ATTACHMENT C

FINDINGS CONCERNING SIGNIFICANT IMPACTS AND MITIGATION MEASURES

Pursuant to Public Resources Code section 21081 and CEQA Guidelines section 15091, the City Council hereby makes these findings with respect to the potential for significant environmental impacts from adoption and implementation of the San Leandro Shoreline Development Project (PLN2013-00040) ("Project") and the means for mitigating those impacts. For the purpose of these findings, the term "EIR" means the Draft and Final EIR documents collectively, unless otherwise specified.

These findings do not attempt to describe the full analysis of each environmental impact contained in the EIR. Instead, the findings provide a summary description of each impact, describe the applicable mitigation measures identified in the EIR and adopted by the City, and state the findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the EIR. These findings hereby incorporate by reference the discussion and analysis in the EIR that supports the EIR's determinations regarding significant Project impacts and mitigation measures designed to address those impacts. The facts supporting these findings are found in the record as a whole for the Project.

In making these findings, the City ratifies, adopts, and incorporates into these findings the analysis and explanation in the EIR, and ratifies, adopts, and incorporates into these findings the determinations and conclusions of the EIR relating to environmental impacts and mitigation measures, except to the extent that any such determinations and conclusions are specifically and expressly modified by these findings.

Impact AIR-2: During construction of the Project, construction activities would generate fugitive dust during ground-disturbing activities that exceeds the BAAQMD significance thresholds (DEIR p. 4.2-24).

Mitigation Measure 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_{10} and $PM_{2.5}$:

- 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.
- 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.
- Cover all trucks hauling soil, sand, and other loose materials or 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).

- 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.
- 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.
- Hydro-seed or apply non-toxic soil stabilizers to inactive construction areas.
- Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.)
- Limit vehicle traffic speeds on unpaved roads to 15 mph.
- Replant vegetation in disturbed areas as quickly as possible.
- Install sandbags or other erosion control measures to prevent silt runoff from public roadways.

The City of San Leandro Building Official or their designee shall verify compliance that these measures have been implemented during normal construction site inspections. (DEIR pp. 4.2-25, -26).

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: The mitigation measure requires a suite of controls to reduce the amount of fugitive dust during construction and to keep fugitive dust from being carried downwind, thereby avoiding possible exceedances of state standards and reducing the impact to less than significant.

Impact AIR-4: Construction and operation of the Project would cumulatively contribute to the non-attainment designations of the SFBAAB (DEIR p. 4.2-28).

Mitigation Measure AIR-4. Implement Mitigation Measures AIR-2 and AIR-5. (DEIR p. 4.2-28).

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: Mitigation Measure AIR-2 ensures that Project fugitive dust emissions during construction will be reduced and will be controlled to minimize being carried offsite, thereby reducing the Project's contribution to cumulative effects. Among other things, Mitigation Measure AIR-5 requires that construction equipment be provided and maintained in compliance with EPA and CARB standards for controlling diesel emissions. These measures will directly reduce exposure of sensitive receptors to substantial concentrations of toxic air contaminants and PM2.5 fine particulates. With implementation of the mitigation measures, regional and localized construction emissions would not exceed BAAQMD significance thresholds. Based on the Project Health Risk Assessment, compliance with the diesel emissions controls during construction will reduce localized construction emissions

enough so that cancer risks would be less than threshold values. Implementation of the controls on construction dust and diesel emissions ensures that the Project's contribution to cumulative non-attainment impacts is less than significant.

Impact AIR-5: Construction activities of the Project could expose sensitive receptors to substantial concentrations of TAC and $PM_{2.5}$. (DEIR p. 4.2-30).

Mitigation Measure 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 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. (DEIR p. 4.2-30).

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: Among other things, Mitigation Measure AIR-5 requires that construction equipment be provided and maintained in compliance with EPA and CARB standards for controlling diesel emissions. These measures will directly reduce exposure of sensitive receptors to substantial concentrations of toxic air contaminants and PM2.5. As shown in DEIR Table 4.2-9, the mitigated health risk is less than threshold values, demonstrating that compliance with the diesel emissions controls during construction will reduce localized construction emissions to less than significant.

Impact AIR-8: Construction and operation of the Project would cumulatively contribute to the non-attainment designations of the SFBAAB (DEIR p. 4.2-35).

Mitigation Measure AIR-8. Implementation of Mitigation Measures AIR-2 and AIR-5 would reduce cumulative air quality impacts (DEIR p. 4.2-35).

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: Mitigation Measure AIR-2 would reduce impacts from fugitive dust generated during construction activities. Mitigation Measure AIR-5 would reduce exposures of sensitive receptors to substantial concentrations of TACs and PM2.5. With these mitigation measures, regional and localized construction emissions would not exceed the BAAQMD significance thresholds. Consequently, the Project would not cumulatively contribute to the nonattainment designations of the Air Basin and impacts would be less than significant with mitigation.

