

May 2022 | Final EIR Addendum



San Leandro Shoreline Development Project Third EIR Addendum

for the City of San Leandro

State Clearing House Number:
2013072011

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Third EIR Addendum

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SOURCES

In addition to the technical appendices, all documents cited in this report and used in its preparation are hereby incorporated by reference into this report. Copies of documents referenced herein are available for review at the City of San Leandro, 835 East 14th Street, San Leandro, CA 94577.

1. Introduction

1.1 BACKGROUND, PURPOSE, AND SCOPE

This document is the Third Addendum to the Environmental Impact Report (EIR) prepared for the San Leandro Shoreline Development Project (State Clearinghouse No. 2013072011), which was certified by the City of San Leandro in July 2015 (Certified EIR).¹ In accordance with the California Environmental Quality Act (CEQA), this Third Addendum analyzes proposed modifications to the San Leandro Shoreline Development Project, approved in 2015 and updated in 2020 and 2022. This Third Addendum demonstrates that all of the potential environmental impacts associated with the proposed modifications would be within the envelope of impacts evaluated in the Certified EIR and the first and second addenda.

1.2 CEQA AUTHORITY FOR ADDENDUM

Pursuant to Section 21166 of CEQA and Section 15162 of the CEQA Guidelines, when an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR or negative declaration shall be prepared for the project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, that one or more of the following conditions are met:

- Substantial project changes are proposed that will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

¹ This Addendum is the third Addendum to the Certified EIR. The City of San Leandro approved the first Addendum to the Certified EIR on February 24, 2020, which included a general plan amendment and zoning map amendments, in alignment with the modified development program, and the import of fill to meet flood zone regulations. The approved development program includes:

- New 210-room hotel with attached restaurant;
- Two-story restaurant /banquet facility;
- Up to 500 housing units;
- Market/café;
- Demolition within the Harbor Basin area and construction of a 9-acre community park on Mulford Point;
- New Mulford-Marina Branch library;
- Redesigned nine-hole golf course;
- Reconstruction of Monarch Bay Drive, including a Class I bike facility; and
- Related site improvements, including publicly accessible trails, landscaped areas, access drives, and parking lots throughout the project area.

The second Addendum, for Vesting Tentative Tract Map (VTTM) 8633, establishing seven parcels west of Monarch Bay Drive between Marina Boulevard and Fairway Drive that align with the planned Monarch Bay Shoreline public-private partnership on approximately 58.5 acres of the City-owned Shoreline Area will be submitted for City Council Approval on May 16, 2022.

- Substantial changes would occur with respect to the circumstances under which the project is undertaken that require major revisions to the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- New information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified, or the negative declaration was adopted shows any of the following:
 - The project will have one or more significant effects not discussed in the previous EIR or negative declaration.
 - Significant effects previously examined will be substantially more severe than identified in the previous EIR.
 - Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponent declines to adopt the mitigation measures or alternatives.
 - Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponent declines to adopt the mitigation measures or alternatives.

Where none of the conditions specified in Section 15162 are present, the lead agency must determine whether to prepare an Addendum or whether no further CEQA documentation is required (CEQA Guidelines Section 15162[b]). An Addendum is appropriate where some minor changes or additions to the previously certified EIR are necessary, but there are no new or substantially more severe significant impacts (CEQA Guidelines Section 15164). Pursuant to CEQA Guidelines Section 15164(e), the purpose of this Addendum is to describe and evaluate the modified project (VTTM 8633), assess the proposed modifications to the project evaluated in the Certified EIR and First Addendum, and identify the reasons for the City's conclusion that changes to the Certified Project and associated environmental effects do not meet the conditions described in CEQA Guidelines Section 15162.

2. OVERVIEW OF APPROVED PROJECT

2.1 CERTIFIED EIR

- The Certified EIR evaluated extensive redevelopment of the San Leandro Marina and environs, consisting of 75 acres, including 52 acres of City-owned shoreline and 23 acres of water area. The project components evaluated in the Certified EIR included the following:
 - 150,000-square-foot office campus
 - 200-room limited-service hotel
 - 15,000-square-foot conference center
 - 354 housing units, including 220 flats, 92 townhomes, and 42 single-family detached homes
 - Reconfiguration of about five golf course tees at the Marina Golf Course to accommodate construction of the residential units
 - Three new restaurants (totaling 21,000 square feet), including an 8,000 square foot restaurant, a 5,000 square foot restaurant and an 8,000 square foot café and small boat rental facility
 - One parking structure approximately 35 feet (3 stories) in height providing approximately 800 parking spaces supporting office and multi-family residential uses
 - Replacement of Mulford Drive with a driveway providing access to surface parking on Mulford Point
 - Shortening of Pescador Point to allow for park amenities
 - 2,500-square-foot community library/community meeting space
 - Aquatic Center/dock
 - Bocce ball courts
 - Community outdoor recreational areas (two)
 - Picnic areas
 - Perched beach (interior of harbor basin)
 - Pedestrian piers
 - Public promenade (2 miles in length, with a minimum width of 20 feet)
 - Natural shoreline element along the southwest and southeast interior borders of the harbor basin

- Small amphitheater
- Pedestrian/bicycle bridge across the existing harbor entrance
- Boardwalk/lookout pier
- Dockside pedestrian lookout piers along the interior of the harbor
- Small boat launch in the interior of the harbor
- Kayak storage building in interior of harbor
- Aeration fountain in harbor basin to aid in water circulation
- Existing restrooms 'J/K' (refurbished) located on Pescador Point Road

