20 year financial agreement be made available for public examination?	This comment questions when the financial agreement for the development will be made public, and does not address the adequacy of the analysis of the Draft EIR; therefore, no further response is required.

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

<b>Number</b>	<b>Comment</b>	<b>Response</b>
B17-28	27. How many, and where will public restrooms and trash receptacles be placed on Mulford Point Drive and Pescador Point Drive?	<p>This comment addresses the locations of future trash receptacles. Exact locations of trash receptacles will be determined through the Site Plan Review process and per Impact Discussion UTIL-9 in the Draft EIR, the project would comply with all applicable statutes and regulations regarding the handling of solid waste. As stated on page 4.14-33, general plan policies promote recycling, conservation and help ensure adequate waste collection and disposal facilities are available. Therefore, it was determined that compliance would result in a less than significant impact and that receptacles would be placed in order to comply with such regulations.</p> <p>Regarding restrooms, the proposed hotel, restaurants, and commercial space would likely include restrooms for patrons and/or public use; however, because the final designs of each of the project components have not yet been completed, the exact number of restrooms provided at each location is not known at this stage of the process. Although, as stated on page 3-10 of the Draft EIR, existing restrooms J/K located at Pescador Point Road would be refurbished.</p>
B17-29	28. Shoreline Development would be a multi \$100 million dollar development. So why wasn't our valuable Marina civic asset, with startup costs of a mere \$8 million dollars before profitability, ever integrated as a requirement into one package with Shoreline Development, particularly when Cal Coast CEO Ed Miller unequivocally stated before City Council his investors would be much happier with a functioning marina?	This comment questions the financial aspect of the project, and does not address the adequacy of the analysis of the Draft EIR; therefore, no further response is required.
B17-30	Thank you for your consideration. Dwight Pitcaithley Thank you Jennifer. Dwight	This comment serves as a closing to the comments provided and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.
<b>B18</b>	<b>Davis, Kat</b>	
B18-01	Hello Jennifer, I read most of the health hazard reports and am concerned because I live and work in the Marina fair dist.6. And have had CANCER .. their are people walking for health every day from our neighborhood to the Marina....will the city be caring enough to post health hazard signs for the public....lots of babies and young children will be health compromised as well...	This comment questions posting of health hazard signs for the public. As discussed in Impact Discussion AIR-5, a Health Risk Assessment (HRA) was conducted analyzing off-road construction equipment and heavy-duty diesel trucks for potential health hazards related to air pollution. As stated on page 4.2-29, the results of the HRA indicate that the incremental cancer risk for off-site residents proximate to the site during construction would not exceed the cancer risk threshold set by the Bay Area Air Quality Management District. However, the risk to on-site residents [residents of the housing units constructed as part of the project] proximate to the site would exceed the cancer risk threshold. As stated on page 4.2-30, Mitigation Measure AIR-5 would effectively reduce those risks to a less than significant level.

## COMMENTS AND RESPONSES

**TABLE 5-1 RESPONSE TO COMMENTS**

<b>Number</b>	<b>Comment</b>	<b>Response</b>
B18-02	Next...Ex Mayor Cassidy was saying there's going to be Green Construction.....I need the info of the Developer...so I can see if they will be doing LEED CERTIFIED PLATINUM CONSTRUCTION...	This comment does not address the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
B18-03	I also want to see if they can ATTRACT HEALTHY ORGANIC RESTAURANTS...SL is sadly LACKING in Organic restaurants and food markets...my friends that visit from around the world and USA do not eat in SL because it is unhealthy.....would be nice to have loving caring places to eat and spend my money in SL...this could be a positive attraction along with the fun & healthy aquatic center...	This comment provides an opinion on the type and quality of restaurants in San Leandro. This comment does not question the adequacy in the Draft EIR; therefore, no further response is required.
B18-04	Thank you for all you do...and for being a truly loving and caring individual... Sincerely, Kathleen Davis	This comment serves as a closing to the comments that were submitted and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.
<b>B19 Kuzmicky, Margaret</b>		
B19-01	I am not in favor of all the apartments/homes being built on the land at the Marina. it's there for our pleasure. If a hotel is built, it should not be more than 3 stories high.	<p>This comment expresses the opinion of the commenter regarding the height of residential units and a hotel at the Marina, and suggests that the hotel should not exceed 3 stories in height.</p> <p>As stated beginning on page 4.1-4, the project proposes a Commercial Community (CC) zoning designation, which would allow up to a maximum height of 50 feet. As described in impact discussion AES-1 beginning on page 4.1-11 of the Draft EIR, the analysis determined that the project would partially obstruct views of the horizon and of the ridgeline of the Santa Cruz Mountains on the San Francisco Peninsula; however, the existing views are partially obstructed by boat masts in the harbor and existing vegetation on Mulford Point. It was concluded that the project would not adversely affect views since the horizon and far field views would still be visible and because the project also provides multiple opportunities where mid- to far-field views would be available.</p>
B19-02	Why does the developer want to rearrange the existing restaurant and take away from the golf course.	This comment does not address the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
B19-03	Are they going to ask for eminent domain????? Thank you. Margaret Kuzmicky a life long resident of San Leandro.	This comment does not address the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
<b>B20 Hernandez, Edward</b>		
B20-01	Hi Jennifer - I believe that the traffic portion of the study is inadequate and should discuss changing the portion of Marina Blvd from Doolittle to a one-way street into the Marina; ultimately it ought to be one-way loop from Marina to Fairway Blvd.	The comment is questioning the adequacy of the traffic analysis due to the lack of consideration for one-way street circulation system on Marina Boulevard from Doolittle Drive to the Marina.

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
B20-02	Since the Marina Boulevard from Doolittle to the actual Marina entrance cannot be mitigated w/additional assemblage of property, the Traffic Circle (Figure 4.13-5) proposed is not a viable option. This portion of Marina Boulevard should be expanded into a one-way lane to best mitigate the traffic impact and integrated onto Monarch Drive as a loop to Fairway Drive for to mitigate traffic constraints.	The one-way street circulation system on Marina Boulevard from Doolittle Drive to the Marina was considered. While the traffic volumes in the area are considered low enough to implement the one-way circulation, the diversions and longer circulation routes for existing area residents associated with a one-way circulation system and potential confusion resulting from inconsistency of one-way and two-way routes on Marina Boulevard and Fairway Drive would make the one-way circulation infeasible. Therefore, a one-way system was not considered in the DEIR analysis as a viable mitigation or alternative. The DEIR adequately addressed potential traffic impacts at these locations without need for a one-way circulation system and identified feasible measures per Mitigation Measure TRAF-7A that would mitigate the impacts to less than significant at the intersection of Doolittle Drive and Marina Boulevard.  The comment is questioning the Traffic Circle mitigations recommended by the DEIR on Marina Boulevard.  In addition to Response to Comment B07-01, see the DEIR analysis of impact TRAF-1C and related mini-roundabout that would mitigate the traffic impacts without needing additional right of way. Also, see response to Comment B20-01 regarding the one-way street system that was considered but not proposed in the DEIR due to the diversion and longer routes and confusion associated with the one-way configuration.
B20-03	Also, allowing a dedicated Bike lane on Marina would also encourage a 'complete streets' approach to the revision of this collector street into the Marina development. Thanks! Ed.	This comment expresses an opinion of the commenter and does not question the adequacy of the Draft EIR. No further response is required.
<b>B21 Wilson, Frank #2</b>		
B21-01	As a long time boater and yacht club member in San Leandro I agree with the removal of the marina due to the expense of dredging the 2 mile long channel which is little used.	This comment expresses the opinion of the commenter and does not address the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
B21-02	But as a local resident I think the adding of 354 view-blocking housing units in such a small area is preposterous.	This comment expresses the opinion of the commenter and does not address the adequacy of the analysis in the Draft EIR; therefore, no further response is required. However, please see the photo simulations and view impacts in Chapter 4.1 of the DEIR; the project impact on views will be less than significant.
B21-03	What happen to the city's ideas of building homes near mass transportation and shopping. Nether of which is near here. Access to this area is only by 2 small streets, Marina blvd and Fairway dr. The car traffic from this development will surely cause heavy back-up traffic on these 2 residential streets!	This comment expresses an opinion of the commenter regarding location of homes and does not question the adequacy of the Draft EIR. Regarding traffic along Marina and Fairway, potential impacts related to traffic along these two roadways, please refer to Chapter 4.13 of the Draft EIR.

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
B21-04	<p>354 units is more than all the housing units from Doolittle to the marina on BOTH Marina and Fairway! What other bay area city would block open water views now days? Sincerely, Tina Phan, Frank Wilson 2326 Fairway Dr , Aurora Home Owners Association (42 condos on Fairway Drive)</p>	<p>This comment expresses the opinion of the commenter and does not address the adequacy of the analysis in the Draft EIR; therefore, no further response is required. However, see discussion regarding views in Chapter 4.1 of the Draft EIR. The project is expected to have little effect on Bay views and will create new near-range views from redevelopment of the marina basin.</p>
<b>B22</b>	<b>Pitcaithley, Dwight #3</b>	
B22-01	<p>Hi Jennifer: I don't know whether or not you've read the DEIR, or have followed Shoreline Development, but what follows is a comment/statement of a monumental oversight made in the DEIR in determining NOISE Level monitoring on Mulford Point Drive, where the restaurants and motel are proposed with consumer and commercial aircraft traffic on a fall/winter south/east flight plan less than a mile in front of the proposed motel. I've read nothing as to the required length of comment. If there's one please let me know. Here's the exceedingly important comment/statement on DEIR Noise Level. Thanks for your help, Dwight</p>	<p>This comment serves as an opening to the subsequent comments in the letter, and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.</p>
B22-02	<p>NOISE: DEIR: Short Term Noise Measurements. Short-Term Site 1. Wednesday July 16, 2014, "Noise Monitoring Data." Incomplete and not factually representative of aircraft sonic data since it does NOT consider the significantly louder fall/winter, south/east takeoff flight plan from Oakland International Airport-less than a mile in front of the proposed Restaurants and Motel.</p> <p>Considering the DEIR Wednesday July 16, 2014, one 24 hour day "Noise Monitoring Data" collected from the Mulford Point Drive site where the 3 story, 200 room motel/hotel is proposed, measurements were NOT made when considering Oakland Airport jet takeoff's in a South/East flight plan direction. These south/east takeoff flight plans happen during high holiday travel fall/ winter months, when south/east winds cause the direction of takeoffs opposite than normal- in a southerly direction-<u>less than one mile in front of the proposed hotel site</u>. Takeoff jet thrust sound is <u>significantly</u> louder in dBA noise than jet engine noise throttled down on a northerly landing glide path to Oakland Airport.</p> <p>Commercial Air Traffic. Commercial air traffic, in particular the increasing</p>	<p>As stated in the DEIR on page 4.10-14, the object of the ambient noise measurement survey was to document representative noise levels at a variety of locations....(and to) represent a typical weekday condition with fair weather that is representative of midweek ambient noise conditions; consistent with industry standard practice. Neither the short-term, nor long-term ambient measurements can be reasonably expected to assess all possible environmental conditions during all possible meteorological and/or seasonal permutations; particularly with respect to on-going operations at OAK airport.</p> <p>Rather, the reliance on the published quarterly/yearly noise contour maps by the Noise and Environmental Management Department of the Oakland Airport (and the OAK ALUCP) will inherently account for these environmental, operational, runway usage, meteorological, and seasonal variations (including "cargo rushes").</p> <p>Additionally, there are no standardized thresholds for assessing the low-frequency noise (LFN) or single-event flyover aspects of aircraft noise (see response to comment B16-09). Rather, the only available standardized thresholds from the FAA, the State of California, and the OAK ALUCP were used in the DEIR assessment process to evaluate the potential impacts of aircraft operations noise at the proposed project. So, for aircraft noise impacts from OAK, the DEIR properly relied on appropriate information sources and pertinent aircraft-related noise metrics in the</p>



**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
B22-03	<p>"cargo rushes," create a great deal of large cargo jet mid and low frequency noise, especially when takeoffs are in the southerly direction NOWHERE tested in the DEIR "Noise Monitoring Data."</p> <p>Oakland Airport is experiencing an increased amount of consumer and the loudest of jet noise is heard on certain days of the week when "cargo rushes" from the Fed-X and UPS MD11 F largest freight jets takeoff at Oakland Airport in the hours of 2 a.m. to 4 a.m. Particularly when winds are from the south/east jets takeoff in the southerly direction, a mile in front of the Mulford Point Drive proposed hotel site. The throttle up jet engines climbing on maximum with high, mid and low rumble frequencies traveling much further and significantly louder-3-4 times louder than landing jet noise. Sufficiently loud to easily wake someone sleeping in the proposed motel/hotel site. Less than a mile away.</p>	<p>assessment of noise under Impact NOISE-5. The City also notes that the Port of Oakland, which operates the airport, did not raise any issue with the noise measurement methodology.</p> <p>Please see the responses to B16-09 and B22-02 above regarding noise effects from OAK airport.</p>
B22-04	<p>Oliver Campbell, Ret., air traffic controller at Oakland International Airport for 14 year, and air traffic controller for 38 years in total, with weather certification from National Weather Service, knows that summer months north/west winds, included in the DEIR July 14, 2014 monitored data times, have a much quieter north/west flight plan for landings, as opposed to the significantly louder south/east takeoff flight plans.</p>	<p>Please see the responses to B16-09 and B22-02 above regarding noise effects from OAK airport.</p>
B22-05	<p>Long-Term Noise Measurement; Long-Term Site 1 Considering DEIR "Noise Monitoring Data, with a 67.2 dBA during the period of 4:00 p.m. to 5:00 p.m., and 49.8 dBA during the 12:00 a.m. to 1:00 a.m. hour." NO monitoring jet aircraft data was collected on Mulford Point Drive during days of the week when significant "cargo rushes," 2 a.m. to 4 a.m. takeoffs happen. Nor was any DEIR "Noise Monitoring Data" made during highest holiday fall/ winter consumer and commercial jet traffic with required south/east flight plan takeoffs -less than a mile in front of the proposed motel and restaurants.</p> <p>During the fall and winter months, with significant Labor Day, Thanksgiving and Christmas, New Years holiday jet traffic is most often routed oppositely on a south/east flight plan, takeoffs less than a mile from the proposed Mulford Point Drive hotel site. Jet aircraft throughout the day beginning at 2 a.m. These very loud throttle up jet engines on maximum climb are of significant and unmistakable sonic high frequencies with low frequencies rumble noises. This noise cannot be effectively mitigated by any manner of reasonable construction or insulation.</p>	<p>Please see the responses to B16-09 and B22-02 above regarding noise effects from OAK airport.</p>