Impact BIO-1A: Proposed development could adversely affect the monarch butterfly winter roosting habitat if adequate controls on tree removal and pruning are not implemented (DEIR p. 4.3-13).

Mitigation Measure BIO-1A. *Ensure Protection of Monarch Butterfly Colony.* 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 and/or tentative map application, whichever is first, and shall include the following components:

- 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.
- 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.
- 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.
- 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.
- The MBRHPP shall be submitted for review and approval as part of the Site Plan Review and/or tentative map application for the South Golf Course Residential development.
- 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.

(DEIR p. 4.3-14, FEIR p. 3-4).

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: The mitigation measure requires the Project to implement a comprehensive set of measures to control tree removal and pruning to protect the eucalyptus and pine trees that provide overwintering roosting habitat for Monarch butterfly and wind-buffering functions, respectively. The measures include mapping the trees so contractors and owners know which are subject to preservation and protection; relocating potential development areas if construction or future operational activities would threaten the wind-buffering function of trees. Other measures focus on owner and visitor information to make owners and the public aware of the trees' sensitivity for the Monarch butterfly through CC&Rs, signage and guided tours. The palette of measures ensures that the Project will maintain the integrity of the existing trees as habitat for the Monarch butterfly and will avoid inadvertent damage to the habitat resources and the butterflies, thereby reducing the impact to less than significant.

Impact 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 (DEIR p. 4.3-15).

Mitigation Measure BIO-1B. *Prevent Inadvertent Loss of Special-Status Fish and Aquatic Life.* 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:

- 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.
- 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, and NOAA Fisheries to prevent entrainment of special-status fish and other aquatic life during their operation.

- 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.
- 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.
- 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.
  (DEIR p. 4.3-15, FEIR p. 3-5)

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: The mitigation measures require physical and other controls to isolate construction areas from fish and other aquatic species, e.g., providing bubble curtains, timing construction for low tide, screening during dewatering pumping to prevent entrainment related to construction of the aeration fountain. These and other measures also restrict construction activities themselves to reduce the potential for disturbance to species, e.g., restricting construction to June 15 through October. The measures also require construction controls on the introduction and spread of invasive species. These measures ensure that the Project in-water construction activities will not result in the inadvertent loss of special-status fish species and other aquatic life thereby reducing the impact to less than significant.

Impact 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 (DEIR p. 4.3-16).**

Mitigation Measure BIO-1C. *Ensure Avoidance of Bird Nests in Active Use.* 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:

- 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 construction activities and/or building demolition.

- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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 activities within the buffer zone. Following written approval by the City, tree removal, and construction within the nest-buffer zone may proceed.
  (DEIR p. 4.3-16).

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR

Rationale for Finding: The mitigation measures require that any active nests are identified and avoided during construction through construction buffers. These measures ensure that the Project will not inadvertently harm any active bird nests and will result in a less than 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 (DEIR p. 4.3-18).

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, 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. 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.
- 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.
- 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.
- A qualified biologist/restoration specialist shall be available during construction to provide situation-specific wetland avoidance measures or planting recommendation, as needed.
- 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.
- 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 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.
  (DEIR pp. 4.3-18 and -19, FEIR pp. 3-5 and -6).

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: The mitigations require protective buffers and fencing to prevent grading or other construction damage to wetland areas that are proposed to remain on the Project site. For those wetland areas that will be removed or filled, the mitigation ensures that affected habitat will be identified and that replacement habitat will be provided to compensate for the lost wetland habitat resources, consistent with resources agency permitting requirements. Implementation of the mitigations ensures that the Project impact on wetland resources will be less than significant.

Impact BIO-5A: **Proposed development would result in removal of trees regulated under City Ordinance, and possible damage to other trees unless adequate controls are implemented (DEIR p. 4.3-21).**

Mitigation Measure 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.
- 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. (DEIR pp. 4.3-21, -22; FEIR p. 3-6).

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: The mitigation measures ensure that any trees protected under the City's ordinance and proposed to remain in place will be identified and mapped on construction plans, and buffer areas and fencing established so as to avoid inadvertent removal or disturbance during grading and other construction activities. The mitigation also ensures that adequate replacement or compensation will be provided for any protected trees

identified for removal, pursuant to the City's ordinance. The requirement for the Project to be consistent with the protection and replacement standards in the City's tree preservation ordinance will result in a less than significant impact

Impact 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 (DEIR p. 4.3-22).**

Mitigation Measure BIO-5B. Implement Mitigation Measure BIO-1A to ensure protection of trees supporting Monarch Butterfly colony (DEIR p. 4.3-22).

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: Mitigation Measure BIO-1A requires the Project to implement a comprehensive set of measures to control tree removal and pruning to protect the eucalyptus and pine trees that provide overwintering roosting habitat for Monarch butterfly and wind-buffering functions, respectively. The measures include mapping the trees so contractors and owners know which are subject to preservation and protection; relocating potential development areas if construction or future operational activities would threaten the wind-buffering function of trees. Other measures focus on owner and visitor information to make owners and the public aware of the trees' sensitivity for the Monarch butterfly through CC&Rs, signage and guided tours. The palette of measures ensures that the Project will maintain the integrity of the existing trees as habitat for the Monarch butterfly and will avoid inadvertent damage to the habitat resources and the butterflies, thereby complying with the Municipal Code and reducing the impact to less than significant.