2.2 FIRST ADDENDUM

- In 2020, modifications to the approved project, which were analyzed in the First Addendum, included the following:
 - General Plan amendment to designate the site as a combination of General Commercial, Parks and Recreation, Medium Density Residential, and High Density Residential, and expanding/altering the geographic areas of existing General Plan designations on the project site.
 - Rezoning to reduce the acreage of CC (PD) Commercial Community (Planned Development), increase the acreage of Commercial Recreation (CR) and RM-2000 (PD) Multi-Family Residential (<22 du/ac) (Planned Development), as well as add RM-1800(PD) Residential Multi-Family (<24 du/ac) (Planned Development).
 - Eliminating the 150,000 square-foot office campus
 - Shifting the location of the proposed hotel approximately 1,300 feet inland
 - Changing the 15,000 square-foot conference center into a combined banquet/restaurant space and shifting it approximately 275 feet inland
 - Increasing the number of housing units from 354 to 485, including:
 - Eliminating all 61 condominiums
 - Increasing the number of apartment units from 159 to 285 with integrated structured parking
 - Decreasing the number of townhomes from 92 to 48
 - Increasing the number of single-family homes from 42 to 152
 - Eliminating the 8,000 square-foot restaurant at the end of Mulford Point

- Adding a 3,000 square-foot food market along Monarch Bay Drive
- Integrating the 5,000 square-foot restaurant into the hotel
- Eliminating the three story, 800-space parking structure
- Increasing public park space from about 3 acres to approximately 9 acres on land made available from the relocated hotel with an additional approximately 9 acres of publicly accessible trails, landscaped areas, access drives, and parking lots throughout the project area
- Decreasing golf course acreage from 32 acres to 23.05 acres
- Importing 208,000 cubic feet of fill to raise baseline elevations on portions of the site to meet Federal flood zone and Bay Conservation and Development Commission requirements

2.3 SECOND ADDENDUM

The Second Addendum consisted of City Council approval for Vesting Tentative Tract Map (VTTM) 8633 to establish seven parcels west of Monarch Bay Drive between Marina Boulevard and Fairway Drive that align with the planned Monarch Bay Shoreline public-private partnership on approximately 58.5 acres of the City-owned Shoreline Area. The reconfigured parcels will enable the City to lease land to Cal-Coast (developer) as outlined in the Disposition and Development Agreement (DDA) between the City and developer and associated Leases. The VTTM also modifies the right-of-way for Monarch Bay Drive based upon the requirements of the DDA to accommodate the planned roundabout between Mulford Point Drive and Marina Boulevard. The Second Addendum is scheduled for review by the San Leandro City Council on May 16, 2022.

3. ***Proposed Modifications to the Project***

The proposed modifications to the Project (including the Certified EIR and First and Second addenda) is described below.

- 200 to 220-room Select-Service Hotel:
 - The proposed parcel size for the hotel is ~~250,500~~ 254,753 square feet, while the gross building area would be approximately ~~150,385~~ 152,968 square feet, resulting in a Floor Area Ratio (FAR)² of 0.60 .
 - The proposed height of the hotel is ~~50-56 feet 4 inches to Average Roof,~~ 61 feet to the top of the parapet, and 66 feet 4 inches to the top of stair and elevator shaft (penthouse). Proposed heights over the required maximum of 50 feet is allowed with an approved Planned Development Permit.
- ~~485~~ 491 Housing Units:
 - The height for the above grade parking structure for the residential apartment units is ~~50~~ 63 feet. The maximum height allowed is 50 feet and the apartment complex (including the parking structure) is proposed to be 53 feet in height with a top of roof at 59 feet 4 inches and 63 feet to the top of the stair and elevator shaft (penthouse). The height modification would be approved through a Planned Development Permit.
 - The proposed parcel size for the 285 residential apartment units is ~~277,579~~ 277,503 square feet, while the gross building square footage would be approximately ~~325,000~~ 316,460 square feet, resulting in a FAR of ~~1.17~~ 1.14 and a density of approximately 45 residential dwelling units per acre.
 - ~~48~~ 62 Townhomes: The approximately 62 townhomes would consist of attached and clustered units, approximately two to three stories in height, located at the southern boundary of the Project site, east of Monarch Bay Drive. Parking for the proposed townhomes would be provided through a combination of garages and surface lots. The maximum height allowed is 40 feet and each townhome is proposed to be ~~36~~ 38 feet in height with a top of roof (to allow for roof decks) at 45 feet. The height modification would be approved through a Planned Development Permit.
 - ~~152~~ 144 Single-Family Detached Homes: The proposed single-family residential units would be located in the central portion of the Project site, east of Monarch Bay Drive.

² City of San Leandro. 2019. San Leandro Zoning Code, 1-304 Definitions. Available Online at https://qcode.us/codes/sanleandro-zoning/?view=desktop&topic=i-3-1_304. Accessed January 10, 2020.

Parking would be provided through a combination of garages and surface lots. The maximum allowed height is 40 feet and the proposed heights are between 27 and 38 feet.