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
	<p>DEIR "Noise Monitoring Data" made only during July 2014, 24 hour period on Mulford Point Drive - measuring Oakland Airport aircraft jets taking off to the north - quieter direction. And so DEIR monitored data is ONLY a one day partial indication of yearly Oakland Airport takeoff traffic noise tested. Therefore dBA "Noise Monitoring Data" is incomplete and not factually representative of aircraft sonic data since it does NOT consider the significantly louder fall/winter, south/east takeoff flight plan from Oakland International Airport less than a mile in front of the project hotel.</p>	
<b>B23</b>	<b>Tiedemann, Monte</b>	
B23-01	<p>Good evening, As I understand it there are 354 residential units planned for your project surrounding the San Leandro Marina. What does the Environmental Impact Study say regarding the traffic congestion issue on Fairway Drive and Marina Drive. I foresee major traffic since they are the only outlet streets from the new housing. How much attention is this being given potential problem? Thank you in advance for your reply, Monte Tiedemann</p>	<p>This comment asks a general question regarding traffic congestion along Fairway Drive and Marina Boulevard; however, does not specifically state a concern nor does it question the adequacy of the analysis of the Draft EIR. Please refer to Chapter 4.13 of the Draft EIR for impacts along these two roadways. In general, the analysis looked at several intersections along Marina Boulevard and Fairway Drive and in the absence of a more detailed concern or question regarding traffic concerns, a more detailed response cannot be provided. In general, there were potentially significant impacts identified at Aurora Drive and Marina Boulevard and at Doolittle Drive and Marina Boulevard in the AM and PM peak hours, as well as San Leandro Boulevard and Marina Boulevard in the PM peak hour (as shown in Tables 4.13-13 and 4.13-14); however, mitigation measures at those intersections were found to reduce those impacts to a less-than-significant level and operate within acceptable levels of service.</p>
<b>B24</b>	<b>Rojas, Gonzalo</b>	
B24-01	<p>I live in a boat at the Marina in San Leandro. I have been having health issues due to the pollution (air contamination) from the "WASTE MANAGEMENT SITE" (about one mile away) - Their garbage trucks unload their garbage, - 6 DAYS A WEEK-</p> <p>"The facility is located at the end of Davis Street" in San Leandro. The garbage smell is pungent and propagates over a large area of at least 5 mile radius!!! People have been tolerating it... and have gotten used to it. But I'm sure you agree, it's not quite the way of living when - "OUR HOME"... should be the place that one always look forward to go to - and not the place to avoid. Since the smell, could very well carry illegal carcinogens. I REMAIN VERY, VERY, CONCERNED.</p>	<p>This comment addresses odors caused by the Davis Street Transfer Station and Recycling Center, owned and operated by Waste Management of Alameda County. The transfer station, which is regulated by CalRecycle, is located approximately 0.7-mile north of the Project site and proposed residential units. According to Table 3-3 in Bay Area Air Quality Management District's (BAAQMD's) CEQA Guidelines, an odor screening distance of 1 mile is recommended between receptors and transfer stations and recycling centers, however, this distance "should not be used as absolute ..., rather as information to consider along with the odor parameters and complaint history" (pp. 3-4, 7-2). The predominant wind direction in the area, based on the Wind Rose for the nearest BAAQMD meteorological station (Chabot Station) is to the east, and away from the Project site. The Air District has established qualitative odor significance determinations based on the type of facility, wind</p>

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
<b>B25</b>	<b>Winkler, Marilyn</b>	
B25-01	<p>Dear Sirs/Madams, My husband, Robert Winkler, was on the Shoreline and-Golf Commission for many years. That Commission, the Mayor, City Manager, and City Council were far-sighted and wise. They wanted the shoreline to be popular for recreation and enjoyment for its citizens - minimally intrusive and environmentally sound. The area has been a source of great pride for the City and benefiting citizens who have loved the beauty of the Bay shoreline. The City and its citizens wanted a place for people to relax, rest, exercise, and pursue peace on our unique, lovely Bayside.</p> <p>Let future generations be proud of our City's environmental policies - instead of seeing our beautiful shoreline cluttered and ugly by our City's commercial greed. Obviously, no environmental protection or concern is shown by this huge commercial proposal. Our Bay and Shoreline is an extremely sensitive area that should be protected for native wildlife and not maximally exploited. Few U.S. cities have a Bay Shoreline. Think of the future of our children and San Leandro residents.</p>	<p>direction, screening distances, and odor complaint history (pp. 7-2 to -3). BAAQMD considers a source to have a substantial number of odor complaints if the complaint history includes five or more confirmed complains per year averaged over a 3-year period. Additionally, facilities regulated by CalRecycle are required to have Odor Impact Minimization Plans (OIMP) in place and have procedures to establish fence line odor detection thresholds and limit the production of nuisance odor. Since the existing transfer station is regulated by CalRecycle and the predominant wind direction is to the east, odors from the facility are considered an enforcement issue and not required to be analyzed in this Draft EIR. To the extent required by CEQA, odors are addressed in Impact Discussion AIR-7 and address odors caused by the Project. If the commenter feels the transfer station or other facilities in the area are emitting nuisance odors in violation on BAAQMD regulation, the commenter should file an odor complaint with the Air District so corrective action can be implemented.</p> <p>This comment does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.</p>

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
	<p>The City just got a "C" for tobacco policies from the American Lung Association. Don't get an "F" for poor environmental policies and damage to our previous Bay and shoreline to the detriment of the health and enjoyment of our citizens. Save our Bay front for San Leandro citizens and posterity.                      Sincerely,                      Marilyn Winkler                      (510) 351-4006</p>	
<b>B26</b>	<b>Sonobe, Kazuo</b>	
B26-01	<p>Dear Jennifer,                      I read the article in the San Leandro Times dated 1/29/2015, "City Details Marina Plans."</p> <p>I would like to comment about this article and the plans suggested. I have lived in San Leandro since 1997.                      When you do planning, you have to see a long-term future instead of a short-term one. The San Leandro Marina has unique amenities such as the yacht harbor, golf course, soccer field and par course (jogging, walking). The surrounding area hosts a light industrial complex along Doolittle Drive and the Teagarden area. These are important features for inviting corporations and people to San Leandro.</p> <p>I am hoping that one day BART trains will encircle the Bay area making an easy route to Silicon Valley. If that happens, many people might move to San Leandro because an easy commute and moderately priced housing is much more advantageous over Silicon Valley. If you factor in tax incentives to attract high tech companies plus easy access to fiber optic cable, San Leandro becomes more compelling than ever. To consider this scenario, I suggest the following ideas:</p> <ol style="list-style-type: none"> <li>1. Do not close or dismantle the yacht harbor (I am not a yacht owner). This is a unique perk and an important facility for enticing more affluent people. To budget for the necessary dredging of the Marina, create more eating-places and entertainment venues as described below.</li> <li>2. Create moderately-priced eateries, e.g., food trucks and outdoor patio type restaurants. (Horatio's is too expensive.) From my New York experience (City</li> </ol>	<p>This comment does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.</p>

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
	<p>Island in Bronx), you should have less expensive venues such as a sea food shack, donut shop, cafe, Chinese take out, Japanese sushi take out, Mexican take out, beer hang out, pop com, hot dogs, and pizza to name a few. You can charge these stores a fee and use the revenue toward the dredging budget. You can also learn from Pier 39 at Fisherman's Wharf in S.F. on how they make money. The ideal location for these eating-places would be the El Torito restaurant area. Keep the soccer field and par course intact.</p> <p>3. People are looking for fun. From Oakland Jack London Square to Fremont, there aren't too many entertainment facilities. How about building small-scale jazz, rock band concert facility, probably at the corner of the soccer field. You can invite local amateur bands. And these performances should be done in the day-time because nighttime is cold. People will enjoy the live music (like "Sausage and Suds") and have a good time. The point is how to draw people to the Marina and that means more money to the City of San Leandro. People will spend money if the experience is worth it.</p> <p>Sincerely, Kazuo Sonobe <a href="mailto:ksonobe08@gmail.com">ksonobe08@gmail.com</a></p>	
<b>B27</b>	<b>Mejia-Sarate, Edward</b>	
B27-01	<p>Hi, I wish to submit the following e-mail as evidence that the proposed san leandro marina shoreline development should not have been allowed to proceed unless the following Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the City of San Leandro's consideration of the proposed San Leandro Shoreline Development Project (the Project) was resubmitted. Thanks, Edward Mejia-Sarate</p> <p>Attachment: Save the Bay Comment on Notice of Preparation, July 30, 2013</p>	<p>This comment does not present specific information regarding the content of the Draft EIR; therefore, no further response is required. The City notes that the NOP was reissued on December 11, 2013.</p>
<b>B28</b>	<b>Pitcaithley, Dwight #4</b>	
B28-01	<p>Hi Cynthia: Having met I can say with confidence you and those who dwell at City Hall have the best at heart for the citizens and taxpayers of our fine city. No one can deny the need for Shoreline Development by some manner. I could have only wished there was a manner by which our marina could have been inclusive with Shoreline Development. Yet here we are working our way through the EIR draft onto some final version that would hopefully serve all</p>	<p>This comment serves as an introduction to the comments that follow and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.</p>

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
	<p>citizenry equally well. The fact is you, Sally Barros and Debbie Pollart being three of the most influential forces in city government, have the power, along with Councilmember, to make the final choice for Shoreline Development.</p> <p>My interest has been for a sustainable marina as civic asset for our citizens and public. I do understand the need to balance the budget and put available funds where it can do the most good for our foreseeable future. I truly hope this will come to pass with the least amount of burden to taxpayers in the long run and a prosperous future. Considering the DEIR, I have submitted this concern. This very comment I was compelled to submit, as to "Noise," since the "Noise Monitoring Data" collected made a monumental oversight in testing. Perhaps you're already aware of this. Should you have the time you may want to read the included since there may be a necessity to test again during appropriate monitoring times of the day and fall/winter times of the year. Thank you for your willingness to do what hopefully will serve us well. Here's my recent comment submitted to Jennifer Chin.</p>	
B28-02	<p>NOISE:                      DEIR: Short Term Noise Measurements. Short-Term Site 1. Wednesday July 16, 2014, "Noise Monitoring Data." Incomplete and not factually representative of aircraft sonic data since it does NOT consider the significantly louder fall/winter, south/east takeoff flight plan from Oakland International Airport-less than a mile in front of the proposed Restaurants and Motel.</p> <p>Considering the DEIR Wednesday July 16, 2014, one 24 hour day "Noise Monitoring Data" collected from the Mulford Point Drive site where the 3 story, 200 room motel/hotel is proposed, measurements were NOT made when considering Oakland Airport jet takeoffs in a South/East flight plan direction. These south/east takeoff flight plans happen during high holiday travel fall/ winter months, when south/east winds cause the direction of takeoffs opposite than normal- in a southerly direction-<u>less than one mile in front of the proposed hotel site</u>. Takeoff jet thrust sound is <u>significantly</u> louder in dBA noise than jet engine noise throttled down on a northerly landing glide path to Oakland Airport.</p> <p>Oakland Airport is experiencing an increased amount of consumer and commercial air traffic. Commercial air traffic, in particular the</p>	<p>This text duplicates the commenter's prior comments; please see the responses to B16-09 and B22-02 above regarding noise effects from OAK airport.</p>

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
	<p>increasing "cargo rushes," create a great deal of large cargo jet mid and low frequency noise, especially when takeoffs are in the southerly direction NOWHERE tested in the DEIR "Noise Monitoring Data."</p>	
	<p>The loudest of jet noise is heard on certain days of the week when "cargo rushes" from the Fed-X and UPS MD11 F largest freight jets takeoff at Oakland Airport in the hours of 2 a.m. to 4 a.m. Particularly when winds are from the south/east jets takeoff in the southerly direction, a mile in front of the Mulford Point Drive proposed hotel site. The throttle up jet engines climbing on maximum with high, mid and low rumble frequencies traveling much further and significantly louder-3-4 times louder than landing jet noise. Sufficiently loud to easily wake someone sleeping in the proposed motel/hotel site. Less than a mile away.</p>	
	<p>Oliver Campbell, Ret., air traffic controller at Oakland International Airport for 14 year, and air traffic controller for 38 years in total, with weather certification from National Weather Service, knows that summer months north/west winds, included in the DEIR July 14, 2014 monitored data times, have a much quieter north/west flight plan for landings, as opposed to the significantly louder south/east takeoff flight plans.</p>	
	<p>Long-Term Noise Measurement; Long-Term Site 1</p>	
	<p>Considering DEIR "Noise Monitoring Data, with a 67.2 dBA during the period of 4:00 p.m. to 5:00 p.m., and 49.8 dBA during the 12:00 a.m. to 1:00 a.m. hour." NO monitoring jet aircraft data was collected on Mulford Point Drive during days of the week whensignificant "cargo rushes," 2 a.m. to 4 a.m. takeoffs happen. Nor was any DEIR "Noise Monitoring Data" made during highest holiday fall/ winter consumer and commercial jet traffic with required south/east flight plan takeoffs -less than a mile in front of the proposed motel and restaurants.</p>	
	<p>During the fall and winter months, with significant Labor Day, Thanksgiving and Christmas, New Years holiday jet traffic is most often routed oppositely on a south/east flight plan, takeoffs less than a mile from the proposed Mulford Point Drive hotel site. Jet aircraft throughout the day beginning at 2 a.m. These very loud throttle up jet engines on maximum climb are of</p>	

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
	<p>significant and unmistakable sonic high frequencies with low frequencies rumble noises. This noise cannot be effectively mitigated by any manner of reasonable construction or insulation.</p> <p>DEIR "Noise MonitoringData" made only during July 2014, 24 hour period on Mulford Point Drive - measuring Oakland Airport aircraft jets taking off to the north - quieter direction. And so DEIR monitored data is ONLY a one day partial indication of yearly Oakland Airport takeoff traffic noise tested.</p> <p>Therefore dBA "Noise Monitoring Data" is incomplete and not factually representative of aircraft sonic data since it does NOT consider the significantly louder fall/winter, south/east takeoff flight plan from Oakland International Airport less than a mile in front of the project hotel.</p>	
B28-03	<p>This noted situation has occurred this very day Thursday Feb 5, 2015 and similarly much like our December 2014 rain storm, Oakland Airport air traffic will likely continue on a south/east flight plan through Sunday and also at other times this year a mile in front of Mulford Point Drive.</p> <p>Very Truly Yours, Dwight Pitcaithley</p>	<p>This text reiterates the commenter's prior comments; please see the responses to B16-09 and B22-02 above regarding noise effects from OAK airport.</p>
<b>B29</b>	<b>Abbott, Lawrence</b>	
B29-01	<p>Dear Jennifer Chin, Planning Division Administrative Assistant Please consider the info below as my official comments on the SL Shoreline Draft EIR. I believe that this proposed project should be rejected from the information and revelations contained within this draft EIR. In addition, there are more problems with this proposed project that are not well covered by this document* (*aka: the draft EIR) I believe that the developer should be notified about these unmitigable problems before they waste any more money on this proposed project, that is extremely unlikely to be built because of the problems outlined below. Most of the worst environmental problems from this proposed development can be found in section 4.3.4 of the document. See quote below:</p>	<p>This comment serves as an introduction to the comments that follow and states that there are problems from the development which can be found in Section 4.3.4; responses to the individual comments follow below.</p>
B29-02	<p>"To some degree, cumulative development contributes to an incremental reduction in the amount of existing wildlife habitat, particularly for birds and larger mammals. Habitat for species intolerant of human disturbance can be lost as development encroaches into previously undeveloped areas, disrupting or eliminating movement corridors and fragmenting the remaining</p>	<p>This comment is a quote from page 4.3-23 of the Draft EIR and serves as background information for the comments that follow. No further response is required.</p>