Impact BIO-7: **Proposed development would result in a cumulative impact with regard to biological resources (DEIR p. 4.3-24).**

Mitigation Measure BIO-7. Implement Mitigation Measures BIO-1A, BIO-1B, BIO-1C, BIO-3, BIO-5A, and BIO-5B. (DEIR p. 4.3-24).

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: Implementation of the referenced mitigation measures ensures that the Project will create no significant impact on the site's unique Monarch butterfly habitat, on fish or other aquatic species through in-water construction, on active bird nests, on wetlands or on protected trees. Compliance with the identification, avoidance, compensation and other controls, as well the requirement for compliance with related City and resources agency permitting requirements ensures that the Project implementation will result in a less than significant contribution to any cumulative biological resources impacts.

Impact CULT-1: **The Project would adversely affect locally important on-site monuments (DEIR p. 4.4-9).**

Mitigation Measure 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. (DEIR p. 4.4-9)

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: The mitigation measure ensures that the three locally important historical resources are not permanently lost or destroyed during construction, thus reducing the impact to less than significant.

Impact CULT-2: **The Project would have the potential to cause a significant impact to an archaeological resource pursuant to CEQA Guidelines Section 15064.5 (DEIR p. 4.4-10).**

Mitigation Measure 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 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.

If currently unknown historic/prehistoric artifacts or human remains are discovered during ground disturbing activities, the following measures shall be implemented:

- 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 pace, 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. (DEIR p. 4.4-10)

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: The mitigation measure establishes a process for identifying and protecting any currently unknown archeological resources that might be discovered during construction, thereby ensuring that such resources are not inadvertently destroyed.

Impact CULT-3: **The Project would have the potential to directly or indirectly affect a unique paleontological resource or site, or unique geologic feature (DEIR p. 4.4-11).**

Mitigation Measure 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 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. (DEIR p. 4.4-11).

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: The mitigation measure establishes a process for identifying and protecting any currently unknown paleontological resources that might be discovered during construction, thereby ensuring that such resources are not inadvertently destroyed.

Impact CULT-4: **The Project would have the potential to disturb human remains, including those interred outside of formal cemeteries (DEIR p. 4.4-11).**

Mitigation Measure 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.

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 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. (DEIR pp. 4.4-11, -12).

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: The mitigation measure establishes a process for identifying any currently unknown human remains that might be discovered during construction, thereby ensuring that such remains are not inadvertently destroyed. The mitigation measure also ensures that any discovered remains that are Native American will be treated with sensitivity and respect in accordance with State law.

Impact 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 (DEIR p. 4.5-11).**

Mitigation Measure GEO-1. Require geotechnical reports at the time of Site Development Review and/or Tentative Map applications 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 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. (DEIR p. 4.5-11; FEIR p. 3-6))

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: The mitigation measure implements City ordinance requirements for preparation of a geotechnical study that identifies how seismic soil stability effects will be addressed in design-level project plans. The mitigation measure timing ensures that the geotechnical study and responsive design-level plans will be reviewed for adequacy as part of a discretionary project review by the City. The requirement for the Project to be consistent with the City procedures and standards, as well as applicable CBC regulations will result in a less than significant impact.

Impact GEO-2: **The Project could result in substantial soil erosion or the loss of topsoil (DEIR p. 4.5-12).**

Mitigation Measure 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.

Mitigation Measure 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.
(DEIR p. 4.5-12).

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: The mitigation measures ensure that construction will not begin until an erosion control plan that includes appropriate erosion control BMPs is approved by the City and that periodic maintenance will be provided to maintain effective erosion control where the shoreline is exposed to wave attack.

Impact 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 (DEIR p. 4.5-12).**

Mitigation Measure Geo-3A. Project-specific geotechnical reports shall be prepared at the time of Site Development Review and/or Tentative Map applications 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). (DEIR p. 4.5-12, -13; FEIR p. 3-6)

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: The mitigation measure implements City grading ordinance requirements for preparation of a geotechnical study to ensure that foundations, buildings and improvements will be properly designed to take potential liquefaction, settlement, and other seismic soils hazards into account. The design shall employ well-accepted, effective techniques, including but not limited to use of deep foundations, and removal or improvement of liquefiable soils. The mitigation measure timing ensures that the geotechnical study and responsive design-level plans will be reviewed for adequacy as part of a discretionary project review by the City. The requirement for the Project to be consistent with the City procedures and standards will result in a less than significant impact.

Impact GEO-3B: **The Project could result in a significant impact related to development on unstable geologic units and soils or result in lateral spreading (DEIR p. 4.5-13).**

Mitigation Measure 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. (DEIR p. 4.5-13).