- The proposed parcel size of the combined townhomes and single-family detached homes is 706,076 square feet resulting in an aggregate gross density of approximately 12.3 dwelling units per acre.
- Restaurants including the banquet facilities total approximately ~~20,000~~ 19,990 square feet:
 - Restaurant within the hotel: Approximately ~~5,000~~ 3,966 square feet (first floor of the hotel).
 - Two-story detached restaurant with upstairs Banquet Facility adjacent to hotel: Approximately ~~15,000~~ 16,024 square feet. Maximum height is 50 feet, and the detached structure is below the maximum height allowed with 32 feet to the roof, 36 feet to the parapet, and 42 feet to top of the stair and the elevator shaft (penthouse).
 - The parcel size for the new two-story restaurant and banquet facility is anticipated to be ~~20,131~~ 41,707 square feet, while the gross building square feet would be approximately ~~15,000~~ 16,024 square feet, resulting in a FAR of ~~0.75~~ 0.38
- Detached Market, located at the northwest corner of Mulford Point Drive and Monarch Bay Drive.
 - The proposed parcel size for the market is ~~6,019~~ 9,920 square feet, while the gross building square feet would be approximately ~~3,000~~ 2,500 square feet, resulting in a FAR of ~~0.50~~ 0.26

4. Environmental Analysis

For this analysis, the term *Original Project* refers to the project evaluated in the 2015 EIR, which is referred to as the *Certified EIR*. The term *Approved Project* refers to the project evaluated in Certified EIR as modified with the changes described in the First Addendum. The Second Addendum (Vesting Tentative Tract Map 8633) is pending approval by the City Council, so for purposes of this analysis, it is not considered part of the Approved Project. Since the Second Addendum only addresses the creation of seven parcels, and does not include any changes to the development plan of the Approved Project the conclusions in this Third Addendum would be the same if the Second Amendment was included.

THIRD ADDENDUM PROJECT SUMMARY

The following provides a summary of the Third Addendum *Modified Project*, based on the details in Section 3, *Proposed Modifications to the Project*, in relation to components that have the potential to result in changes to conclusions in the Certified EIR.

- Hotel
 - Parcel: +7,933 square feet
 - Gross building area: +7,949 square feet
 - Height: +17 feet
 - FAR: +.20
- The primary modifications to the hotel are the increased building area however the number of rooms and all uses remain consistent with the Approved Project, and the building height, is allowable through the Planned Development project process pursuant to the site's Planned Develop Overlay zoning. .
- Restaurants: Two-story restaurant/Banquet Hall and Restaurant within the Hotel
 - Parcel: +21,576 square feet
 - Gross building area: -10 square feet
 - Height: +7 feet
 - FAR: -0.28
- The primary modifications to the restaurant/banquet hall are the increased parcel size and increased building height. The building size is consistent with the Approved Project, as the building area is essentially unchanged.

- Market
 - Parcel size: +3,905 square feet
 - Gross building area: -500 square feet
 - FAR: -0.24
- The primary modification to the market is the increase in parcel size and decrease in building area.
- Housing
 - Residential Apartment Units
 - Parcel: -83 square feet
 - Gross building area: -8,540 square feet
 - FAR: -0.03
 - Parking structure for apartment units
 - Height: +17 feet
 - Townhomes
 - Units: +14
 - Height: +8 feet
 - Detached Single-Family
 - Units: -8

INITIAL STUDY CHECKLIST

The following section identifies and analyzes the significant effects on the environment for the proposed modifications as described above and where “significant effect on the environment” means a substantial or potentially substantial adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. (CEQA Guidelines Section 15382). The proposed changes under the Modified Project are analyzed below.³

³California Code of Regulations, Title 14, Division 6, Chapter 3.

4.1 AESTHETICS

4.1.1 IMPACTS ASSOCIATED WITH THE MODIFIED PROJECT

Except as provided in Public Resources Code Section 21099, would the project:

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of a Subsequent EIR/MND	No Impact
a) Have a substantial adverse effect on a scenic vista?				X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?					X
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?				X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X	

Background:

2022 Appendix G Threshold

The CEQA Checklist Guidelines for Aesthetics has been updated since those used for the Certified EIR for the Original Project. The changes are detailed below:

I. AESTHETICS.

Except as provided in Public Resources Code Section 21099, ~~w~~ould the project:

- a) Have a substantial adverse effect on a scenic vista?
- b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?
- c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly

accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Comments:

AES-a

As stated in the Certified EIR, the Original Project would alter the Significant View identified in the San Leandro General Plan, which consists of near-field views of the existing marina, boats, docks, and other marine-related activities through their removal, as well as, mid- to far-field views due to the inclusion of two restaurants and the hotel on Mulford Point which would obstruct views of the horizon and of the ridgeline of the Santa Cruz Mountains on the San Francisco Peninsula⁴. However, the Certified EIR found that the project would result in a *less than significant* impact to scenic vistas.

As a key change of the First EIR Addendum, the hotel, was relocated 1,300 feet inland from Mulford Point. The 8,000 square foot restaurant was eliminated, and the two-story 15,000 square foot conference center was changed to the restaurant/banquet facility, and relocated 275 feet inland. Under the Modified Project, the 17- and 5-foot height increase of the hotel building and restaurant/banquet hall, respectively, would not block views of the horizon nor the mid - and far-field ridgeline views of the Santa Cruz mountains, given the relocation of these buildings inland, and would not result in a new impact or a substantial increase in magnitude of the existing impacts to scenic vistas.

The 13-foot height increase of the parking structure for the flats under the Modified Project reflects a 3-foot increase in average roof height, a 5-foot increase in the height of the parapet wall, and an additional 5 feet for the stair well, elevator penthouse and corner parapets. With the integrated design of the parking structure and flats, the elevator penthouse is the only element that rises above the building roofline, compared to the Approved Project. The penthouse serves the elevator for the parking structure, and is located in the center of the roof. The small area of the penthouse, would not obstruct views of the horizon or mid- and far-field ridgeline views of the Santa Cruz mountains to any greater degree than the Approved Project and, therefore, would not result in a new impact or a substantial increase in the magnitude of the existing impacts to scenic vistas.

The eight-foot height increase for the townhomes under the Modified Project, is to allow for stair wells to provide roof access to each unit. The stairwells occupy only a portion of the roof area and are set back from the building façade. Therefore, the increased height would not obstruct views of the horizon or mid- and far-field ridgeline views of the Santa Cruz mountains to any greater degree than the Approved Project and would not result in a new impact or a substantial increase in the magnitude of the existing impacts to scenic vistas.