**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
	<p>suitable habitat retained within parks, private open space, or undeveloped properties. New development in the west Alameda County area encompassing San Leandro would result in further conversion of existing natural habitats to urban and suburban conditions, limiting the existing habitat values of the surrounding area. This could include further loss of wetlands and sensitive natural communities, reduction in essential habitat for special status species, removal of mature native trees and other important wildlife habitat features, including obstruction of important wildlife movement corridors."</p>	
B29-03	<p>The degree of lost open space and wildlife habitat is unacceptable in our city, that has already lost too much open space and wildlife habitat to development. As a child and young adult growing up in San Leandro during the 1960's and 1970's my friends and I studied the wildlife and wildlife habitats in and around the San Leandro Marina. We witnessed and enjoyed seeing, hearing, documenting in notes and journals, and photographing abundant wildlife species with healthy populations. Now many of these resident and migratory species are rare or gone. With proper habitat restoration, and improvements to wildlife corridors these species would return.</p> <p>To say that the area has already been degraded for wildlife, and human lovers of nature and open space, now makes it OK to build more and further degrade our shoreline with more development and building construction, is not acceptable.</p> <p>As a semi-retired Wildlife Biologist and long time San Leandro native, I am committed to our cities bright future. We must conserve our precious remaining open spaces and restore them to allow for the reintroduction of wildlife species that were common just 45 years ago. A good alternative plan would be a nature center with small water craft rentals leading to trails where citizens would be re-created by visions of abundant wildlife including Monarch Butterflies, Borrowing Owls, Northern Harriers, Least Turns, Western Meadowlarks, and many others.</p> <p>The highest priced real estate regions in the greater Bay Area are the places where nature and open space have been preserved. Connected open space and high quality wildlife habitats and corridors are vital for nature and the</p>	<p>This comment expresses an opinion regarding open space and wildlife and does not question the adequacy of the analysis in the Draft EIR; therefore, no further response is required.</p>

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
	human spirit, They are also vital for rising sea levels. New studies of rising sea levels around our bay show that we need extensive shoreline open space natural habitats and marshes to buffer and protect our city from storm surge, tsunami, and high tides, and not more shoreline building developments.	
B29-04	This document fails to adequately address many negative impacts to our native wildlife species that would be exacerbated, or created by this proposed development. In addition, the problems identified in this document are already unacceptable in our time and area of massively diminished open space, wildlife habitats, and wildlife species populations. The extra traffic, noise, and pollution are also unacceptable.	This comment expresses the opinion of the commenter and does not provide specific details how the Draft EIR fails to adequately address negative impacts to wildlife, traffic, noise, and pollution. Therefore, a more detailed response cannot be provided. No further response is required.
B29-05	Please include this letter as a public comment to the SL Shoreline Draft EIR, and to all appropriate city decision makers. I also request a response to this letter so that my group of concerned resident citizens will know what our next course of action will be concerning this proposed development. Sincerely yours, Lawrence Abbott 433 Harlan St. #307 <a href="mailto:lawrenceabbott@aol.com">lawrenceabbott@aol.com</a> 510-512-3212	This comment serves as the closing for the above comments and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.
<b>B30</b>	<b>Thompson, Carol</b>	
B30-01	Hello, I would like to keep the San Leandro marina as it is - which is a glorified park with the beautiful Bay in the background. I walk a lot at the marina and would like to continue to enjoy its natural beauty. There are already many days now, especially when it's sunny, that the parking lots are full. I'd hate to mess it up with more housing, hotels and restaurants. We need this open space along the water!!! Thank you, Carol	This comment expresses the opinion of the commenter and does not address the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
<b>B31</b>	<b>Paiva, Danny #1</b>	
B31-01	Hi Jennifer, Its Danny Paiva, been meaning to send you this email for sometime now and realized that today was the deadline for comments regarding the draft of the EIR for the San Leandro Shoreline development project. After reading the draft in its entirety? was overwhelmed with the emmensity of the project and its far reaching impact on the west end of our city and outlying areas of town.	This comment serves as an introduction to the comments that follow and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

<b>Number</b>	<b>Comment</b>	<b>Response</b>
	I.E.? the impact of traffic on residential areas and I880 travel. Quite honestly? the report was so full of information that i really cannot offer any solution to the majority of the findings.	
B31-02	Jennifer, i did want to share with you my concern on this projects impact of the children and schools that will be impacted by the project. Garfield, Muir.	This comment raises a concern regarding impacts of the children and schools. Please refer to impact discussion SVCS-5 in Chapter 4.12 of the Draft EIR for impacts to the San Leandro Unified School District related to the Project.
B31-03	The one area that i would like comment on pertains to the proposed ideas pertaining to Recreation and other amenities. The draft cited new Aquatic Center? Bocce Ball, picnic areas, bike bridge, kayaking, pedestrian piers, to name a few. Why were the following Recreation and Leisure activities not mentioned in the draft? Horseshoe pits to complement the Bocce Ball Courts Basketball Courts, a very appealing recreational activity targeted to all ages Hand Ball Courts? I realize that the project will have 53 acres of land arid 23 acres of water, all to be funded by developers?	The comment relates to Project merits and questions the type of leisure activities selected by the Project. Please refer to Section 3.4.1.2 of Chapter 3, Project Description for a list of Project components. This comment does not address the adequacy of the Draft EIR; therefore, no further response is required.
B31-04	In closing, this project is one mammoth undertaking.	This comment serves as a closing to the comments that were submitted and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.
<b>B32</b>	<b>Paiva, Danny #2</b>	
B32-01	Hi Jennifer, Its Danny Paiva, just wanted send you my thoughts regarding the SL Shoreline Draft. First the proposed project? immense" incredible undertaking. I realize that this project is contingent on several variables, several that I cannot address because <i>i really lack the expertise</i> .	This comment serves as an introduction to the comments that follow and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.
B32-02	The one area that I would like to comment on pertains the Recreation section of the Draft. Our there going to be any additional areas included in the draft? Aquatic Center? where is the city going to find money to run it after itis built? Aquatics just does not make money.	Please see response to Comment B31-03.
<b>B33</b>	<b>Paiva, Danny #3</b>	
B33-01	Hi Jennifer, Its Danny Paiva, just finished reading the draft. Wow, huge undertaking. I really do not have the expertise to cooment on all of your findings. Was concerned about all the issues that do not have any solid solutions.	This comment serves as an introduction to the comments that follow and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.

## COMMENTS AND RESPONSES

**TABLE 5-1 RESPONSE TO COMMENTS**

<b>Number</b>	<b>Comment</b>	<b>Response</b>
B33-02	traffic, impact on quality of life of the residents who live on the west end.	This comment states a general concern regarding traffic and the quality of life to residents on the west end, and does specify what concerns the commenter has, nor does it question the adequacy of the Draft EIR. Please refer to Chapter 4.13 for analyses of potential traffic impacts caused by the Project. No further response is required.
B33-03	What I did want to forward to you were comments pertaining to the Recreation and Leisure aspect of the draft. Are all ideas firm? Aquatic center?where would the city find revenue to run it? Indoor or out? Bocce ball? How about handball courts? Combination basketball /soccer courts? Horseshoe pits? Bike rentals were attempted years ago? Could it be reintroduced? Windsailing?	Please see response to Comment B31-03.
B33-04	Just some thoughts. Danny P	This comment serves as a closing to the comments that were submitted and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.
<b>B34</b>	<b>Aurich, Lee #1</b>	
B34-01	The following comments are regarding BIO-1, the impact upon the existing Monarch Butterfly overwinter roosting area:	This comment serves as an introduction to the comments that follow and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.
B34-02	The mitigating measures in BIO-1a address many measures for protecting the Monarch roosting area during construction. BIO-5a addresses some mitigating measures post construction. But there are holes preserving the security and integrity of the Monarch Roosting area for the long-term.	The concerns of the commenter regarding the need to protect the monarch butterfly overwinter roosting colony and that there are “holes” for ensuring long-term preservation is noted. A more detailed response is provided in B34-03 below.
B34-03	I urge inclusion of the following: the Monarch Roosting area should be secured with a permanent fence with restricted access. Rational: Currently the Monarch roosting area is protected by the existing fence surrounding the exterior of the golf course. After construction is completed, I am unaware of any plans to fence the Monarch area to protect the butterflies from excess traffic or vandalism. Similar security should be provided during grading & construction.	The commenter has suggested including permanent fencing around the monarch butterfly roosting colony to control excess traffic and vandalism. Mitigation Measure BIO-1A requires preparation of a Monarch Butterfly Roosting Habitat Protection Program by a qualified biologist. This includes identifying restrictions and seasonal controls on construction, tree removal, and vegetation management within 200 feet of the edge of the trees known to support the winter roosting colony. Grading and equipment operation in the vicinity is to be restricted from August 1 through March 31 to prevent any inadvertent disturbance to the winter roosting colony. But the mitigation measure does not include a recommendation for installing any permanent fencing to prevent unauthorized access and vandalism.

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
B34-04	<p>the property lines of the homes adjoining the Monarch Roosting area should be outside of the dripline of the existing blue gum eucalyptus and pines to the west of the monarch butterfly roosting area. Rational: the danger over time is that the trees will be perceived as a nuisance by the new homeowners and they will demand the removal or trimming of the trees, damaging the Monarch habitat. Keeping the homes a reasonable distance away will minimize the potential of the trees causing a nuisance and leading to adverse future consequences for the Monarchs.</p> <p>as part of any landscaping &amp; other maintenance assessment district or association established as part of the new development, funding should be included for paying for a part-time city-approved caretaker of the Monarch Butterfly habitat. This individual should have unlimited access to the monarch property and be charged with both ensuring the integrity of the habitat and with sharing the Monarchs with the larger San Leandro / East Bay community.</p>	<p>In response to the comment, Mitigation Measure BIO-1A on page 4.3-14 of the Draft EIR has been revised as follows to add two new bullets and can also be seen in Chapter 3 of the Final EIR.</p> <ul style="list-style-type: none"> <li>■ <u>The MBRHPP shall evaluate the need to provide permanent controls around the winter roosting colony to prevent unauthorized pedestrian activity and possible vandalism. At minimum this shall include interpretive signage that prohibits unauthorized access during critical overwintering periods. If the currently restricted access to the golf course is not maintained as part of the project and future development in the vicinity of the winter roosting colony, the MBRHPP shall consider the need to fence the perimeter of the colony to ensure adequate controls and protection.</u></li> <li>■ <u>Continued guided public access shall be allowed as part of the MBRHPP to provide important interpretive services on the natural history of the winter roosting colony, and continued support for its protection.</u></li> </ul> <p>The commenter points out the importance of restricting new residences an adequate distance from the monarch butterfly roosting colony to prevent direct and indirect impacts. A detailed discussion of the potential direct and indirect impacts of the project on monarch butterfly is provided under impact BIO-1A. Mitigation Measure BIO-1A requires preparation of a Monarch Butterfly Roosting Habitat Protection Program by a qualified biologist that would serve to protect the wind buffering trees at the eastern edge of the South Golf Course Residential development, among other measures. This may require relocation of the limits of proposed development associated with the South Golf Course Residential use, and appropriate CCRs to ensure long-term protection as part of future maintenance activities.</p>
B34-05	<p>Please add me to your mailing list for any updates / meeting regarding this EIR.</p> <p>Thank you for your consideration, Lee Aurich 510-654-2216 lee@aurich.com</p>	<p>This comment serves as a closing to the comments that were submitted and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required. The commenter has been added to the mailing list for project meetings, as requested.</p>

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
<b>B35</b>	<b>Aurich, Lee #2</b>	
B35-01	<p>Upon a bit of further contemplation I would add two additional mitigating measures, if not currently in the plans: ideally the Monarch Butterfly roosting area portion of the property, out to the tree drip line, should remain city property in any event, public access, guided by a appropriate naturalists / docents, should be guaranteed to the Monarch Butterfly roosting area. Rational for these suggestions: long term preservation of the Monarch Butterfly habitat depends upon public support. Public support will be much strong if the public is exposed to the beauties and wonders of the Monarchs. Appropriately controlled public access is critical for continuing this exposure.</p> <p>Lee</p>	<p>The commenter states the need for continued guided public access to the winter roosting colony and suggests two additional measures be added to Mitigation Measure BIO-1A related to retaining the colony as public property and maintaining public access. There are no plans for the grove of eucalyptus supporting the winter roosting colony to not remain in public ownership. See also response to Comment B34-03 for revisions to Mitigation Measure BIO-1A that addresses these concerns.</p>
B35-02	<p>My earlier comments:</p> <p>The following comments are regarding BIO-1, the impact upon the existing Monarch Butterfly overwinter roosting area:</p> <p>The mitigating measures in BIO-1a address many measures for protecting the Monarch roosting area during construction. BIO-5a addresses some mitigating measures post construction.</p> <p>But there are holes preserving the security and integrity of the Monarch Roosting area for the long-term.</p> <p>I urge inclusion of the following:</p> <p>the Monarch Roosting area should be secured with a permanent fence with restricted access. Rational: Currently the Monarch roosting area is protected by the existing fence surrounding the exterior of the golf course. After construction is completed, I am unaware of any plans to fence the Monarch area to protect the butterflies from excess traffic or vandalism. Similar security should be provided during grading &amp; construction.</p> <p>The property lines of the homes adjoining the Monarch Roosting area should be outside of the drip line of the existing blue gum eucalyptus and pines to the west of the monarch butterfly roosting area. Rational: the danger over time is that the trees will be perceived as a nuisance by the new homeowners and they will demand the removal or trimming of the trees, damaging the Monarch habitat. Keeping the homes a reasonable distance away will</p>	<p>This comment provides commenter’s earlier comments, see letter B34.</p>