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: The mitigation measure requires that the Project geotechnical study address lateral spreading and that responsive measures be included in design level plans. The design plans shall employ well-accepted, effective techniques, including but not limited to use of retaining structures to stabilize channel margins, use of deep foundations, removal or improvement of liquefiable soils, and/or the use of relatively rigid foundations. The mitigation measure timing ensures that the geotechnical study and responsive design-level plans will be reviewed for adequacy as part of a discretionary project review by the City.

Impact 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 (DEIR p. 4.5-13).**

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. (DEIR p. 4.5-14; FEIR p. 3-7)

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: The mitigation measure requires the Project geotechnical study to address potential subsidence and collapse from construction of the Project buildings, parking lots and other improvements on existing fill and Bay Mud soils. As with other potentially unstable soils on and around the Project site, the mitigation requires that design level plans include, but not be limited to well-accepted, effective techniques as referenced in the measure. Implementation of the measures ensures that the Project buildings and improvements will be properly engineered and will not be relying on shallow, unstable soils for support. The mitigation measure timing ensures that the geotechnical study and responsive design-level plans will be reviewed for adequacy as part of a discretionary project review by the City.

Impact 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 (DEIR p. 4.5-14).**

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 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. (DEIR p. 4.5-14; FEIR p. 3-7).

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: The mitigation measure requires the Project design level plans to include specific measures to address expansive soils under Project building and pavements. Through appropriate engineering techniques referenced in the mitigation, the potential for building and pavement damage due to significant volume changes in underlying soils would be reduced to less than significant. The design shall employ well-accepted, effective techniques, for buildings and pavement as specified in the mitigation measure. The mitigation measure timing ensures that the geotechnical study and responsive design-level plans will be reviewed for adequacy as part of a discretionary project review by the City.

Impact GHG-1: **Implementation of the Project would directly or indirectly generate GHG emissions that may have a significant impact on the environment (DEIR p. 4.6-19).**

Mitigation Measure 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.

Mitigation Measure GHG-1B. Electrical vehicle Level 2 charging stations shall be provided for the hotel and office land uses for the review and 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.

Mitigation Measure 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.

Mitigation Measure 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:

- Pre-tax benefit: Allow employees to exclude their transit or vanpooling expenses from taxable income, up to the maximum allowable pre-tax benefit.
- Employer provided subsidy: Provide a subsidy to reduce or cover employees' monthly transit or vanpool costs, up to $75 per month.
- Employer-provided transit: Provide a free or low-cost transit service for employees, such as a bus, shuttle or vanpool service.
- Alternative commuter benefit: Provide an alternative commuter benefit that is as effective in reducing single-occupancy commute trips, as the options above.

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 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:

- Preferential carpool parking.
- Flexible work schedules for carpools.
- Telecommute and/or flexible work hour programs.
- Car-sharing program (e.g., Zipcar).
- Bicycle end-trip facilities, including bike parking, showers, and lockers.

The CTR program shall be prepared for the review and approval by the Community Development Director prior to occupancy permits.

Mitigation Measure 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.

Mitigation Measure 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.
(DEIR p. 4.6-19 to -21; FEIR p. 3-7).

Resulting Significance: Significant and Unavoidable

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR, but not to a level of less than significant. There are no additional feasible mitigation measures and no feasible alternatives that avoid this significant effect. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures, as discussed in the Rationale below, or project alternatives identified in the final EIR, as further addressed in Attachment D, Alternatives Findings.

Rationale for Finding: Mitigation Measures GHG-1A through GHG-1F require a comprehensive set of actions for both residential and non-residential development in the Project. Implementation of these measures would substantially reduce operational GHG emissions; however, the amount of reduction in emissions cannot be quantified. Thus, it cannot be determined with certainty whether the reductions would fall below the significance threshold. The impact is significant and unavoidable and a Statement of Overriding Considerations is required in conjunction with approval of the Project.

Impact GHG-3: **Implementation of the Project would directly or indirectly generate GHG emissions that may have a cumulatively considerable and therefore significant impact on the environment (DEIR p. 4.6-24).**

Mitigation Measure GHG-3. Implement Mitigation Measures GHG-1A through GHG-1F (DEIR p. 4.6-24).

Resulting Significance: Significant and Unavoidable

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR, but not to a level of less than significant. There are no additional feasible mitigation measures and no feasible alternatives that avoid this significant effect. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures, as discussed in the Rationale below, or project alternatives identified in the final EIR, as further addressed in Attachment D, Alternatives Findings.

Rationale for Finding: Mitigation Measures GHG-1A through GHG-1F require a comprehensive set of actions for both residential and non-residential development in the Project. Implementation of these measures would substantially reduce operational GHG emissions, including the Project's contribution to cumulative emissions; however, the amount of reduction in emissions cannot be quantified. Thus, it cannot be determined with certainty whether the reductions would fall below the significance threshold. The impact is significant and unavoidable and a Statement of Overriding Considerations is required in conjunction with approval of the Project.