AES-b

As with the Original Project, the Modified Project is not near a scenic highway and would therefore not result in a new impact or a substantial increase in magnitude of an existing impact to scenic highways.

AES-c

The Certified EIR includes a detailed analysis of the impact the Original Project would have to the existing visual character or quality of the site and its surroundings; which was found to be *less than significant*. Since the Original Project was analyzed, the CEQA Significance Criteria now addresses urbanized and non-urbanized sites differently.⁵ As the project site is in an urbanized site, the criteria asks whether the project conflicts with applicable zoning and other regulations governing scenic quality. The Certified EIR states that the Original Project would be consistent with the provisions found in the San Leandro General Plan and the San Leandro Zoning Code. These regulations and zoning codes would also apply to the Modified Project, and the proposed modifications to the Approved Project, including the increased height, do not conflict with or result in inconsistencies with the City's applicable zoning and other regulations governing scenic quality. The City has reviewed the building elevations proposed in the Modified Project and has determined that they are in compliance. Therefore, the Modified Project would not result in a new impact or a substantial increase in magnitude of existing impacts to applicable zoning and other regulations governing scenic quality.

AES-d

As with the Original Project, the Modified Project would create additional sources of light and glare in comparison to existing conditions. Sources of nighttime light include street and parking lighting, lighting illuminated from new buildings, and outdoor security lights resulting in an increase in the total amount of light emanating from the project site. Additionally, new residential uses within the site and adjacent residential properties would be sensitive receptors and would be affected by an increase in light and glare. As with the Original Project, the Modified Project would conform to San Leandro Zoning Code regulations contained in Section 4.08.15, Lighting; Section 4.04.34, Performance Standards; Section 5.12.124, Site Plan Review Standards; Section 4.04.352, Airport Safety Zones, and Section 4.12.112, Regulations for On-Premises Signs. Additionally, CALGreen Section 5.106.8 would be implemented to regulate light pollution through establishing maximum Backlight Uplight and Glare (BUG) rating for light fixtures. As with the Original Project, implementation of these regulations would be assured by the necessary review by City Staff for the Modified Project. Therefore, with implementation of the regulations found in Section 4.1, Aesthetics of the Certified EIR, the Modified Project would not result in a new impact or a substantial increase in magnitude of existing impacts on day or nighttime views in the area.

⁵ The California Environmental Quality Act. Available online at https://www.califaep.org/statute_and_guidelines.

4.2 AGRICULTURE AND FORESTRY RESOURCES

4.2.1 IMPACTS ASSOCIATED WITH THE MODIFIED PROJECT

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state’s inventory of forest land, including the Forest and Range Assessment project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of a Subsequent EIR/MND	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?					X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?					X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?					X
d) Result in the loss of forest land or conversion of forest land to non-forest use?					X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?					X

Comments:

AGR-a, b, d, e.

The Certified EIR concluded that due to the proposed project's location in an urbanized city setting, the project would not have a significant effect on Agriculture and Forestry Resources, an impact analysis was not prepared for the Original Project. The Alameda County Important Farmland map prepared pursuant to the Farmland Mapping and Monitoring Program of the California Department of Conservation categorize land within the project site as Urban and Built-Up Land.⁶ In addition, according to 2020 mapping data from the California Department of Forestry and Fire Protection, the city does not contain any woodland or forestland cover.⁷ Finally, the city does not contain land zoned for farmland or timberland production.⁸ Consequently, there would be *no impacts* with regard to agriculture and forestry resources under the Original Project or Modified Project.

⁶ Department of Conservation. 2016. Alameda County Important Farmland Data Availability. Available online at <https://www.conservation.ca.gov/dlrp/fmmp/Pages/Alameda.aspx>. Accessed January 7th, 2020.

⁷ California Department of Forestry and Fire Protection Fire and Resource Assessment Program. 2020. Land Cover Map. Available Online at https://frap.fire.ca.gov/media/10311/fveg_19_ada.pdf. Accessed on January 7th, 2020.

⁸ City of San Leandro. 2017. Zoning Map. Available Online at <http://sanleandro.maps.arcgis.com/apps/Minimalist/index.html?appid=75f3802073a4434c97742061ed1836bc>. Accessed on January 7th, 2020.

4.3 AIR QUALITY

4.3.1 IMPACTS ASSOCIATED WITH THE MODIFIED PROJECT

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of a Subsequent EIR/MND	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?				X	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?				X	
c) Expose sensitive receptors to substantial pollutant concentrations?				X	
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?				X	

Background:

2022 Appendix G Threshold

The CEQA Checklist Guidelines for Air Quality has been updated since those used for the Certified EIR of the Original Project. The changes are detailed below:

III. AIR QUALITY.

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

- a) Conflict with or obstruct implementation of the applicable air quality plan?
- ~~b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?~~
- b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?
- c) Expose sensitive receptors to substantial pollutant concentrations?

- d) ~~Create objectionable~~ Result in other emissions (such as those leading to odors or dust) adversely affecting a substantial number of people?

Comments:

AIR-a.

The Certified EIR concluded that the Original Project was consistent with BAAQMD's Bay Area 2010 Clean Air Plan. At the time of the Certified EIR, the applicable air quality management plan for the San Francisco Bay Area Air Basin (SFBAAB) was the Bay Area 2010 Clean Air Plan. Since certification of the EIR, the BAAQMD has adopted its 2017 Clean Air Plan⁹. The Approved Project was found to be consistent with the growth assumptions in the 2017 Clean Air Plan and the overall use would be similar to the Original Project, analyzed and discussed in the Certified EIR.