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
	<p>minimize the potential of the trees causing a nuisance and leading to adverse future consequences for the Monarchs.</p>	
	<p>as part of any landscaping &amp; other maintenance assessment district or association established as part of the new development, funding should be included for paying for a part-time city-approved caretaker of the Monarch Butterfly habitat. This individual should have unlimited access to the monarch property and be charged with both ensuring the integrity of the habitat and with sharing the Monarchs with the larger San Leandro / East Bay community.</p>	
<p>B35-03</p>	<p>Please add me to your mailing list for any updates / meeting regarding this EIR. Thank you for your consideration, Lee Aurich 510-654-2216 lee@aurich.com</p>	<p>This comment serves as a closing to the comments that were submitted and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required. The commenter has been added to the mailing list for project meetings, as requested.</p>
<p><b>B36</b></p>	<p><b>Forney, Maureen</b></p>	
<p>B36-01</p>	<p>Dear Ms. Chin, Lead Agencies, and City of San Leandro, I am in complete support of the intent and general design of the proposed San Leandro Shoreline Development. This project will further enhance the dynamic city that San Leandro has become and will add to the city's vibrancy. Our shoreline area is underutilized and under appreciated in contrast to our neighbors around the Bay. This plan will rival what is available in other San Francisco Bay Area cities. Nevertheless, no plan is perfect and the following areas require mitigations, alternatives, and changes in order for the plan to receive a negative declaration.</p>	<p>This comment serves as an introduction to the comments that follow and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.</p>
<p>B36-02</p>	<p>4.3 Biological Resources The Monarch Butterfly is in dire trouble. Monarchs are threatened by global climate change, drought and heat waves, herbicides for ethanol corn production, other pesticides, habitat loss, urban sprawl, and logging on their Mexican wintering grounds. Scientists have predicted that the monarch's entire winter range in Mexico and large parts of its summer range in the states could become unsuitable due to these threats. As referenced in this section of the EIR, the blue gums on Monarch Drive once were home to thousands and only a small remnant of this population remains.  Because of all this and more, the Center for Biological Diversity petitioned to</p>	<p>The concerns of the commenter over the status of the Monarch butterfly are noted. A detailed discussion of the potential impacts of the project on the Monarch butterfly colony is provided under impact BIO-1 on pages 4.3-14 and 4.3-14 of the Draft EIR. The status of this species is reviewed under the setting discussion on pages 4.3-9 and 4.3-10 of the Draft EIR. Mitigation Measure BIO-1A on page 4.3-14 calls for ensuring protection of the Monarch butterfly colony through preparation of a Monarch Butterfly Roosting Habitat Protection Program. This would ensure consistency with the intent of Section 4-1-1000 of the San Leandro Municipal code. Implementation of the MBRHPP may require relocation of the east edge of the South Golf Course Residential area where it extends under the canopy of the wind buffering trees to the west of the stand of blue gum eucalyptus where the winter roosting colony of monarch butterflies tend to congregate at the eastern edge of the golf</p>

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
	protect monarchs under the Endangered Species Act in August 2014. In December, the U.S Fish and Wildlife Service declared the species may warrant protection. The U.S. Fish and Wildlife Service is currently reviewing the monarch for potential protection under the Endangered Species Act.	course. Also, please see response to Comment to B34-03 for the revised Mitigation Measure BIO-1A regarding the MBRHPP.
B36-03	The SL Shoreline should include a mitigation plan to help restore the Monarch Butterfly to its historic numbers in San Leandro. Maintaining the current population is inadequate and the planned development will devastate the remnant population in place. It would be a cruel irony if the Monarch Butterfly, for which Monarch Drive is named, is destroyed by this project. The lead agency and developer should include a Monarch Reserve that would be a model for habitat management and protection.	The commenter requests the mitigation plan include restoration of the Monarch Butterfly to its historic numbers in San Leandro. As required by CEQA, the project proposes mitigation for the impacts it would create, but the project cannot be required to correct or resolve existing conditions. However, implementation of the protections in Mitigation Measure BIO-1A could ultimately provide for improved habitat conditions for the colony that could possibly facilitate increased numbers.
B36-04	4.13 Transportation and Traffic I teach at Garfield Elementary School and daily encounter the use of Aurora Drive as a high speed north to south connector. Oyster Bay Regional Shoreline is slated for a much anticipated revitalization with hundreds of parking spaces and amenities, such as a dog park and bike agility course. The Neptune Drive-Marina intersection doesn't allow a right turn to the San Leandro Marina Shoreline. This leaves Aurora as an attractive and convenient thoroughfare for drivers between the parks and the north to south corridors. The accumulative impact of the dual developments will impact Garfield School and all of the surrounding neighborhoods.	The comment is noting current traffic conditions on Aurora Drive and that it could potentially get worse when the proposed project and Oyster Bay Regional Shoreline project are developed.  The East Bay Regional Parks District's Board of Directors approved the Land Use Plan Amendment (LUPA) and adopted the Mitigated Negative Declaration (MND) for Oyster Bay Regional Shoreline on December 17, 2013. The proposed Oyster Bay Regional Shoreline improvements project plans to relocate the park entrance from Neptune to Davis Street. Since Aurora Drive does not connect Marina Boulevard and Davis Street, project traffic on Aurora is anticipated to be minimal with less than 2 peak hour project trips traveling on Aurora Drive north of Williams Street. The DEIR used the Alameda CTC Countywide traffic model, which includes assumptions for foreseeable developments, including the Oyster Bay Regional Shoreline project, under the Near Term Cumulative 2020 and 2035 conditions using employment estimates of growth. According to these forecasts the project is estimated to contribute 2 trips to Aurora Drive. The model also assumes the prohibition of right turns from Neptune Drive to Marina Boulevard.
B36-05	Not included in this EIR is the potential approval of an oil train spur and station in San Luis Obispo County. Though this project is hundreds of miles away, the trains delivering crude oil will travel through San Leandro on the Capital Corridor. The aspects of San Leandro's transportation plan in this EIR, the General Plan under development, and the Bicycle-Pedestrian Plan Master Plan do not account for the disruption of these 80 car long trains. This must be addressed. I am a member of BPAC and know these routes well. My assessment is that the accumulative impact of the two developments, increased housing, and the obstruction of the east-west route aren't	The comment notes that the potential approval of an oil train spur and station in San Luis Obispo County could result in 80-car trains that could disrupt future east-west travel in the City of San Leandro and asks that it be reflected in the EIR.  Given the preliminary status of the oil train spur project when the Shoreline NOP was issued, it was not described as part of the future rail conditions and therefore not considered as part of the cumulative analysis. Such temporary disruptions associated with train operations are not analyzed in the peak hour analysis that captures typical traffic conditions. However, given the potential disruption citywide when 80-car trains travel through San Leandro, the City has submitted comments on the Phillips



**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
	addressed in the SL Shoreline Draft EIR.	<p>66 Santa Maria Refinery Rail Project Development Plan DEIR.</p> <p>The proposed Shoreline Project is located about 2 miles west of the Capital Corridor rail crossings at Marina Boulevard and Williams Street with several options for travel should these crossing be blocked. The Project would contribute the following auto trips at the two rail crossings under 2020 Near Term and 2035 Cumulative conditions with the Project:</p> <ul style="list-style-type: none"> <li>■ Marina Boulevard west of San Leandro Boulevard (at rail crossing): 87 westbound, and 28 eastbound trips during the AM Peak hour, and 37 westbound and 88 eastbound trips during the PM Peak hour.</li> <li>■ Williams Street west of San Leandro Boulevard (at rail crossing): 5 westbound, and 0 eastbound trips during the AM Peak hour, and 0 westbound, and 8 eastbound trips during the PM Peak hour.</li> </ul> <p>Therefore, based on the distance to the crossings and network of local roadways and state highways and I-880 providing alternative routes, the few project trips assumed at the crossings during peak traffic conditions is not expected to be impacted by the potential oil train spur disruptions. The impact of such disruptions on the cumulative growth in San Leandro would more appropriately be addressed as part of the on-going General Plan update.</p>
B36-06	<p>4.12 Public Services and Recreation</p> <p>As an additional public amenity, the aquatic facility could be built to provide a much needed public swimming pool in San Leandro. Also, open water swim lanes in the lagoon could be marked by buoys and provide access to swimmers and triathletes interested in open/salt water Bay swimming. This would be unparalleled in the East Bay Area -- I can only think of the SF Marina as a popular place where swimmers regularly swim in the Bay with ready access to the water, though Crown Memorial Beach does offer showers and changing rooms for beach goers.</p>	<p>This comment expresses the opinion of the commenter and does not address the adequacy of the analysis in the Draft EIR; therefore, no further response is required.</p>
B36-07	<p>It was my intent to comment on developer fees and support of San Leandro Unified School District. I learned this week that the trustees and/or administrative staff of SLUSD have already made comments about the impact of increased population and residences on our schools. Since I teach at the elementary school nearest the Marina, please note that we are already sharing classrooms with after school programs, our instrumental music program has no class space, and that we struggle to find room for our</p>	<p>The potential impacts of the project on schools are addressed in section 4.12-3 of the Draft EIR. As required by state law, the project is subject to payment of developer impact fees. See also, responses to comments B03-03 for more discussion of schools impacts.</p>

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
	counselors, support staff, and school psychologist.	
B36-08	<p>California Coastal Commission and Sea Level Rise Policy Supplemental to the identified components of the EIR, this plan should reference the Sea Level Rise Policy formulated by the California Coastal Commission. Currently in draft form, information on these policy guidelines is available here: <a href="http://www.coastal.ca.gov/climate/SLR-Outreach%20Presentations.html">http://www.coastal.ca.gov/climate/SLR-Outreach Presentations.html</a> The California Coast Commission also has the policy in a PDF: <a href="http://www.coastal.ca.gov/climate/slrguidance.html">http://www.coastal.ca.gov/climate/slrguidance.html</a></p>	<p>This comment suggests referencing Sea Level Rise Policy formulated by the California Coastal Commission. Sea level rise was addressed in Chapter 4.8 of the Draft EIR. Also, please see response to Comment B17-02 regarding sea level rise. As stated on page 4.8-21, the Bay Conservation Development Commission has jurisdiction to regulate new development within 100 feet inland from the Bay shoreline, which would apply to waterside portions of the Projects west of Monarch Bay Drive. The California Coastal Commission (CCC) has jurisdiction in coastal areas outside of the BCDC jurisdiction and because the project is within BCDC jurisdiction and local jurisdiction of San Leandro, CCC policies would therefore not be applicable. Local government retains its authority over development more than 100 feet inland from the Bay shoreline (see MM HYDRO-7, as revised in Chapter 3). Accordingly, the Project would comply with BCDC regulations within its jurisdiction; given BCDC is the regulatory authority for planning surrounding the San Francisco Bay.</p>
B36-09	<p>Thank you for your serious and careful consideration of my concerns. Respectfully, Maureen Forney 941 Bridge Road San Leandro, CA 94577 mforney2870@outlook.com 510-999-1023</p>	<p>This comment serves as a closing to the comments that were submitted and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.</p>
<b>B37</b>	<b>Turner, Leonore</b>	
B37-01	<p>To Whom It May Concern, As a long time resident of San Leandro, I have some reservations about the development plan.</p>	<p>This comment serves as an introduction to the comments that follow and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.</p>
B37-02	<p>1. I do not believe any development should be allowed along the shoreline west of Interstate 880 without Ironclad boilerplate language in all contracts with the city and the county that exempts both the city and the county from paying damages to people stupid enough to build homes or businesses there in the event of sea level rise which appears to be inevitable.</p>	<p>This comment expresses the opinion of the commenter and does not address the adequacy of the analysis in the Draft EIR; therefore, no further response is required.</p>
B37-03	<p>2. Because of the above, I do not believe the housing part of the development plan should be included. We need more open space not less and that land is at risk of flooding.</p>	<p>This comment expresses the opinion of the commenter and does not address the adequacy of the analysis in the Draft EIR; therefore, no further response is required.</p>
B37-04	<p>3. I believe that the entire San Leandro shoreline should be considered part of the East Bay Regional Parks and managed as such if it is not done so already. That a 1/2 cent hotel or entertainment tax be set aside to maintain the</p>	<p>This comment expresses an opinion regarding the management of the San Leandro shoreline and does not question the adequacy of the analysis in the Draft EIR; therefore, no further response is required.</p>

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

<b>Number</b>	<b>Comment</b>	<b>Response</b>
	shoreline, creeks and estuary and wildlife. We have too many agencies with overlapping functions, why not have one or two doing a good job.	
B37-05	4. I learned to sail in the Marina in an El Toro dingy with the Cal State Hayward Sailing Club. It is a very shallow draft sail boat, able to sail in 6 feet of water. All of the local schools should be encouraged to have sailing and rowing clubs at the Marina. Collegiate rowing in shells uses shallow water and there is no reason why they cannot use the Marina.	This comment expresses an opinion and does not question the adequacy of the analysis in the Draft EIR; therefore, no further response is required.
B37-06	5. I do not understand why the public's stated wish to have the Marina and channel dredged is being ignored.	The commenter is asking why the public's stated wish to have the Marina and channel dredged is being ignored. As stated in Chapter 3 Project Description of the Draft EIR under Section 3.3 Statement of Objectives, one of the objectives of the proposed project is to recognize the economic uncertainty of acquiring future funding for needed on-going channel and harbor dredging, the City's existing debt burden related to past harbor improvements, and the desire to plan for a successful transition from the existing blighted use to an environmentally and financially sustainable alternative that maintains the public's access to the harbor basin and San Francisco Bay. Also, please see response to Comment B10-02 regarding the feasibility of dredging.
B37-07	Sincereley, Leonore R. Turner	This comment serves as a closing to the comments that were submitted and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.