Impact 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 (DEIR p. 4.8-30).**

Mitigation Measure HYDRO-1A. *Minimize Impacts to Water Quality during Waterside Demolition and Construction Activities.* The following mitigation measures are designed to avoid adverse impacts on water quality during waterside demolition and construction activities:

- Piles shall be removed during low tide periods to minimize the amount of sediments re-suspended in the water column.
- 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.
- 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.
- 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.
- 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.
- 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. (DEIR pp. 4.8-30, -31)

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: The mitigation measures include construction timing and techniques to minimize re-suspension of sediments and related increases in turbidity levels, primarily during removal of existing piers and pilings, and techniques such as turbidity curtains and containment booms to contain the release and dispersal of sediments and debris when disturbance occurs. By controlling and containing the disturbance of sediments, chemicals, fuels and debris during construction, turbidity levels during construction will be minimized and related water quality degradation will be less than significant.

Impact 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 (DEIR p. 4.8-31).**

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 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.
- No fueling, cleaning, or maintenance of vehicles or equipment shall take place within an area where an accidental discharge to navigable waterways may occur.
- 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.
- 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.
- 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. (DEIR pp. 4.8-31, -32; FEIR p. 3-8)

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: The mitigation measures require contingency plans and containment facilities during construction to ensure that debris from removal of the existing dock system will be properly contained and that the potential for accidental oil or fuel spills during demolition and construction activities is minimized. The mitigation also requires measures to control the introduction and spread of invasive species from in-water vessels and equipment during construction. If jurisdictional waters are identified on the landside portions of the Project site, federal and state permitting requirements are designed to protect water quality of these features during construction. By controlling and containing the generation, release and dispersal of contaminants in the Shoreline waters and in any jurisdictional waters during construction, the required mitigations ensure that water quality degradation from Project construction will be less than significant.

Impact HYDRO-7: **The Project would place housing within the 100-year floodplain and within areas subject to sea level rise/coastal high hazard (DEIR p. 4.8-40)**

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 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 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, *Floodplain Management*.
- 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.
- 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.
- 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.

- 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).
- 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.
- 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, 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. (DEIR pp. 4.8-40, -41; FEIR p. 3-9).

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: The mitigation measures ensure that if any Project housing or other structures are located within the 100-year flood plain, the housing and any structures shall be elevated and floodproofed in accordance with FEMA requirements and the City floodplain management ordinance. The mitigation measure also ensures that the Project design-level plans are based on a comprehensive and detailed sea level rise assessment which includes adaptive management plans to address future anticipated inundation on the Project site. The timing of the mitigations ensures that the 100-year flood measures and the sea level rise assessments are reviewed by the City based on design-level plans as part of a discretionary site plan review and tentative map approval process before building or grading permits may be issued for development of the site.

Impact 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 (DEIR p. 4.10-20).**

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.

Mitigation Measure 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. (DEIR p. 4.10-20; FEIR p. 3-10).

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: Implementation of the mitigation measures ensures that all uses on the Project site will comply with City noise standards for indoor and outdoor noise exposure, thereby reducing the impact to less than significant.

Impact NOISE-2: **Implementation of the Project could result in the exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels DEIR p. 4.10-23).**

Mitigation Measure 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 hotel buildings the following controls to reduce potential vibration impacts shall be implemented during construction, as practical:

- 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.
- 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.
- 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.
- 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.
- 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). (DEIR p. 4.10-23)

Resulting Significance: Significant and Unavoidable

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR,

but not to a level of less than significant. There are no additional feasible mitigation measures and no feasible alternatives that avoid this significant effect. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures, as discussed in the Rationale below, or project alternatives identified in the final EIR, as further addressed in Attachment D, Alternatives Findings.

Rationale for Finding: Implementation of the mitigation measures listed above would reduce potential vibration impacts by identifying and utilizing reduced-vibration alternative construction methods, where possible. The measures also ensure that construction activity will be halted if vibration levels cause damage to existing buildings in the Project area and preventive measures instituted to prevent further damage. It is not known at 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 significant and unavoidable and a Statement of Overriding Considerations is required in conjunction with approval of the Project.

Impact 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 (DEIR p. 4.10-26).**

Mitigation Measure 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_{dn}, 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_{dn} 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 *significant and unavoidable*. (DEIR p. 4.10-26)

Resulting Significance: Significant and Unavoidable

Finding: There are no feasible mitigation measures and no feasible alternatives that avoid this significant effect. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures, as discussed in the Rationale below, or project alternatives identified in the final EIR, as further addressed in Attachment D, Alternatives Findings.

Rationale for Finding: As discussed in the Draft EIR and noted above, there are no feasible mitigations to reduce Project increases in traffic noise levels at existing residences along Marina Boulevard. This impact would be significant and unavoidable and a Statement of Overriding Considerations is required in conjunction with approval of the Project.