Changes to the Approved Project from implementation of the Modified Project include a net increase of 6 housing units (increase of 14 townhomes and reduction of 8 single family detached homes) and a reduction of 1,027 square feet of overall building area. The net increase of 6 housing units in the Modified Project would remain consistent with the growth assumptions in the 2017 Clean Air Plan and the overall use would be similar to the Original Project, analyzed and discussed in the Certified EIR and First Addendum. Thus, the Modified Project would not have the potential to substantially affect housing, employment, and population projections within the San Francisco Bay Area region, which is the basis of the Clean Air Plan projections. Therefore, the Modified Project would not result in a new impact or a substantial increase in magnitude of existing impacts which would conflict with or obstruct implementation of the applicable air quality plan.

AIR-b., AIR-c

The BAAQMD CEQA Air Quality Guidelines, published in May 2017, establishes screening-level thresholds, to provide lead agencies and project applicants with a conservative indication of whether the proposed project could result in potentially significant air quality impacts. Table 3-1 on p. 3-2 of the BAAQMD Guidelines includes screening levels for differing land uses. The screening levels for Condo/townhouse general is 451 dwelling units for pollutant criteria and 240 dwelling units for construction emissions. The increase of 6 housing units, combined with the net decrease of 1,027 square feet of building area would not significantly increase the maximum number of construction and operational vehicle trips or vehicular-related secondary effects such as air pollutants beyond those disclosed in the Certified EIR and First Addendum. Since the Modified Project includes only an increase of 6 townhouse units, the operational and construction impacts from the increased number of units would be considered less than significant. Therefore, because the Modified Project would not change the operations of the Approved Project as analyzed in the Certified EIR and would only result in an increase of 6 housing units which does not exceed screening-level thresholds, there are no substantial project changes or substantial changes to the surrounding circumstances that will require major revisions of the previous EIR nor new significant information which would require preparation of a subsequent EIR.

⁹

AIR-d.

The Certified EIR did not identify any substantial odors from the proposed residential and commercial uses. The Modified Project would not introduce new sources of odor onsite and thus would not result in any new impacts or a substantial increase in magnitude of impacts regarding other emissions, such as odors, which would adversely affect a substantial number of people. Therefore, there are no changes or new significant information which would require preparation of a subsequent EIR.

4.4 BIOLOGICAL RESOURCES

4.4.1 IMPACTS ASSOCIATED WITH THE MODIFIED PROJECT

Would the project:

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of a Subsequent EIR/MND	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.				X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?					X
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X	
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X	

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of a Subsequent EIR/MND	No Impact
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?					X

Background:

2022 Appendix G Threshold

The CEQA Checklist Guidelines for Biological Resources has been updated since those used for the Certified EIR of the Original Project. The changes are detailed below:

IV. BIOLOGICAL RESOURCES.

Would the project:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?
- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?
- c) Have a substantial adverse effect on state or federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?
- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?
- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

Comments:

BIO-a.

As discussed in Chapter 4.3 Biological Resources, of the Certified EIR for the Original Project, construction activities could affect a number of special-status species including the winter roost colony of monarch

butterflies, special-status fish and other aquatic species, and nesting birds which, are protected under State and federal regulations.

The Original Project included 64 townhomes, 42 single family residences, and 28 townhomes within the existing 32-acre golf course. Development for the Original Project avoided the stand of blue gum eucalyptus habitat where the winter roosting colony of monarch butterflies congregate at the eastern edge of the golf course. However, the South Golf Course Residential Component of the Original Project was located directly adjacent to the monarch butterfly habitat, which likely provides important wind buffering functions and could provide nectaring and resting locations for individual butterflies. Although these residences avoided most of the trees, there remained the possibility that construction and/or vegetation management activities by future residences could adversely affect these trees and result in indirect adverse effects on the butterfly colony. Furthermore, monarch butterfly winter roosting habitat could be adversely affected if adequate controls on tree removal and pruning are not implemented. Short-term impacts such as construction-generated fumes and dust could adversely affect roosting butterflies if construction is initiated or performed in close proximity during the overwintering period, generally from October 1 to March 1. The Original Project found that this would be a *significant* impact.

In contrast, the Approved Project included 152 single family residences and 48 residential townhomes which are pulled closer to Monarch Bay Drive on the west and Fairway Drive to the south, respectively. Although the 152 single family residences and 48 residential townhomes for the Approved Project represented in a larger development east of Monarch Bay Drive in comparison to the Original Project, the proposed structures are located approximately 600 feet to the west of the blue gum eucalyptus and pines which are located on the eastern portion of the remaining golf course. Therefore, the First Addendum found that the shift in development area would represent a potential avoidance and reduction in impacts to habitat for the winter roosting colony of monarch butterflies. The additional 6 townhome units from the Modified Project would be located within the same footprint of the site plan from the Approved Project and would not result in additional encroachment into the monarch butterfly habitat.

To reduce the potential impact to the monarch butterfly habitat to *less than significant*, the Original Project Certified EIR included Mitigation Measure BIO-1A detailed in Chapter 4.3, Biological Resources, of the Certified EIR. The Mitigation Measure would also be implemented for the Modified Project, which includes the preparation of a Monarch Butterfly Roosting Habitat Protection Program (MBRHPP). Therefore, with implementation of Mitigation Measure BIO-1A, the Modified Project would not result in a new impact or a substantial increase in magnitude of the existing impacts to the winter roost colony of monarch butterflies.