**C. PUBLIC HEARINGS**

<b>C01</b>	<b>San Leandro Planning Commission Regular Meeting</b>	
C01-01	John Manual (Marina Action Committee) distributed a handout (see attached) to the Planning Commission regarding his comments on the Shoreline DEIR and summarized his comments to the commissioners.	This comment states that John Manual distributed a handout to the Planning Commission regarding his comments on the Shoreline DEIR (see response to Comment letter B02). No further comments were provided at this time that addressed the adequacy of the Draft EIR; therefore, no further response is required.
C01-02	Audrey Albers (resident on Neptune Drive) commented that Mulford Point Drive will have a nice wide walkway for pedestrians and bicyclists, but parking and viewing along the shoreline will be eliminated. This will deprive the handicapped and elderly of being able to enjoy the shoreline and its fantastic views and they need the comfort and security of being able to view of the bay from the safety of their vehicles.	The comment states that walkways for pedestrians and bicyclists along Mulford Point Drive will eliminate parking and viewing along the shoreline and deprive elderly and handicapped from being able to enjoy the shoreline. Figure 3-3, Conceptual Site Plan, in Chapter 3 of the Draft EIR shows parking spaces proposed along Mulford Point Drive, as well as pedestrian walkways and a pedestrian pier at the end of Mulford Point Drive. As such, parking is not proposed to be eliminated along Mulford Point Drive, and proposed improvements are designed to enhance views of and from the Shoreline for all visitors. An adequate number of handicap parking spaces will be provided consistent with Americans with Disabilities Act (ADA) and California Building Code (CBC) requirements establishing the number and design of disabled vehicle

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
		parking spaces; therefore, ensuring that all persons have access to the shoreline.
C01-03	Ms. Albers also commented on the launching ramp and channel for the boats and believes it is a necessary structure for water safety though it is proposed to be eliminated. She does not know how the mitigations will be prepared for the Oakland Airport and the safety water rescue facilities.	The comment states that the launching ramp and channel for the boats is necessary for water safety. As stated on page 4.7-17 of the Draft EIR, the Project does not propose the removal or modification of the existing boat launch ramp on Pescador Point; therefore, the Alameda County Fire Departments ability to launch rescue boats from the Project site would not be affected.
C01-04	She also stated that the quality of life of the entire community would be destroyed by the traffic, noise, dirt and pollution and enlarging a corner or street will not be able to mitigate the traffic and the pollution.	This comment expresses an opinion of the commenter and states that the community quality of life would be destroyed by traffic, noise, dirt and pollution; however, does not provide sufficient detail regarding concerns related to these topics. Therefore, a detailed response cannot be provided. Please refer to Chapter 4.2, Air Quality; Chapter 4.10, Noise; and Chapter 4.13, Traffic; for discussions concerning these topics. No further response is required.
C01-05	Ms. Albers stated that the site was designated for recreation and water oriented businesses and is zoned for commercial recreation. It does not allow for housing, multi-story offices or parking garages. Rezoning requires a need and she does not see a need or evidence for housing or offices, but sees a dire need for recreation on the west side of the City.	The comment expresses an opinion of the commenter on her preferred use of the site and does not question the adequacy of the analysis contained in the Draft EIR; therefore, no further response is required. The City notes that the project proposes a General Plan amendment and rezoning, as further described in Chapter 3 of the FEIR.
C01-06	The project should be downsized by 50-75% so it can be developed for recreation. She believes that the EIR is flawed and does not seriously consider the environmental problems that it will create and does not meet the requirements of the community.	The comment expresses an opinion of the commenter, and states that the EIR is flawed and does not seriously consider the environmental problems that it will create; however, does not provide sufficient detail regarding deficiencies in the analysis of the Draft EIR to prepare a response. The comment states the project should be downsized 50 to 75 percent so it can be developed for recreation. The comment doesn't suggest how the downsizing would occur, but appears to suggest a reduced development footprint with unspecified recreational uses replacing the development areas. CEQA does not require an EIR to speculate where a comment or situation is uncertain; however, this response provides the following discussion in general response to the comment. A reduced intensity/density alternative of 25 percent reduction was analyzed in Chapter 6, Alternatives to the Project, and is consistent with State CEQA Guidelines, which requires alternatives that are potentially feasible to not only attain most of the project objectives, but to avoid or lessen any of the significant effects of the project. Accordingly, it was determined that, based on the analyses in the Draft EIR, a 25 percent reduced intensity was potentially feasible to minimize and/or lessen project impacts. Further, as stated on page 6-1 of the Draft EIR, CEQA Guidelines Section 15126.6 states that "An EIR shall describe a range of reasonable alternatives to the project, or the location of the project, which would feasibly attain most of the basic objectives of the project..." The first and foremost objective of the project is to build an economically viable and

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
C01-07	<p>Gerd Marggraff (resident on Neptune Drive) commented that he and his wife are positive about the new development, but believes that the impact study does not consider the construction or the future of the day-to-day noise created by the apartments and businesses that will spread across the bay towards their home on Neptune drive. Any impact study should have found out that a large body of water propagates more noise than on land and their home is already inundated with surrounding neighborhood noise.</p>	<p>vibrant mixed use development with amenities for city residents as well as regional recreational and commercial attraction (DEIR p. 3-4). In order to attain a 50/75% reduction, the proposed development would have to be slashed across the board (e.g., office reduced to 75,000/37,500 sf; hotel reduced to 100/50 rooms; conference center reduced to 7,500/3,750 sf, etc.). Based on the applicant’s calculations, this reduced level of activity would not be economically viable. More critically, if certain uses were removed or reduced to achieve a 50/75% reduction, and recreational uses were increased in their stead, the mix of uses would be out of balance to sustain a viable mixed use community. The success of a mixed use development like the project depends on having adequate residential presence to create and maintain a customer base for the office and commercial components. The office and commercial components, in turn, provide jobs, services, dining and other entertainment for the residents and visitors. The synergy of the mix of uses promotes the “busyness” and activity that makes the community vibrant. An unbalanced mix of uses will not result in the anticipated viability and synergy. Although a 50 to 75 percent reduction could reduce potential environmental impacts more than the Reduced Density/Intensity Alternative in the Draft EIR, the increase in recreational uses could also have aesthetic, traffic, noise or other impacts, depending on the kind and extent of use (e.g., active vs. passive, commercial recreation) as well. Either reduction would likely be too drastic to attain the primary project objective, and the increased recreational use would not likely result in an appropriate mix of uses across the project. In addition, a 50/75% reduction would further diminish the project objective to increase the housing stock for above-moderate income units. For these reasons, a 50 to 75 percent reduced intensity/density with increased recreation alternative would not be potentially feasible to analyze further in the DEIR.</p> <p>The commenter states that the Draft EIR does not consider the construction or the future operational noises from the apartments and businesses that will spread over water towards their home on Neptune Drive. Regarding construction noise, As discussed in Impact Discussion NOISE-4 of the Draft EIR, the construction activities associated with buildout of the project would result in substantial temporary or periodic increase in ambient noise levels in the vicinity of the project site above existing levels. However, Mitigation Measure NOISE-4 prescribes several implementation measures that would effectively reduce construction related noise to a less-than-significant level. Such measure include, but not limited to, utilization of “quiet” models of air compressors, locating stationary noise-generating equipment as far as possible from sensitive receptors (i.e., residential), and erection of a minimum 6-foot-high temporary sound barrier along the project property line abutting adjacent operational businesses, residences or other noise-sensitive land uses.</p>

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
		Regarding noise propagation over water, please see response to Comment B16-03.
C01-08	Mr. Marggraff believes at some point in the planning process that the number of units increased from 80 in the first draft to 160 units. The increase may create a noise level that is beyond an acceptable level on Neptune Drive and the residents facing the water.	The commenter believes the number of units increased from 80 in the first draft to 160 units; however, does not specify what units or draft specifically is being referred to. Page 3-9 of the Draft EIR lists project components and nothing is listed as either 80 or 160 units. The comment also states that noise levels may increase beyond acceptable levels on Neptune Drive; however, as shown beginning on page 4.10-19, Mitigation Measures for impacts would reduce potential impacts to a less-than-significant level.
C01-09	Mr. Marggraff also commented on the parking complex at the northeast corner of the development that may be shared by residents and offices and questions if the police would come in at 4:00 pm to clear out business office vehicles so the residents can park there; this issue was not addressed in the EIR.	This comment states concerns with parking enforcement and does not question related to environmental impacts or adequacy of the analysis in the Draft EIR. Rather, maintaining the parking regulations is an enforcement issue, and CEQA does not require analysis of parking enforcement. Therefore, no further response is required.
C01-10	Mr. Marggraff is also concerned about the redirected traffic spilling onto Neptune Drive. Already, illegal turns and speeding occurs through the street and a traffic stop on Neptune Drive will not be able to support the increase of residents. Residents have complained to the City and all complaints have been ignored, and residents question what will happen when the project is developed.	This comment expresses concern related to traffic along Neptune Drive. Table 4.13-13 of the Draft EIR shows Neptune Drive (intersection #9) operating within acceptable levels under existing conditions with the addition of traffic from the project. Similarly, the intersection is expected to operate acceptably under all other analysis scenarios as well. Regarding illegal turns and speeding related issues, those represent enforcement related issues are not required to be analyzed under CEQA. No further response is required.
C01-11	Mr. Marggraff believes the development will have enormous impact on residents' quality of life and property value and that the best alternative would be to reduce density of the whole development.	This comment expresses an opinion of the commenter and does not question the adequacy of the analysis contained in the Draft EIR; therefore, no further response is required.
C01-12	Melissa Marggraff (resident on Neptune Drive) commented that she supports development, but believes that it needs to be done in a way that improves the quality of life of Mulford Gardens and does not degrade it. Ms. Marggraff believes that Phase I is very ambitious and fears that the project will continue to build residential units and not move forward with the quality of life improvements, including the restaurants, entertainment, and recreation. It is important to get the good parts out of the development to prove that it is a good development than to try to make money on the project.	This comment expresses the opinion of the commenter and does not question the adequacy of the analysis contained in the Draft EIR. No further response is required.
C01-13	Ms. Marggraff is also concerned about the increase of 350 units and believes it is quick money for the City and under values the quality of life for current residents.	This comment expresses the opinion of the commenter and does not question the adequacy of the analysis contained in the Draft EIR. No further response is required.
C01-14	She is also worried about the construction and believes the impact study did not analyze short term noise, just "average" noise that will most likely last all	This comment expresses concern that the Draft EIR did not analyze short-term noise. Page 4.10-14 of the Draft EIR states that short-term noise measurements were taken

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
	day and will cross into backyards on Neptune Drive.	at six locations, which can be seen on Figure 4.10-2. Further, pages 4.10-17 through 4.10-18 provide discussions of each short-term site that was analyzed. Short-term construction impacts are identified in impacts NOISE-2 and -4, each of which includes a comprehensive set of mitigations to reduce day-to-day impacts on nearby residents.
C01-15	She commented that no estimated timeline is indicated on how long construction will take and fears that she will no longer be able to go in her backyard during construction or when the project completes.	The comment states that no estimated construction timeline is provided. Section 3.4.2, Construction Phasing, on page 3-12 of the Draft EIR, states that anticipated construction phasing will depend on market forces, but generally will occur over three phases. Accordingly, there has not yet been a definitive timeline established in terms of length of construction.
C01-16	The construction will impact their soils on Neptune Drive, which did not seem to be addressed in the EIR either. Her house is located on a liquefaction area, and if there was a bad earthquake, the foundation might suffer and with construction impacts, it should be stated what soil impacts will be made on Neptune Drive.	This comment raises concerns with impacts to soils if an earthquake causes liquefaction on Neptune Drive.  The Project does not include components along Neptune Drive and therefore soils along Neptune Drive are not required to be analyzed as a direct impact in the Draft EIR. Please see response to Comment B04-05 regarding liquefaction and construction impacts. Please refer to impact discussion GEO-1 and GEO-3 in Chapter 4.5 of the Draft EIR for an analysis related to seismic and liquefaction hazards related to the Project. As discussed on pages 4.5-10 and 4.5-11, a potentially significant impact was found; however, Mitigation Measure GEO-1 would effectively reduce those impacts to a less-than-significant level. Further, as discussed on pages 4.5-12 and 4.15-13 of the Draft EIR, a potentially significant impact was found regarding liquefaction; however, Mitigation Measure GEO-3 would effectively reduce those impacts to a less-than-significant level.
C01-17	She is positive about the development, but believes that a reduce density and intensity alternative is a better option for the Shoreline.	This comment expresses the opinion of the commenter. As described in Section 6.5.3 of Chapter 6, Alternatives, of the Draft EIR, a reduced density and intensity alternative was analyzed.
C01-18	Barry Tangney (resident on Neptune Drive) stated that he and his family believes that the project is a great improvement to the area, but is concerned about the noise. He and his neighbors use their backyards and noise from the El Torito parking lot already projects into their neighborhood. He is concerned about the noise impact that will be created from the potential 160 units and additional noise transmission across the water, which is known to be extreme.	This comment expresses the opinion of the commenter and raises a general concern regarding noise impacts. This comment does not specifically address the adequacy of the analysis nor does it raise a specific question. In general, noise impacts were addressed pursuant to State CEQA Guidelines per the Appendix G checklist of CEQA and can be found in Chapter 4.10, Noise, of the Draft EIR. Although some potentially significant impacts were found, mitigation measures were identified to reduce those impacts to a less-than-significant level.  Additionally, as stated in the DEIR under Impact NOISE-1, "Once the Project is developed, sporadic noise from outdoor activities such as loud music at restaurants,

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
C01-19	In regards to traffic, Mr. Tangney is the second house onto Neptune Drive, at which the driveway is a regular turnaround spot for people trying to find parking or going back onto the street. The parking is so dense and many cars frequently have to pull over to let other cars pass by that he worries about the safety issues for neighbors and cyclists with increased traffic.	boat engine noise near boat launches would be controlled by enforcement of the Municipal Code. Noise complaints that may arise from persons generating noise within the site would be resolved through enforcement of Chapter 4-1 of the City's Municipal Code."  Please also see the response to B16-03 regarding noise propagation over water.
C01-20	He also commented that he will be looking at the proposed multistory residential complex to the left of his backyard so an aesthetic impact may need to be reconsidered.	This comment raises a question regarding safety for neighbors and cyclists along Neptune Drive resulting from cars that turn around at Neptune Drive. This comment does not question the adequacy of the Draft EIR, traffic safety and hazards are analyzed pursuant to CEQA, please refer to impact discussion TRAF-4 of Chapter 4.13. In general the comment raises a concern related to traffic enforcement and not the adequacy of the environmental analysis. No further response is required.
C01-21	Patrick Lesandrini (resident on Neptune Drive) commented that he is concerned with the apartment complex and parking garage. He stated that traffic is already overwhelming in the neighborhood, especially with cars parked from the current apartment complex on Marina Drive. This project will not help mitigate traffic issues by adding hundreds or thousands of residents to permanently live there. He understands the need for day facilities, but creating permanent residents is going to make more traffic, noise and other issues for Neptune Drive.	The commenter is concerned about the aesthetics of project multistory residences near his backyard. Aesthetic impacts, including views, were addressed per the State CEQA Guidelines in impact discussion AES-1 in Chapter 4.1 of the Draft EIR, which concluded a less-than-significant impact. In general, CEQA considers public view impacts and does not analyze impacts from private residences. However, the Project would be required to adhere to the development code regulating heights of structures.
C01-22	Having been a resident for more than 25 years, Mr. Lesandrini and his family like the project, but would hate for the area to be filled with huge apartment complexes and a huge parking garage and wants the project to retain some of the natural beauty that his family moved here for. He hopes for a balance between profit driven strategies and a value-based approach for the Shoreline.	This comment expresses the opinion of the commenter and does not question the adequacy of the Draft EIR. The DEIR identifies the potential impacts of the project, including potential traffic and noise, in Chapters 4.13 and 4.10, respectively. No further response is required.
C01-23	Barry Roloff (resident of Mulford Gardens on Aurora Drive) stated that Aurora Drive is already heavily impacted with traffic. Currently, cars speed 50-60 mph down Aurora Drive and there is a school down the street where kids walk home and no one monitors traffic. He commented that a stop sign was put in	This comment expresses the opinion of the commenter and does not address the adequacy of the Draft EIR; therefore, no further response is required.
		This comment expresses the opinion of the commenter and does not question the adequacy of the Draft EIR. No further response is required.