Impact 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 (DEIR p. 4.10-28).**

Mitigation Measure NOISE-4. The Project shall implement the following measures.

- 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 attenuating shields or shrouds), wherever feasible;
- 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;
- 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;
- Prohibit unnecessary idling of internal combustion engines;
- 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;
- Erect temporary noise control blanket barriers, if necessary, along building façades facing construction sites to prevent sleep disturbance. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling;
- To the maximum extent feasible, route construction-related traffic along major roadways and away from sensitive receptors;
- 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;

- 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;
- 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
- 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.

The above mitigation measures shall be identified in construction contracts and acknowledged by the contractor. (DEIR p. 4.10-29, -30)

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: The mitigation measures require use of quieter construction equipment and processes and prohibiting unnecessary idling whenever possible to reduce noise levels generated during construction activities. Measures such as construction noise barriers, locating construction equipment and routing construction trucks as far as possible from noise sensitive uses, ensure that noise generating activities will be managed to avoid and reduce impacts to noise sensitive receptors whenever possible. Notification, signage and complaint management measures ensure that sensitive receptors are aware of when and where noisy construction activities will occur so they have an opportunity to react accordingly. These measures provide a comprehensive set of measures with a broad array of noise reduction and management techniques and processes that will reduce the impact to less than significant.

Impact 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 (DEIR p. 4.13-30).**

Mitigation Measure 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.

Mitigation Measure 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.
(DEIR p. 4.13-30)

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: Implementation of the required mitigation measures will improve intersection operations to acceptable levels, thereby reducing the impact to less than significant.

Impact 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 DEIR p. 4.13-32).**

Mitigation Measure TRAF-1B. Optimize the traffic signal timing splits at the intersection of San Leandro Boulevard and Marina Boulevard (#18). (DEIR p. 4.13-32)

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: Implementation of the required mitigation measure will improve intersection operations to acceptable levels, thereby reducing the impact to less than significant.

Impact 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 (DEIR p. 4.13-33).**

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 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.
(DEIR p. 4.13-33; FEIR p. 3-11).

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: Implementation of either of the identified mitigation measures will improve intersection operations to acceptable levels, thereby reducing the impact to less than significant.

Impact 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 (DEIR p. 4.13-34).**

Mitigation Measure TRAF-1D. Install a roundabout at the intersection of Monarch Bay Drive and Mulford Point Drive (#19). (DEIR p. 4.13-34)

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: Installation of the roundabout will improve intersection operations to acceptable levels, thereby reducing the impact to less than significant.

Impact 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 (DEIR p. 4.13-41).**

Mitigation Measure TRAF-2A. One of the following measures shall occur:

- 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
- 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. (DEIR p. 4.13-41; FEIR p. 3-12).

Resulting Significance: Significant and Unavoidable

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR, but not to a level of less than significant. There are no additional feasible mitigation measures and no feasible alternatives that avoid this significant effect. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures, as discussed in the Rationale below, or project alternatives identified in the final EIR, as further addressed in Attachment D, Alternatives Findings.

Rationale for Finding: Either one of the alternate mitigation measures could conceivably reduce the impact to less-than-significant. However, neither of the mitigations can be assured of implementation or effectiveness at this time. Widening I-880 north of Davis Street would require the City and Caltrans to reach concurrence to implement the widening before the impact could be considered less than significant. If a co-operative agreement is finalized with Caltrans, e.g., to establish a mitigation program, payment of the Project's fair share would mitigate its contribution to the cumulative impact. However, there presently is no concurrence or co-operative agreement, so mitigation cannot be guaranteed. Alternatively, the identified TDM measures collectively have the potential to reduce freeway traffic volumes by decreasing single-occupant auto trips, but it is not guaranteed that these measures would reduce enough trips for the impact to be less than significant. The impact is significant and unavoidable and a Statement of Overriding Considerations is required in conjunction with approval of the Project.

Impact 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 (DEIR p. 4.13-42).**

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

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.

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.
(DEIR p. 4.13-42; FEIR 3-12, -13)

Resulting Significance: Significant and Unavoidable

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR, but not to a level of less than significant. There are no additional feasible mitigation measures and no feasible alternatives that avoid this significant effect. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures, as discussed in the Rationale below, or project alternatives identified in the final EIR, as further addressed in Attachment D, Alternatives Findings.

Rationale for Finding: All of the three mitigation measures would reduce vehicle trips, but none can be guaranteed as feasible or effective. 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. Finally, as discussed on FEIR p. 3-13, even if Doolittle Road could be widened enough to extend the bicycle lane from Fairway Drive to Williams Street, it is uncertain whether the bike lanes would reduce Project auto trips enough to reduce the impact to less than significant. For the above reasons, this impact would remain significant and unavoidable and a Statement of Overriding Considerations must be adopted in conjunction with approval of the Project.

Impact 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 (DEIR p. 4.13-44).**

Mitigation Measure TRAF-2C. Implement Mitigation Measures TRAF-1A through TRAF-7F. Any roundabouts shall be designed to accommodate AC Transit buses. (DEIR p. 4.13-44).