The Original Project included improvements to shoreline areas of tidally influenced open water resulting in potential direct and indirect effects on several special-status fish species. The Original Project found that construction could cause disturbance to aquatic habitat of the bay, requiring drilling and excavation for pier/dock installation and shoreline modification, and suspending silts and other substrate within the construction zone, resulting in a temporary reduction in water quality, or inadvertent injury or loss of individual special-status fish species, if present within the construction zone. These impacts were considered a significant impact for the Original Project for which appropriate construction avoidance measures, implemented as part of Mitigation Measure BIO-1B were necessary to prevent possible loss of

one or more of these species, and appropriate authorizations were required from NOAA Fisheries, USFWS, and/or CDFW where “take” of special-status fish species may occur as a result of the in-water activities of the Original Project. The Original Project implemented Mitigation Measure BIO-1B, to address potential in-water construction impacts to special status fish and other aquatic species, resulting in a less-than significant impact. The Approved Project includes similar project-related improvements while removing or relocating most of the development on the portions of land extending into the marina, but concluded that the modifications would not result in a new impact or a substantial increase in magnitude of the impacts to special-status fish species.

The Modified Project, which includes the addition of 6 housing units inland of the shoreline area, would not have an impact from construction-related impacts to special-status fish species, and therefore not result in a new impact or a substantial increase in magnitude of the existing impacts to special-status fish species.

The Certified EIR for the Original Project found that tree and vegetation removal, building demolition, and other construction activities during the breeding season could result in the incidental loss of fertile eggs or nestlings or nest abandonment if any active nests are present, and are therefore considered a *significant* impact. Mitigation Measure BIO-1C, required for the Original and Approved Project, addressed potential impacts to nesting birds, including raptors during the construction period by requiring preconstruction surveys, scheduling tree removal and building demolition outside of the bird nesting season (which occurs from February 1 to August 31), and other adequate controls, in compliance with the federal Migratory Bird Treaty Act and California Fish and Game Code, resulting in a *less than significant* impact. Mitigation Measure BIO-1C would also be implemented for the Modified Project, and as the Modified Project would not result in a new impact nor a substantial increase in magnitude of impact to nesting birds, the potential impacts would be the same as the Original Project.

BIO-b.

According to the Certified EIR, no riparian or other sensitive natural community types are present on the site of the Original Project. The Modified Project remains on the same site as the Original Project and therefore it would not result in a new impact or a substantial increase in magnitude of existing impacts to riparian habitat or other sensitive natural communities.

BIO-c.

The Certified EIR found that construction of the Original Project would result in direct and indirect effects on jurisdictional wetlands and other waters which include disturbance and modifications to areas in open water and the shoreline of San Francisco Bay and upland areas in the golf course; these were considered a *significant* impact. Mitigation Measure BIO-3, required for the Original Project, addressed impacts of proposed development to jurisdictional waters by requiring appropriate controls and regulatory authorizations through compensatory mitigation for wetland modifications. As with the Original Project, modifications below the Mean High Water would be subject to permit approval from the U.S. Army Corps of Engineers (ACOE) and San Francisco Bay Regional Water Quality Control Board (RWQCB). Further, water features may be considered jurisdictional wetlands or waters by the ACOE and/or California Department of Fish and Wildlife (CDFW) for the Approved Project. Authorizations from State and federal regulatory agencies may include the ACOE and RWQCB under Section 404 and 401 of the Clean Water

Act, and possible CDFW under the Streambed Alteration Agreement program. The 152 single family residences and the 48 townhomes on the existing golf course for the Approved Project constituted an additional development footprint in comparison to the Original Project and could encroach on existing wetland areas on the golf course, representing a larger impact area. Mitigation Measure BIO-3 would also be implemented for the Modified Project which results in the net increase of 6 units but would be located within the same footprint of the site plan from the Approved Project and therefore not cause additional impacts, would ensure that all wetlands which are potentially impacted, newly or previously identified, by the Modified Project would be identified through a jurisdictional wetland delineation verified by the Army Corps. Furthermore, compensatory mitigation through a Wetland Protection and Replacement Program would be implemented, and regulatory agencies with relevant jurisdiction would be required to give approval. With implementation of Mitigation Measure BIO-3, the Modified Project would not result in a new impact or a substantial increase in magnitude of the existing impacts to wetlands.

BIO-d.

As with the Approved Project, the Modified Project would result in modifications to existing wildlife habitat but would be located within the same footprint of the site plan from the Approved Project and therefore not increase interference with existing movement opportunities and use of native wildlife nursery areas. The project site is mostly development with minimal wildlife habitat value, with the exception of the open waters of the marina basin and San Francisco Bay, which would be improved through removal of the existing dock system and creation of enhanced natural shoreline along lower segments of the existing riprap. Existing habitat, including the monarch butterfly roosting habitat at the southeast edge of the golf course would remain unaffected with the Modified Project. Potential adverse impacts on fish and other aquatic species would be avoided through implementation of Mitigation Measures BIO-1 and BIO-3 as described in the Certified EIR. Therefore, the Modified Project would not result in a new impact or a substantial increase in magnitude of any existing impacts to wildlife movement opportunities and use of native wildlife nursery areas.

BIO-e.

The Modified Project would not conflict with any relevant goals and policies in the City of San Leandro General Plan related to protection of biological and wetland resources. Consistency with relevant policies would be achieved through compliance with Mitigation Measures BIO-1A, BIO-1B, BIO-1C, and BIO-3. Furthermore, implementation of Mitigation Measure BIO-5A, Tree Protection and Replacement, and Mitigation Measure BIO-5B, reaffirming implementation of Mitigation Measure BIO-1A, would address potential impacts on regulated trees. Therefore, the Modified Project would not result in a new impact or a substantial increase in magnitude of any existing impacts to any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

BIO-f.

As with the Approved Project, the Modified Project would not conflict with any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved conservation plan. No such plans have been adopted encompassing the project vicinity, and no impacts are anticipated.