**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
C01-24	<p>on Marina Boulevard and Aurora Drive only after a couple of kids to got hit. He stated that every time a property is sold near the marina: a new condo, a new building or a second building, the whole area is compacted and impacted with people.</p> <p>There is also no available parking and when traffic is impeded by construction on Marina Boulevard or Fairway Drive, cars will use Aurora Drive. He questioned how that will be stopped and if stop signs or speed bumps can be put in at the West Avenues.</p>	<p>This comment expresses the opinion of the commenter and does not question the adequacy of the Draft EIR. This comment expresses concern related to parking enforcement and not the environmental analyses of the Draft EIR. City standard conditions require a traffic management plan that identifies traffic controls if streets are blocked during construction. No further response is required.</p>
C01-25	<p>The resident believes that the project does not look good especially when there are current noise issues from the water and the airport in his neighborhood. When homes were built in Alameda’s Bay Farm Island and there were complaints about the noise, all airline traffic was redirected over the Davis, Marina, Mulford area, which is now absorbing all the traffic and noise.</p>	<p>This comment expresses the opinion of the commenter regarding current noise issues and does not address the adequacy of the Draft EIR; therefore, no further response is required.</p>
C01-26	<p>There has not been enough discussion about the impact for current residents. He asked about grey areas on the vicinity map and RO/PD indicators on the Public Notice he received. Secretary Liao noted that the map shows the zoning designations and was sent to property and business owners within a 500 foot radius of the project.</p>	<p>This comment expresses the opinion of the commenter and does not address the adequacy of the Draft EIR; therefore, no further response is required.</p>
C01-27	<p>Audrey Velasquez (resident and General Manager of the Marina Inn) commented on the Shoreline Development’s impact on the Marina Inn and highlighted her environmental issues (comments attached) to the Planning Commission.</p>	<p>This comment states that Audrey Velasquez provided her environmental concerns in a handout (see response to Comment letter B06). No further comments were provided at this time that addressed the adequacy of the Draft EIR; therefore, no further response is required.</p>
C01-28	<p>Jude Miller (resident on Outrigger Drive of Seagate) stated that as an environmentalist, she is extremely concerned about the noise, traffic and traffic pollution.</p>	<p>This comment states general concerns regarding noise, traffic, and pollution; however, does not raise specific questions or concerns regarding the adequacy of the Draft EIR. Please refer to Chapters 4.2, 4.6, 4.10, and 4.13 of the Draft EIR for discussions on Air Quality, Greenhouse Gas Emissions, Noise, and Transportation, respectively.</p>
C01-29	<p>She is also a boater and has attended a lot of the marina meetings and wants to keep the marina. San Diego and Los Angeles make their marinas a destination, but San Leandro does not seem to know how to make it a positive asset. Firemen use the marina as rescue training space and the Spinnaker Yacht club will now be gone.</p>	<p>This comment expresses the opinion of the commenter and does not address the adequacy of the Draft EIR; therefore, no further response is required.</p>
C01-30	<p>Ms. Miller also enjoys the wintering grounds and monarch butterflies in which they are an endangered species and the construction is going to greatly impact them.</p>	<p>This comment expresses the opinion of the commenter and does not address the adequacy of the analysis of the Draft EIR. The City notes that potential impacts to Monarch butterflies are analyzed in impact BIO-1A. No further response is required.</p>

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
C01-31	She enjoys walking around the water and the boats, which will now be a convention center, construction, houses, noise and parking.	This comment does not address the adequacy of the Draft EIR; therefore, no further response is required.
C01-32	Waafa Aborashed (Bay Area Healthy 880 Communities) questioned if the consultants analyzed and understood what the air district and State is doing about the environmental health impacts. The air district has air pollution maps that show how toxic the East Bay is and the health impacts that are coming from all sources of pollution. While Oakland Airport has not completed a study, Los Angeles International Airport has a study on health impacts and pollution from the aviation businesses. People, along with the five schools in the area, will be impacted by the air and noise pollution from Oakland and San Francisco airports. Ms. Aborashed wants to see data and needs a better definition of significant impacts. Methodology from the air district states exactly what the data is and how it is impacting the quality of life and AREHA has data that calculated the cumulative impact of all the pollution from the west. Data needs to be in the record because it is impacting the City's quality of life.	This comment questions the health impacts analysis. The Air Quality chapter discusses mapped areas impacted by toxic air contaminants under the Air District's Community Air Risk Evaluation (CARE) program (pages 4.2-11 and Figure 4.2-1) and identifies that majority of the City of San Leandro, including the Project site, lies within the Western Alameda County impacted community. The Air Quality and Greenhouse Gas Emissions chapters of the Draft EIR analyze these impacts pursuant to the State CEQA Guidelines Appendix G (see, e.g., p. 4.2-20 and Impact AIR-5). An Operational Health Risk Assessment (HRA) was prepared for the Project, pursuant to Air District methodology, which adequately analyzed these impacts to make reasoned conclusions that impacts would be less than significant to on-site sensitive receptors. Operations at the existing Oakland Airport are not part of the proposed Project. However, an HRA was prepared for the Oakland Airport (Port of Oakland, 2003; cited in the Air Quality chapter) and confirmed that health risk impacts in the Project site area would be less than significant.
C01-33	Commissioner Collier commented on the following points: Page 1-39, Table 1.1: Installing a mini roundabout at Marina Boulevard and Aurora Boulevard is totally impractical considering that school is right down the street and that kids will need to cross the street. It took 20-25 years to get a four-way stop to increase safety and if more traffic is anticipated, a signal needs to be installed.	<p>The comment is noting that a mini-roundabout is impractical as a traffic control measure at Marina Boulevard and Aurora Boulevard.</p> <p>In response to the impacts identified at Marina Boulevard and Aurora Boulevard, Mitigation Measure TRAF-1C (DEIR Page 4.13-33), Mitigation Measure TRAF-7E (DEIR Page 4.13-56) and Mitigation Measure TRAF-7L (DEIR Page 4.13-64) identify a traffic signal as one of the two mitigation options for the impact at the referenced intersection. A signal warrant analysis was conducted that met the peak hour signal warrant requirement as described as part of the discussion under Mitigation Measure TRAF-1C (DEIR Page 4.13-33). The analysis found that peak hour signal warrants would be met under Baseline, Near Term, and Long Term Cumulative conditions during the AM peak hour at this location. The signal warrant analysis is documented in a technical memo that is included as part of this FEIR in Appendix K.</p> <p>Mini-roundabouts can be designed with safety countermeasures to address student crossings; Mitigation Measure TRAF-1C is revised, as shown below and also in Chapter 3 of the Final EIR, to include the requirement for such measures and to provide examples of appropriate and feasible techniques. The National Cooperative Highway Research Program (NCHRP) Report 672 found that in the Netherlands, 181 intersections were converted to roundabout control resulting in a 73 percent reduction in pedestrian collisions and an 89 percent reduction in pedestrian injury</p>

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
C01-34	Page 1-39, TRAF 1-D: Installing a roundabout at Monarch Bay Drive and Mulford Point Drive may be feasible because it is already a mini-roundabout now.	<p>collisions.</p> <p>Mitigation Measure TRAF-1C on page 4.13-33 of the Draft EIR is revised as follows:</p> <p>Mitigation Measure TRAF-1C: Install a modern mini-roundabout that could be accommodated within the existing right-of-way.<sup>12</sup> Research has shown that roundabout-controlled intersections have similar low frequency and severity of crashes as all-way stop-controlled intersections. Further, the slower speed at roundabout also reduces the risk of injuries and fatalities for road users in the event of a crash. A conceptual drawing of a mini-roundabout is provided in Figure 4.13-5. <u>With the proximity of the school to this intersection, the mini-roundabout shall be designed with safety countermeasures to address student crossings. Safety measures such as high-visibility crosswalks, advanced warning signs, and a mini-roundabout design that promotes slow circulating speeds should be considered.</u> Implementation of a <u>mini-roundabout</u> would improve the operation of this intersection to LOS A in the AM, PM and Saturday midday peak hours.</p> <p>Alternatively, installation of a traffic signal would also mitigate the project impact as the peak hour signal warrant is met. <u>However, the decision to install a traffic signal should not be based solely upon a single warrant. Additional engineering analysis and design shall be completed prior to selection of final mitigation measure.</u> Upon implementation of <u>the traffic signal</u>, the intersection would improve to LOS B in the AM peak hour and LOS A in the PM peak hour and Saturday midday peak hour.</p>
C01-35	Page 1-42: Does not believe that the mini roundabout would create less than significant levels and believes it absolutely needs to be a signal.	<p>This comment expresses the opinion of the commenter and does not question the adequacy of the Draft EIR. No further response is required.</p> <p>This comment expresses the opinion of the commenter stating that a mini roundabout would not adequately mitigate the projects impacts to a less-than-significant level and that a traffic signal should be installed. The comment does not specify which impact on page 1-42 is being referenced; however, it appears to be impact TRAF-7E since the related mitigation measure identifies the options of providing a roundabout or a signal. The commenter does not explain why the signal is preferable; however, this issue is addressed above in responses to Comments B02-05, B07-01, and C01-33.</p>

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
C01-36	Page 1-43: More changes need to be made for the roundabout.	Page 1-43 identifies a roundabout as mitigation for impact TRAF-7L, which is addressed in the main DEIR text on page 4.13-64. The comment does not say what changes should be made to the roundabout or why, so no further response is provided. However, see previous responses to Comment B02-05, B07-01, and C01-33 regarding issues related to the roundabout mitigation measure.
C01-37	Figure 3.3: The swimming pool at the hotel needs to be indoors or completely enclosed because it is very cold and windy almost every day of the year. The proposed hotel and parking should be switched with the office building so the majority of parking/open space is on Mulford Point. There would be no impact to Marina Inn or the public's view of the bay.	This comment expresses the opinion of the commenter and does not address the adequacy of the Draft EIR; therefore, no further response is required.
C01-38	Page 3-9: Reiterates the need for an indoor pool.	This comment expresses the opinion of the commenter and does not address the adequacy of the Draft EIR; therefore, no further response is required.
C01-39	Page 4.1-11: The view is dependent on the perspective to the Santa Cruz Mountains and will be blocked if the hotel is at its proposed site. The hotel should be moved because of the height of the hotel itself and should be moved to a more inline position where the marina will still have views of the bay.	This comment expresses the opinion of the commenter that the hotel will block views of the Santa Cruz Mountains.  Aesthetic impacts as they relate to potential view impacts caused by the Project are addressed in impact discussion AES-1 in Chapter 4.1 of the Draft EIR, which concluded a less-than-significant impact. Page 4.1-11 states that the project would partially obstruct views of the horizon and of the ridgeline of the Santa Cruz Mountains on the San Francisco; however, Figures 4.1-11a and 4.1-12a of the Draft EIR show that existing views of the horizon are already partially obstructed by boat masts in the harbor and existing vegetation on Mulford Point. Although mid-to-far-field views would be altered, the significant view would not be adversely affected because components of the view would still be visible, and the views would not be substantially different. Additionally, the project provides new opportunities for views such as the pedestrian walkway and designated lookout points, the overall views would not be significantly affected. Further, it was determined that the hotel would provide intermittent views, and not completely block views.
C01-40	Page 4.2-2: Reiterates the need for an indoor pool.	This comment expresses the opinion of the commenter and does not address the adequacy of the Draft EIR; therefore, no further response is required.
C01-41	Page 4.8-18: Incorrect landmark: San Leandro Creek should be San Lorenzo Creek.	Text revised in the last paragraph on page 4.8-18, as follows:  This is due to inadequate height of the levee on the north bank of <del>San Leandro</del> <u>San Lorenzo</u> Creek that could cause flooding to properties north of the creek during severe weather events.
C01-42	Page 4.12-14: Does not know how another elementary school or high school will work on the west of San Leandro slated for 2016 or 2017.	This comment raises a general question about how an additional elementary and high school would work on the west end of San Leandro. It is not clear what exactly