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: Improvements throughout the system through implementation of required mitigations will reduce transit delays and result in a less than significant transit impact.

Impact 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 (DEIR p. 4.13-36).**

Mitigation Measure TRAF-4A. Remove the North Golf Course northern driveway from the Project plans. (DEIR p. 4.13-36)

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: The 64-unit North Golf Course Residential component of the Project would be served by two other access driveways. The small amount of diverted traffic from removal of the northern driveway can be accommodated by the remaining two driveways. Thus, removing the northern driveway is feasible and will avoid the potential sight distance hazard, thereby reducing the impact to less than significant.

Impact 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 DEIR p. 4.13-47).**

Mitigation Measure 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. (DEIR p. 4.13-47).

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: Moving the southern driveway will result in a standard intersection configuration which avoids the potential design hazard of the offset intersection and reduces the impact to less than significant.

Impact 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 (DEIR p. 4.13-50).**

Mitigation Measure TRAF-7A. Implementation of Mitigation Measures TRAF-1A.1 – TRAF-1A.2 for the eastbound approach identified under the baseline Plus Project condition. (DEIR p. 4.13-50).

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: Implementation of these mitigation measures would improve the intersection operations to acceptable LOS D, thereby reducing the impact to less-than-significant.

Impact 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 (DEIR p. 4.13-52).**

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

- Eastbound and westbound through movements on Marina Boulevard during the first phase.
- Southbound right-turn, northbound right-turn and westbound left-turn movements during the second phase.
- 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.

Mitigation Measure TRAF-7B.2. Prohibit westbound U-turn movements.
(DEIR p. 4.13-52; FEIR p. 3-14).

Resulting Significance: Significant and Unavoidable

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR, but not to a level of less than significant. There are no additional feasible mitigation measures and no feasible alternatives that avoid this significant effect. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures, as discussed in the Rationale below, or project alternatives identified in the final EIR, as further addressed in Attachment D, Alternatives Findings.

Rationale for Finding: Implementation of the these mitigation measures would improve the operations at the intersection of I-880 southbound ramps and Marina Boulevard to acceptable levels. However, because this ramp intersection is under Caltrans' jurisdiction, the co-operative agreement is required to ensure funding for implementation of the improvements. Until there is a co-operative agreement, the improvements cannot be guaranteed, therefore

the impact remains significant and unavoidable and a Statement of Overriding Considerations must be adopted in conjunction with approval of the Project.

Impact 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 (DEIR p. 4.13-54).**

Mitigation Measure 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.

Mitigation Measure TRAF-7C.2. Restripe lanes on the west leg to provide two corresponding receiving lanes.
(DEIR p. 4.13-54).

Resulting Significance: Significant and Unavoidable

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR, but not to a level of less than significant. There are no additional feasible mitigation measures and no feasible alternatives that avoid this significant effect. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures, as discussed in the Rationale below, or project alternatives identified in the final EIR, as further addressed in Attachment D, Alternatives Findings.

Rationale for Finding: Mitigation Measure TRAF-7C.1 and TRAF-7C.2 are identified in the Kaiser Permanente San Leandro Medical Center/Mixed Use Retail Development Project EIR and would reduce the impact to less than significant. However, the available right-of-way on the northbound approach would not be sufficient to accommodate the two left-turn lanes, one through lane, and one shared through-right turn lane, as well as a bike lane. Therefore, this measure is infeasible and the impact would remain significant and unavoidable and a Statement of Overriding Considerations must be adopted in conjunction with approval of the Project.

Impact 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 (DEIR p. 4.13-55).**

Mitigation Measure 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. (DEIR p. 4.13-55).

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: Adjusting the traffic signal cycle length will improve intersection operations to acceptable levels and reduce the impact to less than significant.

Impact 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 (DEIR p. 4.13-56).**

Mitigation Measure TRAF-7E. Implementation of Mitigation Measure TRAF-1C, installing a mini-roundabout or a traffic signal, would lessen the near term cumulative impacts to *less than significant*. 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. (DEIR p. 4.13-56)

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: Implementation of either of the identified mitigation measures in TRAF-1C will improve intersection operations to acceptable levels, thereby reducing the impact to less than significant.

Impact 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 (DEIR p. 4.13-56) .**

Mitigation Measure TRAF-7F. Implement Mitigation Measure TRAF-1D by installing a roundabout. This would improve the operations to LOS A in the PM peak hour. (DEIR p. 4.13-56).

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: Installation of the roundabout will improve intersection operations to acceptable levels, thereby reducing the impact to less than significant.

Impact TRAF-7G: **The proposed Project would cause the intersection level of service of the intersection of Doolittle Drive and Marina Boulevard (#11) to reduce from LOS D to LOS F in the AM and PM peak hours (DEIR p. 4.13-60).**

Mitigation Measure TRAF-7G. Implement Mitigation Measures TRAF-1A.1 and TRAF-1A.2. (DEIR p. 4.13-60)

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: Implementation of the required mitigation measures will improve intersection operations to acceptable levels, thereby reducing the impact to less than significant.