4.5 CULTURAL RESOURCES

4.5.1 IMPACTS ASSOCIATED WITH THE MODIFIED PROJECT

Would the project:

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of a Subsequent EIR/MND	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in §15064.5?				X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?				X	
c) Disturb any human remains, including those interred outside of dedicated cemeteries?				X	

Background:

2019 Appendix G Threshold

The CEQA Checklist Guidelines for Cultural Resources has been updated since those used for the Certified EIR of the Original Project. The changes are detailed below:

IV. BIOLOGICAL RESOURCES.

Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource pursuant to as defined in § 15064.5?
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?
- ~~c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?~~
- c) Disturb any human remains, including those interred outside of dedicated cemeteries?

Comments:

CUL-a, b, c.

The overall project area boundaries are unchanged for the Modified Project, therefore, there are no new areas that were not addressed within the Certified EIR. As with the Original Project, there are no

structures listed on the National Register of Historic Places, and existing structures on the project site do not appear to meet the eligibility criteria for inclusion on the California Register. The project site is not an identified prehistoric site and there are no known ethnographic sites within its boundary. The Certified EIR for the Original Project included several mitigation measures in the unlikely event that inadvertent impacts to unknown cultural resources occurred, namely, Mitigation Measures CULT-1, CULT-2, and CULT-4. These mitigation measures would also apply to the Modified Project. Therefore, the Modified Project would not result in a new impact or in a substantial increase in magnitude of existing impacts to cultural resources.

4.6 ENERGY

4.6.1 IMPACTS ASSOCIATED WITH THE MODIFIED PROJECT

Would the project:

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of a Subsequent EIR/MND	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?				X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?				X	

Background:

2022 Appendix G Threshold

The CEQA Checklist Guidelines for Energy were added since those used for the Certified EIR of the Original Project.

Comments:

ENER-a., ENER-b.

Compared to the Approved Project (including the First Addendum), the Modified Project would result in a net increase of 6 residential units (townhomes), an increase of 1.2 percent over the Approved Project, and a net reduction of 1,027 square feet of project building area. The Modified Project would have less building area and soil hauling than the Original Project, and it would require less electricity and transportation fuel during construction. Overall, a 1.2 percent increase in the number of residential units with the Modified Project would not result in more inefficient, wasteful, or unnecessary consumption of energy resources than similar projects and would not cause a new conflict with or obstruct a state or local plan for renewable energy or energy efficiency. The Modified Project would not conflict with the City CAP. Therefore, taking together both short-term impacts related to energy use during project construction and long-term impacts related to energy use at the project site, the Modified Project would not result in a new impact or in a substantial increase in magnitude of existing impacts resulting in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.

4.7 GEOLOGY AND SOILS

4.7.1 IMPACTS ASSOCIATED WITH THE MODIFIED PROJECT

Would the project:

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of a Subsequent EIR/MND	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				X	
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X	
ii) Strong seismic ground shaking?				X	
iii) Seismic-related ground failure, including liquefaction?				X	
iv) Landslides?				X	
b) Result in substantial soil erosion or the loss of topsoil?				X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?				X	

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of a Subsequent EIR/MND	No Impact
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?					X
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X	

Background:

2022 Appendix G Threshold

The CEQA Checklist Guidelines for Geology and Soils has been updated since those used for the Certified EIR of the Original Project. The changes are detailed below:

VII. GEOLOGY AND SOILS:

Would the project:

- a) ~~Expose people or structures to~~ Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
 - ii. Strong seismic ground shaking?
 - iii. Seismic-related ground failure, including liquefaction?
 - iv. Landslides?
- b) Result in substantial soil erosion or the loss of topsoil?
- c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?
- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?
- e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?
- f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Comments:

GEO-a, i, ii, iii, iv.

The location and precise boundary of the Modified Project are the same as those of the Approved Project. Since the project site remains outside of any Alquist-Priolo Fault Zones, the risk of surface rupture during an earthquake remains low. The same applies to landslide risk: the Modified Project does not increase landslide risk any more than the Approved Project since the boundaries and location of the site have not changed. Because the site topography is generally flat, there is little to no erosion or landslide hazard.

As stated in the Geology and Soils chapter of the Certified EIR, the Project site lies along the eastern margin of San Francisco Bay on the low-lying coastal plain and adjacent filled portions of the bay. While the site is not near enough to any fault lines to be considered at risk of surface rupture according to the Alquist-Priolo fault zone map, it is still proximate to several earthquake faults to the east and west. The Original Project EIR also notes that the western half of the project site, roughly delineated by Monarch Bay Drive, is comprised of filled-in Bay Mud (approximately ten feet thick) over alluvial deposits of sand, silt and clay. The eastern portion of the site, demarcated by where the original coastline began roughly along Monarch Bay Drive, is comprised of the same alluvial deposits but without the additional layer of filled Bay Mud. The relatively thick alluvial deposits on both the eastern and western portions of the project Site could cause amplified ground shaking and liquefaction during an earthquake. The fill over Bay Mud in the western portion of the project Site further increases the risk of severe shaking and liquefaction.

The Modified Project adds an additional 6 housing units over the Approved Project, with an associated increase of approximately 16 new residents under the assumption of 2.74 residents per housing unit.¹⁰ While these modifications would increase the number of people and structures on soil with a risk of severe shaking or liquefaction, all development on the Project site would necessarily comply with California Building Codes as well as San Leandro permitting codes, which both require additional structural engineering measures for developments on Bay Mud or other loose soils. Other modifications included in the project would not result in any new impacts or a significant increase in existing impacts. The previous determination for the Original Project of significant impacts before mitigation is still valid for the Modified Project, and therefore, the Modified Project would not result in a new impact or in a substantial increase in magnitude of existing impacts with regard to the risk of loss, injury, or death from any of the four geological hazards (i-iv) outlined in the table

GEO-b, c, d, e, f.