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
C01-43	Page 4-13.24: Reiterates the need for a signal, not a stop sign.	the question is asking; however,, the impact discussion SCVS-5 in Chapter 4.12 of the Draft EIR addresses the Projects impacts to schools in the area. As noted on page 4.12-14 of the Draft EIR, the school district projects that a new elementary and high school will be needed in 2016 or 2017, there are no official plans or proposed school sites at this time. The project is required to enact further fees or pursue other funding options.
C01-44	Page 4.13-33: The current EIR says that a traffic signal would mitigate the project impact at the peak hour and should be placed at Aurora Drive and Marina Boulevard.	This comment expresses the opinion of the commenter and does not question the adequacy of the Draft EIR. No further response is required.
C01-45	Page 6-2: She is in favor of the relocated hotel and the reduced density alternatives.	This comment expresses the commenter's preference for the traffic signal option in Mitigation Measure TRAF-1C. No further response is required.
C01-46	Page 6-2: She is in favor of the relocated hotel and the reduced density alternatives. Page 1-23: Executive Summary: Mitigation Measures: GHG 1D: There may have been an increase by Congress and suggests that the language be changed to "maximum allowable pretax benefit".	This comment expresses the opinion of the commenter and does not address the adequacy of the Draft EIR; therefore, no further response is required.
C01-46	Page 1-23: Executive Summary: Mitigation Measures: GHG 1D: There may have been an increase by Congress and suggests that the language be changed to "maximum allowable pretax benefit".	The commenter states that Congress has increased the pre-tax benefit for commuters to "maximum allowable pretax benefit" and that the language in Mitigation Measure GHG-1D be revised to reflect this change.
C01-47	Current traffic standard is level of service (LOS) and CEQA has changed the measure to vehicle miles traveled (VMT). He would like some discussion and explanation of VMT impacts in the final EIR. He recognized that the EIR was written before the change in CEQA and are not required to address VMTs, but believes it is a more valuable measure of traffic and transportation impacts than LOS.	The first bullet under Mitigation Measure GHG-1D on page 4.6-20 of the Draft EIR has been revised as follows:  <ul style="list-style-type: none"> <li>■ Pre-tax benefit: Allow employees to exclude their transit or vanpooling expenses from taxable income, up to <u>the maximum allowable pretax benefit</u> <del>\$130 per month</del>.</li> </ul>
C01-47	Current traffic standard is level of service (LOS) and CEQA has changed the measure to vehicle miles traveled (VMT). He would like some discussion and explanation of VMT impacts in the final EIR. He recognized that the EIR was written before the change in CEQA and are not required to address VMTs, but believes it is a more valuable measure of traffic and transportation impacts than LOS.	The comment is noting that LOS as a measure of traffic impacts for the purpose of CEQA analysis has been changed to VMT.
C01-47	Current traffic standard is level of service (LOS) and CEQA has changed the measure to vehicle miles traveled (VMT). He would like some discussion and explanation of VMT impacts in the final EIR. He recognized that the EIR was written before the change in CEQA and are not required to address VMTs, but believes it is a more valuable measure of traffic and transportation impacts than LOS.	Given that SB 743 was not in effect when the NOP was issued for the DEIR and the update to CEQA Guidelines per SB 743 has not been implemented, LOS was appropriately used as the basis for transportation impacts. However, air quality and Greenhouse Gas (GHG) emissions modeling evaluates impacts based on the proposed Project's VMT (see Chapter 4.2 Air Quality and Chapter 4.6 GHG). Emissions modeling and VMT estimates are based on the California Emissions Estimator Model CalEEMod) and can be viewed in that section of the DEIR.
C01-48	Different alternatives should be shown to address different configurations or mix of uses and what the impacts would be: more office than residential, all residential or all commercial.	This comment states that different alternatives should be shown with various configurations and mix of uses. As stated in Chapter 6 under Section 6.1, "An EIR shall describe a range of reasonable alternatives to the project, or the location of the project, which would feasibly attain most of the basic objectives of the project but

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
C01-49	Page 6.4.3 (last sentence): The project does not meet those standards and needs to be adequately addressed and distinct. Mr. Fitzsimons believes just listing the reduced intensity alternative makes it sound like the housing allowance is different than what the regular project would be and suggests that the language be changed to address the project’s impact on housing allowance.	<p>would avoid or substantially lessen any of the significant effects of the project...An EIR need not consider every conceivable alternative to a project."</p> <p>An all residential or all commercial alternative would not meet basic objectives of the project to provide a mix of uses, or a synergy of uses to create a regional destination (see DEIR page 6-3). Therefore, these single use alternatives would not be potentially feasible and need not be discussed further. Because the hotel is proposed at a prominent location at the end of Mulford Point Drive and would partially block long-range views from the shoreline, the Relocated Hotel Alternative in section 6.5.2 of the DEIR was chosen as a site planning alternative showing a different configuration of a major visual feature. Because the project's potentially significant impacts were generally not related to location-based resources, the DEIR did not focus on alternatives to the project configuration or footprint.</p> <p>The alternatives chapter of the Draft EIR does consider a reduced density/intensity alternative; however, reconfiguration of uses alone (i.e., more office, less residential, all commercial, all residential) would not necessarily result in less of a footprint of overall development nor would it necessarily reduce density and/or intensity.</p>
C01-50	There will be significant offsite project impacts due to gridlock from 880 west. The air quality and noise at all the intersections from 880 to the bay will have negative impacts on the neighborhoods where traffic builds up and needs to be addressed in the air quality, noise and traffic sections.	<p>This comment states that the last sentence in Section 6.4.3 is not adequate and states the reduced intensity alternative makes it sound like the housing allowance is different than what the regular project would be. The intent of the referenced sentence is simply to convey that the reduced intensity alternative would provide less housing toward meeting the RHNA for above moderate housing, as compared to the project. Neither the project nor the alternative would meet the RHNA by itself; however, the project would contribute more units towards the housing goal than the alternative would.</p> <p>This comment expresses the opinion of the commenter and does not state a specific concern or question the adequacy of the analysis of the Draft EIR. In general, air quality, noise, and traffic were addressed pursuant to State CEQA Guidelines in Chapters 4.2, 4.10, and 4.13 of the Draft EIR, respectively. Portions of Interstate 880 were addressed to the extent that the Project would have an effect on the freeway. For example, Figure 4.2-1 in Chapter 4.2 Air Quality of the Draft EIR shows that the project site is within the Bay Area Air Quality Management District’s Community Air Risk Evaluation (CARE) Program; therefore, I-880 was considered, where appropriate, throughout analyses in Chapter 4.2 Air Quality.</p> <p>Regarding noise, Chapter 4.10 considers traffic noise in impact discussion NOISE-3</p>

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
C01-51	<p>In regards to the discussion and map of impacts of sea level rise, the project area will be inundated with sea level rise and there is no mention to raise the level of the ground when new developments are being constructed (e.g. Alameda Point and Treasure Island), no mention of the cost impact or impact of all the new fill and the mitigation measures if chosen, and no mention of how that will affect the structures that are going to be built or if they have to be raised or elevated. There is also no mention of the effect of sea level rise on the existing utilities of the area, nor the effect on residents and their utilities. These issues may be outside the scope of the EIR, but it will impact the service that comes down to the area.</p>	<p>beginning on page 4.10-24. The analysis considers major roadways, such as Doolittle Drive, Davis Street, Marina Boulevard, and Fairway Drive, which are within proximity and/or adjacent to the project site. The noise analysis identified a significant and unavoidable impact related to traffic generated noise on the residential uses along Marina Boulevard west of Aurora Drive. Although mitigation measures such as construction of noise barriers could likely mitigate the impact, the residential uses would front Marina Boulevard and there would not be sufficient space for construction of noise barriers; therefore, mitigation was considered infeasible. However, residential construction would be required to comply with the State’s Title 24, Building Standards Administrative Code, Part 2, California Building Code, noise insulation standards.</p> <p>Regarding traffic, there are several areas that considered the project’s potential impacts related to I-880. Because the commenter does not identify a specific issue, a more detailed reference cannot be provided other than stating that I-880 traffic was considered throughout Chapter 4.13 Transportation and Traffic.</p> <p>Sea level rise is addressed in Chapter 4.8, Hydrology. Impact discussion HYDRO-7 (page 4.8-39) states that much of the Project site is within the area vulnerable to sea level rise of 16 inches by the year 2050 and 55 inches by 2100. It is further discussed that the City of San Leandro and Alameda County are in the process of implementing policies and programs to adapt to the changing climate. This was identified as a significant impact; however, Mitigation Measure HYDRO-7 would be sufficient to reduce this impact to a less-than-significant level.</p> <p>FEMA is currently in the process of performing detailed coastal engineering analyses and mapping of the San Francisco Bay shoreline, which will take into account high water levels, storm surges, and waves. This will result in revised 100-year floodplain maps. Although FEMA does not specifically account for future sea level rise, they state that over the lifespan of the study, changes in flood hazards from sea level rise and climate change are typically not larger enough to affect the validity of the studies. Because sea level rise cannot be reasonably or reliably prevented, the focus of the DEIR is to identify mitigation measures that reduce the potential for flooding.</p> <p>Mitigation Measure HYDRO-7, as revised, requires that areas of the Project site within the 100-year elevate each building above the base flood elevation (BFE), which will also reduce the potential for flooding due to sea level rise. Also, revised Mitigation Measure HYDRO-7 requires a sea level rise risk assessment to be</p>

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
C01-52	<p>Issues regarding liquefaction and alluvial soil and fill. There is no mention of impact on future buildings and only states that “there will be studies in the future and those studies will explain how to mitigate it on a building by building basis.” Commissioner Leichner believes that will not work and that it may have a bigger impact on the area. The project is being put at risk and that residents need to be aware of the risk that is posed by this type of soil. The EIR mentions expansive soils, but should mention that it is subject to potential shifting.</p>	<p>conducted for submittal to the City prior to the issuance of site plan review or a tentative map. The risk assessment shall identify all types of potential flooding and the Project shall be designed to be resilient to a mid-century sea level rise projection. The risk assessment recommendations will be included in the project-level site plan review and tentative map applications, and will thus be assessed as part of the next step of discretionary review. The San Leandro Floodplain ordinance also has standards for utilities to minimize or eliminate the infiltration of flood waters into these systems, which are required to be incorporated into the Project design for areas within the 100-year floodplain. These measures will also ensure protection from sea level rise. With the proposed mitigation measure HYDRO-7, the impact of sea level rise will be less than significant. See also, response to comment B17-02.</p> <p>Given that the Project is conceptual at this phase, the DEIR appropriately identifies the potential for soil instability due to liquefaction as a significant impact, in GEO-1 and GEO-3A. Because the potential impact occurs to structures, foundations, infrastructure, and similar development features, upon seismic activity, preparing engineered mitigations is highly related to the final development plans, including exact sizes and locations of structures. These detailed design plans have not been identified at this conceptual stage; because geological related impacts are site specific, mitigation requires geotechnical reports for all future development within the Project site at the time final plans are submitted for review by the City, in accordance with grading permit requirements. While impacts are site specific, depending on where the vulnerable soils are located, the City notes that engineering measures to prevent liquefaction hazards are well established and recognized by geotechnical professionals as effective.</p> <p>To ensure that the public and decision makers are aware of how the liquefaction risk would affect the project, Mitigation Measures GEO-1 and GEO-3A are revised as follows to require the geotechnical reports be submitted as part of the next step of project-level discretionary review, i.e., site plan review and tentative map applications, which will include more detailed project plans.</p> <p>Mitigation Measure GEO-1 on page 4.5-11 of the Draft EIR is revised as follows:</p> <p>Require geotechnical reports <u>at the time of Site Plan Review and Tentative Map applications</u> for all development within the Project site, as required by the San Leandro Municipal Code Section 7-12.</p>



**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
		Mitigation Measure GEO-3A on page 4.5-2 of the Draft EIR is revised as follows:
		Project-specific geotechnical reports shall be prepared <u>at the time of Site Plan Review and Tentative Map applications</u> in accordance with the City’s grading permit regulations.
C01-53	The proposed fountain was planned originally for decorative and hydrology, which will be affected by the development, hence an aeration fountain is necessary to mix the different water layers.	This comment expresses the opinion of the commenter and does not state a specific concern or question the adequacy of the analysis of the Draft EIR. The aeration fountain is proposed to improve water circulation patterns by increasing oxygen levels and preventing stratification in the water column by providing a mixing effect. Moving water reduces the development of algae blooms and improves oxygen levels for aquatic life. Additional information is provided in Response A03-06.
C01-54	The EIR does not adequately describe the utility infrastructure that will be needed to service the area, which may need bigger sewers, bigger water delivery system and more electrical capacity.	This comment expresses the opinion of the commenter and does not state a specific concern regarding adequacy of the analysis of the Draft EIR nor is evidence provided that the utility infrastructure would not be sufficient. Impact discussion UTIL-2 does address utility infrastructure related to water and states the Project would preserve in place existing infrastructure where possible, and that new infrastructure would be added as necessary. Given that any needed infrastructure would comply with existing General Plan policies, and Municipal Code requirements during development of the infrastructure, impacts were found to be less-than-significant. Impact discussion UTIL-5 of the Draft EIR states that existing sewer infrastructure would be preserved in place where feasible and that new sewer infrastructure would be constructed if/when necessary and that any future improvements would comply with all applicable regulations. Also, please see response to Comment B16-11 regarding sewer infrastructure and electrical capacity.
C01-55	Commission Leung stated that from his perspective, the EIR substantially describes the environmental impacts and mitigations of the project, especially to the significant and unavoidable categories of the greenhouse gas emissions, noise, transportation and traffic.	This comment expresses the opinion of the commenter and does not state a specific concern or question the adequacy of the analysis of the Draft EIR; therefore, no further response is required.
C01-56	Commissioner Hernandez thanked staff and PlaceWorks for their work on the DEIR for the last ten years and thanked the community for highlighting the potential challenges and opportunities to balance the future of the marina.	This comment expresses the opinion of the commenter and does not state a specific concern or question the adequacy of the analysis of the Draft EIR; therefore, no further response is required.
C01-57	Mr. Hernandez stated the project should move forward and could benefit from the public’s feedback in its draft form. He commented that it would be an opportunity to help mitigate the noise from the nearby airports, even though it is not adding any noise with the proposed project. He hopes to find the best practices to mitigate the traffic challenges, alternatives to the hotel and a balance between public amenities and private development.	This comment expresses the opinion of the commenter and does not state a specific concern or question the adequacy of the analysis of the Draft EIR; therefore, no further response is required.