Impact 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 (DEIR p. 4.13-60) .**

Mitigation Measure 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). (DEIR p. 4.13-60)

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: Modifications to the traffic signal will improve intersection operations to acceptable levels, thereby reducing the impact to less than significant.

Impact TRAF-7I: **The proposed project would cause the operations at the intersection of I-880 southbound ramps and Marina Boulevard (#14) to further reduce the level of service in the PM and Saturday peak hours causing the volume-to-capacity (v/c) ratios to increase by 0.06, which is higher than the 0.05 allowed by the City (DEIR p. 4.13-62; FEIR p. 3-14).**

Mitigation Measure TRAF-7I. The Project shall coordinate with Caltrans to develop a co-operative agreement to fund modifications to alter the signal to a 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 D in the PM peak hour. (DEIR p. 4.13-62; FEIR p. 3-14).

Resulting Significance: Significant and Unavoidable

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR, but not to a level of less than significant. There are no additional feasible mitigation measures and no feasible alternatives that avoid this significant effect. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures, as discussed in the Rationale below, or project alternatives identified in the final EIR, as further addressed in Attachment D, Alternatives Findings.

Rationale for Finding: Implementation of Mitigation Measure TRAF-7I would lessen impacts related to I-880 southbound ramps and Marina Boulevard (#14) to a less-than-significant level. However, because this ramp intersection is under Caltrans' jurisdiction, the implementation and timing of the Mitigation Measures are not under the City's control. Therefore, this impact would remain significant and unavoidable. Implementing adaptive traffic signals as identified in the Kaiser Permanente San Leandro Medical Center/Mixed-Use Retail Development Project EIR may lessen the cumulative impacts. However, such implementation requires approval by Caltrans which has not yet been obtained. Therefore, this impact remains significant and unavoidable and a Statement of Overriding Considerations must be adopted in conjunction with approval of the Project.

Impact 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 (DEIR p. 4.13-63).**

Mitigation Measure TRAF-7J. Implementation of Mitigation Measures 7C.1 and 7C.2 would reduce the v/c ratios to a less-than-significant level. (DEIR p. 4.13-63).

Resulting Significance: Significant and Unavoidable

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR, but not to a level of less than significant. There are no additional feasible mitigation measures and no feasible alternatives that avoid this significant effect. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures, as discussed in the Rationale below, or project alternatives identified in the final EIR, as further addressed in Attachment D, Alternatives Findings.

Rationale for Finding: Implementation of these Mitigation Measures would reduce the v/c ratios to a less-than-significant level. However, the available right-of-way would not be sufficient to accommodate the necessary northbound travel and bike lanes. Therefore, the measure is considered infeasible and the cumulative impact would be significant and unavoidable. A Statement of Overriding Considerations must be adopted in conjunction with approval of the Project.

Impact 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 (DEIR p. 4.13-63).**

Mitigation Measure 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. (DEIR p. 4.13-63).

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: Adjusting the traffic signal cycle would improve the operations at this intersection to acceptable levels, thereby reducing this impact to less-than-significant.

Impact 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 (DEIR p. 4.13-64).**

Mitigation Measure 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 less than significant. 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. (DEIR p. 4.13-64).

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: Implementation of either of the identified mitigation measures will improve intersection operations to acceptable levels, thereby reducing the impact to less than significant.

Impact 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 (DEIR p. 4.13-64).**

Mitigation Measure TRAF-7M. Implement Mitigation Measure TRAF-1D by installing a roundabout at the intersection of Monarch Bay Drive and Mulford Point Drive (#19). (DEIR p. 4.13-64).

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: Installing the roundabout will improve intersection operations to acceptable levels, thereby reducing the impact to less than significant.

Impact UTIL-11: **Implementation of the Project would result in an increase in energy consumption (DEIR p. 4.14-46).**

Mitigation Measure UTIL-11. Implementation of Mitigation Measures GHG-1A through GHG-1F would increase energy conservation and reduce impacts resulting from energy generation. (DEIR p. 4.14-46).

Resulting Significance: Less than Significant

Finding: Changes or alterations have been required in, or incorporated into, the Project, which avoid or substantially lessen the significant environmental effect identified in the EIR.

Rationale for Finding: Mitigation Measures GHG-1A through GHG-1F require a comprehensive set of actions to reduce emissions through energy conservation measures in both residential and non-residential development in the Project. Some of the measures target transportation energy reductions, such as wiring residences to accommodate electric vehicle charging, providing charging stations in the future office and hotel development, and establishing an employee trip commute reduction program. Other measures focus on construction and operational energy reductions that will result from the mitigations to achieve Build-it-Green or LEED standards and require increased energy efficiency for residential and non-residential development. Implementation of these measures would substantially reduce GHG emissions and would similarly reduce energy consumption impacts to less than significant.