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
C01-58	Commissioner Fitzsimons requested that the final EIR of the relocated hotel alternative contain photo simulations of the additional alternative locations similar to the proposed location of the main project.	Commissioner Fitzsimons is requesting that the Final EIR of the relocated hotel alternative contain photo simulations of the additional alternative locations similar to the proposed location of the main project. Chapter 6 Alternatives to the Project identifies three potential alternative locations, including the parking lot at Pescador Point Drive, the parking lot along Mulford Point Drive, and on the corner of Monarch Point Drive and Monarch Bay Drive.  Photo simulations were not prepared as part of the Final EIR because any photo simulations of the proposed alternatives would generally result in similar impacts as the proposed project due to the location of proposed building mass. Additionally, as described beginning on page 6-9, the potential to partially obstruct views would occur under each of the alternate locations, however, in slightly different areas of the project site. Therefore, photo simulations of the relocated hotel locations would not be necessary given that similar impacts would likely result under either of the scenarios.
<b>C02</b>	<b>City Council Meeting - Shoreline DEIR</b>	
C02-01	John Manuel (Marina Action Committee) distributed a handout with his comments (see attached) to the City Council He also commented that the residential units are in line of the south field of Oakland International Airport and commented about how there could have been outreach via public opinion polls, which could have been on an agenda for a vote.	This commenter distributed a handout with his comments. Please see responses to Comment Letter B02. Regarding public opinion polls, beginning in 2008 the City held several community workshops, and formed a citizens advisory committee and a citizens advisory group to develop a vision for the Shoreline Development. The public meetings provided opportunities for community input during the planning of the project. Based on the work of the advisory committee and advisory group, the City Council directed City staff to proceed with the planning and entitlement process, including an environmental review.
C02-02	Audrey Velasquez (Manager of Marina Inn): Ms. Velasquez’s comments are attached.	This comment states that Audrey Velasquez provided her environmental concerns in a handout (see responses to Comment Letter B06). No further comments were provided at this time that addressed the adequacy of the Draft EIR; therefore, no further response is required.
C02-03	David Johnson (President and CEO of Chamber of Commerce) commented that the Chamber of Commerce is a strong supporter of the thoughtful and fully conceived development. The project merits outweigh the impact issues of noise, traffic and transportation. While there may be conflicts with businesses, like the Marina Inn, issues can be addressed thoughtfully. The area needs change and will benefit a community that deserves improvement.	This comment expresses the opinion of the commenter and does not state a specific concern or question the adequacy of the analysis of the Draft EIR; therefore, no further response is required.
C02-04	Audrey Albers (resident of San Leandro) commented that the EIR does not address water rescue and public recreation land. Ms. Albers also commented	This comment states the Draft EIR does not address water rescue and public recreation land, and comments that the adding an intersection and diverting traffic

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

<b>Number</b>	<b>Comment</b>	<b>Response</b>
	that adding an intersection and diverting traffic will not mitigate the environmental impacts of the noise, dust, air pollution and quality of life of the neighborhood. She believes that the project should be downsized by 50-75% and that the EIR should be disapproved so the Shoreline can be developed for its intended use of public recreational use.	will not mitigate impacts of noise, dust, air pollution, and quality of life. The commenter suggests the project should be downsized by 50 to 75 percent and that the EIR should be disapproved. Please see response to Comment C01-03 regarding water rescue, C01-06 regarding downsizing of the project, and response to Comment C01-04 regarding noise, dust, air pollution, and quality of life. .
C02-05	Commented on the monarch butterflies and the. She recommends per the Land Use section stated that that housing units on the south end could be moved to the west so there is not any disturbance to the butterflies, especially during the construction phase.	Please see responses to Comments B07-05, B16-13, B34-03, and B36-02, regarding protection of Monarch butterflies.
C02-06	Commented that in the transportation study, she is glad to see potential retail in the Kaiser Permanente complex and that the EIR anticipates the additional traffic in the future.	This comment expresses the opinion of the commenter and does not question the adequacy of the Draft EIR. No further response is required.
C02-07	Commented that the EIR is attentive on the impact on the schools and reiterated that the impacts should be less than substantial, as the study states.	This comment expresses the opinion of the commenter and does not question the adequacy of the analysis of the Draft EIR; therefore, no further response is required.
C02-08	Asked about lighting changes around the marina and what the impact would be on the biological resources. Mr. Miller noted there will be a change in lighting, but he can make sure that the lighting is not reflective and interfering with neighbors.	As stated in impact discussion AES-4 in Chapter 4.1 of the Draft EIR, all proposed development would be required to conform to San Leandro Zoning Code regulations pertaining to the abatement of unreasonable light and glare including Section 4-1732, Section 4-1670, Section 5-2512, as well as Section 4-1676 and 4-1806 of the Code. These regulations would ensure that lights are as minimally invasive to humans and animals as possible, while still providing adequate safety at the Project site. The marina portion of the Project site is already illuminated by lighting on structures, parking areas, and common areas on docks. Wildlife has acclimated to these existing conditions, and any future changes in night-time lighting are not expected to have significant adverse effects on wildlife resources. Review and approval of in-water improvements would ensure that any night-time lighting is carefully controlled where it interfaces with the open waters and shoreline of the bay and could otherwise adversely affect aquatic habitat.
C02-09	Asked about the airport noise for the 354 residential units and if the building will have enhanced insulation. Mr. Miller stated that Title 24 addresses those issues and that Cal-Coast will abide by these regulations.	As discussed in impact discussion NOISE-5 in Chapter 4.10 of the Draft EIR, the Airport Land Use Plan (ALUP) for the Oakland International Airport includes policies to evaluate proposed land uses within the airport's influence area. The ALUP establishes criteria to indicate maximum acceptable noise levels based on a long-range timeframe for a range of land uses and includes three levels of compatibility (Compatible, Conditional, and Incompatible) for various land use types. As stated on page 4.10-30, the project site is exposed to noise from aircraft; however, no portions of the project site are located within the airports 65 dBA noise contour. The maximum acceptable interior noise level is 45 dB CNEL. Standard construction

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
		methods would provide acceptable exterior and interior noise levels due to aircraft. Enhanced insulation is not expected to be required.
C02-10	Asked about sea level rise around existing residents. Mr. Noack answered that the sea level rise is based on FEMA flood control maps and the final design would need to be outside the flood prone areas. There are options to raising grade or building design options where habitable structures are outside the flood areas.	This comment was addressed at the meeting. No further response is required.
C02-11	Asked about the schools near the project area, possible additional schools and the level two and three impact fees. Mr. Noack responded that that can be answered in the final EIR.	This comment questions impacts to schools near the Project. Impact discussion SVCS-5 in Chapter 4.12 of the Draft EIR includes the school district's projection, although an elementary and high school would be needed in 2016 and 2017 to accommodate students in San Leandro, the Project would be required to pay statutory impact fees to offset its share of impacts to schools in the area, in accordance with State law. As stated on page 4.12-14, it is anticipated that based on Level I impact fees assessed by the school district, the proposed Project would contribute \$1,348,534 to the San Leandro Unified School District to offset its impacts to schools. However, if the school district determines that additional revenues are required to accommodate students, the district can assess Level II and Level III impact fees, issue a general obligation bond, or establish a community facilities district.
C02-12	Asked about the new hotel view obstruction to Marina Inn. Mr. Miller answered that 8 studies were presented to the Citizens Advisory Committee (CAC) and they decided on the design and layout of the project.	Impact discussion AES-1 in Chapter 4.1 addresses potential impacts to views related to the Project, including the proposed hotel. Please refer to AES-1 for the discussion, which concluded a less-than-significant impact. Please see Viewpoints G1 and G-2 beginning on page 4.1-30 of the Draft EIR for photo simulations depicting potential view impacts of the project from the Marina Inn. See also, response to Comment B19-01 .
C02-13	Commented on the intersection of Marina Boulevard and Aurora Drive (page 1-39) and requested that a traffic signal be installed instead of a roundabout since there is an elementary school with kids crossing the streets.	The comment requests that a traffic signal be installed at the Marina Boulevard and Aurora Drive instead of a roundabout. See response to Comment C01-33.
C02-14	Commented on implementing an AC transit route on Aladdin Avenue and Fairway Drive, as opposed to Marina Boulevard, to help mitigate the traffic in that area.	This comment suggests an alternative route for AC Transit buses as mitigation. As Impact TRAF-2C identifies a potential impact to AC Transit buses due to delays at intersection along Marina Boulevard, an alternative route for AC Transit buses is an option to consider. Route changes would require coordination with AC Transit, and have been included for consideration as part of the TDM plan as described in Mitigation Measure TRAF-2A (see response above to Comment B05-05). .
C02-15	Appreciated the studies and mitigation measures at San Leandro Boulevard and Marina Boulevard intersection.	This comment expresses the opinion of the commenter and does not question the adequacy of the Draft EIR. No further response is required.

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

Number	Comment	Response
<b>D. COMMENTS RECEIVED AFTER CLOSE OF PUBLIC REVIEW PERIOD</b>		
<b>D01</b>	<b>Santos, Anthony</b>	
D01-01	<p>I received this email from Larry Galindo in response to noise issue I brought to his attention; his reply notes the fact City is planning 354 new houses right in the airport's noise contours; this may not be a good idea. Noise has been an issue on the West End of town and I have been in the middle of these issues over many years and to be honest when I suggested change come to the Marina and it become more self supporting, houses were not part of my idea for development at the Marina. I have asked Larry if the Port responded to the EIR; I am waiting for his response. Personally I would go slow or reduce the housing compliment before moving forward in constructing homes at the Marina. Jim should be well aware of this issue.</p> <p>Tony Santos</p>	<p>This comment expresses the opinion of the commenter on airport noise. The City notes that the comment incorrectly states that the project is in the middle of the airport noise contour. As shown on Figure 4.10-1 of the Draft EIR, the project is outside the airport's 60 dBA CNEL noise contour. Also, the Airport Land Use Commission will be reviewing the project for compatibility with the ALUC Plan (see DEIR page 4.9-6).No further response is required.</p>
D01-02	<p>Larry, if homes are constructed, they best meet noise standards-we faced this with Heron Bay back in the eighties; this was first time I was introduced to airplane noise issues. I am not sure but did the Port address the EIR for the project?</p> <p>Tony</p> <p>Tony: That was a FEDEX DC-10 departure destination Indianapolis. The airport was in Southeast Flow and the aircraft departed South just west of the Marina area and that I'm sure is why it was louder than Superman. Any thoughts or feelings on the SL Marina Development Project and the construction of 354 new homes?</p> <p>....Larry</p> <p>As I am sitting here at my computer and listening to the aircraft pass by , it reminded me of an event last Thursday morning. At 5:55a m, a plane flew over us making a horrendous blast as it flown past us-what the heck was that? It was faster and louder than Superman-</p> <p>Tony Santos</p>	<p>See impact NOISE-5 regarding potential airport noise impacts on the project. The commenter is directed to Comment Letter A08 for the Port of Oakland's comments on the DEIR, which addresses airport noise.</p>
<b>D02</b>	<b>Demirjian, Raffi</b>	
D02-01	<p>Comments for the San Leandro Shoreline Development Project EIR. I am a home owner and other properties in the area of the development of the Shoreline Development project. I have many concerns of several possible</p>	<p>This comment does not state a specific concern or question the adequacy of the analysis in the Draft EIR; therefore, no response is required.</p>

## COMMENTS AND RESPONSES

TABLE 5-1 RESPONSE TO COMMENTS

Number	Comment	Response
	impacts with this project.	
D02-02	1. The Homeowners and tenants disclosure of the Oakland Airport noise and pollution policies.	This comment does not address the adequacy of the analysis in the Draft EIR; therefore, no further response is required. However, the Project would comply with all applicable regulations, including any noticing requirements.
D02-03	2. The negative impacts caused by the development to the short/long term during and after the construction.	Short and long term impacts are identified in the DEIR as applicable, e.g., short term construction emissions in Chapter 4.2 and noise in Chapter 4.10. Similarly, construction and post-construction or operational impacts are identified as applicable, such as construction dust, erosion, noise and traffic, and post-construction runoff water quality. This comment does not state a specific concern or question about project impacts or the adequacy of the analysis in the Draft EIR; therefore, no response is required.
D02-04	3. Unstable ground in this area-earthquake and what is the mitigation process unclear at this time.	Geologic impacts are addressed in Chapter 4.5 of the Draft EIR, including GEO-1 and GEO-3 that specifically addresses potential impacts regarding seismic ground-shaking. See also responses to Comments B04-05, B17-23, and C01-16 for more discussion of geologic impacts and mitigation measures.
D02-05	4. How would you mitigate the flood zone?	Impact discussion HYDRO-7 of the Draft EIR analyzes potential impacts related to structures within the 100-year flood zone. Mitigation Measure HYDRO-7 on page 4.8-40 and 4.8-41 lists several mitigations that would reduce flood impacts, such as obtaining a development permit from the City's Floodplain Administrator, development review by a registered engineer to ensure compliance with regulations, and obtain an elevation certificate from the City's Chief Building Official, to name a few. This mitigation would serve to reduce flood impacts to a less-than-significant level.
D02-06	5. How would you address the Sea Level Rising due to Climate Change?	Please see response to Comments C01-51 and D02-05.
D02-07	6. Would like to understand how the Shoreline was used by Oakland Scavenger (Waste Management) as a dumping site? And how long.	This comment does not address the adequacy of the analysis of the Draft EIR; therefore, no further response is required.
D02-08	7. Concerns of land mitigation- Health exposure due to construction near fence line neighbors.	This comment states a general question regarding health impacts due to construction; however, does not specify what type of impact is of concern. In general, the Draft EIR addresses construction related impacts, as it relate to health, in the Chapter 4.2, Air Quality; Chapter 4.6, Greenhouse Gas Emissions; Chapter 4.7, Hazards and Hazardous Materials; Chapter 4.8, Hydrology and Water Quality; and Chapter 4.10, Noise. In the absence of a more detailed question or specific concern, a more detailed response cannot be provided.
D02-09	8. Considering the unknowns how will the City of San Leandro and developer be liable to health issues due to construction?	See response to Comment D02-08 for project impacts that could be related to health. Mitigation measures identified in response to the DEIR impacts are typically implemented by the developer unless otherwise stated.

**COMMENTS AND RESPONSES**

**TABLE 5-1 RESPONSE TO COMMENTS**

<b>Number</b>	<b>Comment</b>	<b>Response</b>
D02-10	Please give me detailed answers to these concerns. Thank You Raffi	
<b>D03</b>	<b>Bay Area Healthy 880 Communities</b>	
D03-01	San Leandro Shoreline Development Project EIR Bay Area Healthy 880 Communities Comments Please review the report from the Bay Area Air Quality Management District: Improving Air Quality and Health in Bay Area Communities. CARE program. Our organization participated in this report for approximately 4 years. Please review the report reflects data on the impacts along the 880 fwy corridor. You must look at the data from West Oakland, during this journey those business are now residing in San Leandro, East Oakland and San Lorenzo. Review the health impacts along this corridor.	This comment does not address the adequacy of the analysis in the Draft EIR. However, this comment suggests reviewing additional background information from the Bay Area Air Quality Management District but does not specify how this information would contribute to the analyses nor does the comment identify any deficiencies in analyses in the Draft EIR. No further response is required.
D03-02	1. The Homeowners and tenants disclosure of the Oakland Airport noise and pollution policies.	See response to Comment A08-08 above.
D03-03	2. The negative impacts caused by the development to the short/long term during and after the construction.	Please see response to Comment DO2-03.
D03-04	3. Unstable ground in this area-earthquake and what is the mitigation process unclear at this time.	Please see response to Comment DO2-04.
D03-05	4. How would you mitigate the flood zone?	Please see response to Comment DO2-05.
D03-06	5. How would you address the Sea Level Rising due to Climate Change?	Please see response to Comment DO2-06.
D03-07	6. Would like to understand how the Shoreline was used by Oakland Scavenger (Waste Management) as a dumping site? And how long.	Please see response to Comment DO2-07.
D03-08	7. Concerns of land mitigation- Health exposure due to construction near fence line neighbors.	Please see response to Comment DO2-08.
D03-09	8. Considering the unknowns how will the City of San Leandro and developer be liable to health issues due to construction?	Please see response to Comment DO2-09.
D03-10	We would like to also submit the report from Mr. John Manuel Wafaa Aborashed, executive Director, 3081 Teagarden Street, San Leandro, CA 94577	This comment serves as a closing to the comments provided and does not present specific information regarding the content of the Draft EIR; therefore, no further response is required.

## **COMMENTS AND RESPONSES**