The location and precise boundary of the Modified Project are the same as those of the Approved Project. Construction under the Modified Project would not result in an increase soil erosion or loss of topsoil any more than the Approved Project since the boundaries and location of the Project site are unchanged. Thus, the Modified Project does not result in any new impacts or a significant increase in existing impacts in terms of soil erosion or loss of topsoil.

¹⁰ City of San Leandro. 2015. Housing Element, 2015 – 2023. Available online at <https://www.sanleandro.org/civicax/filebank/blobdload.aspx?BlobID=23216>, accessed January 6th, 2020.

The Certified EIR notes that within the project site, lateral spreading could be a risk along the channel margins created by the dredged channels inside and outside of the marina and adjacent fill dikes. This was considered a significant impact in the Approved Project and would be mitigated by mitigation measures GEO-3a, b, and c. These same measures would be required under the Modified Project, and thus would not have differential impacts or differential magnitude of existing impacts regarding the risk of lateral spreading, subsidence, liquefaction, or collapse.

As with the Approved Project, Mitigation Measure GEO-4, requiring that a geotechnical engineer make specific recommendations to mitigate expansive soils under pavements and structures based on the testing of the in-site fill materials would be required under the Modified Project, and would not result in any new impacts or a significant increase in existing impacts related to expansive soils.

The Certified EIR for the Original Project determined that the proposed development would not require the use of septic tanks or alternative wastewater systems, and that all wastewater would be discharged into the existing public sanitary sewer system serviced by the City of San Leandro. This remains the case for the Modified Project, therefore, the Modified Project would not result in any new impacts or a significant increase in existing impacts related to the capacity of soils to adequately support the use of septic tanks.

The Certified EIR found that the project site is not an identified prehistoric site, however, in the event that fossils or fossil-bearing deposits are discovered during construction, the project would implement Mitigation Measure CULT-3 (in the Cultural Resources chapter of the original Certified EIR). Implementing this measure would also ensure that the Modified Project has a *less than significant* impact and, therefore, would not constitute a different impact or a significant increase in impacts compared to the Original Project in terms of significant or unique paleontological and geological resources.

4.8 GREENHOUSE GAS EMISSIONS

4.8.1 IMPACTS ASSOCIATED WITH THE MODIFIED PROJECT

Would the project:

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of a Subsequent EIR/MND	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?				X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X	

Comments:

GHG-a., GHG-b

The Certified EIR determined that the impacts from implementation of the Original Project would be significant and unavoidable, as the Original Project would exceed the BAAQMD bright-line thresholds. The First Addendum found that as a result of the modifications to the Original Project, GHG emissions would be lower than the Original Project. The Modified Project would result in a net increase of 6 housing units, and a net decrease of 1,101 square feet of building area. Given the significant and unavoidable impact determination of the Certified EIR, and the determination that the development from the First Addendum would result in lower GHG emissions, the Modified Project would not result in any new or substantially greater impacts related to GHG emissions. The increased height and small (1.2 percent) increase in residential units in the Modified Project would not cause any substantial increase in construction activity intensity, would not result in any substantial increase in construction-related greenhouse gas emissions. The additional 6 housing units over the Approved Project, with an associated increase of approximately 16 new residents under the assumption of 2.74 residents per housing unit would not substantially increase the maximum number of vehicle trips or vehicular-related secondary effects such as greenhouse gas emissions. Therefore, the Modified Project would not result in any new or substantially greater impacts related to GHG emissions. The Modified Project is consistent with the overall goals of *Plan Bay Area 2040*, which include concentrating new development in locations where there is existing infrastructure, and would not conflict with the City's CAP. Therefore, the Modified Project would not result in conflicts with plans, policies or regulations adopted for the purpose of reducing GHG emissions.

4.9 HAZARDS AND HAZARDOUS MATERIALS

4.9.1 IMPACTS ASSOCIATED WITH THE MODIFIED PROJECT

Would the project:

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of a Subsequent EIR/MND	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				X	
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				X	

Background:

2022 Appendix G Threshold

The CEQA Checklist Guidelines for Transportation has been updated since those used for the Certified EIR of the Original Project. The changes are detailed below:

~~VIII~~ IX. HAZARDS AND HAZARDOUS MATERIALS-

Would the project:

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?
- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?
- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?
- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?
- ~~f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?~~
- f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?
- g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires, ~~including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?~~

Comments:

HAZ a, b, c, d, e, f, g.

The Original Project analyzed in the Certified EIR would result in a *less than significant* impact associated with creating a significant hazard to the public or the environment from the routine transport, use, or disposal of hazardous material, as well as, from the accidental or unforeseen release of hazardous materials into the environment. The Modified Project occurs within the same boundary as the Original Project and would remain in conformance with applicable federal, State, and local laws, policies, and regulations, as described in Section 4.7.1.1, Regulatory Framework of the Certified EIR. Therefore, the Modified Project, which consists of increased height for some buildings and an increase of 6 residential units, would not result in a new impact or a substantial increase in magnitude of the existing impacts associated with the routine transport, use, or disposal of hazardous material, as well as, from the accidental or unforeseen release of hazardous materials into the environment.

The Modified Project remains within two miles of the Oakland International Airport, and is therefore, within the jurisdiction of ALUC's ALUCP, as described in Section 4.7.1.1, Regulatory Framework of the Certified EIR. Compliance with the ALUCP requirements, as well as, the San Leandro General Plan would

ensure that implementation of the project would not result in a safety hazard for people residing or working in the vicinity of the project site. Therefore, compliance with the regulations found in the Certified EIR regarding air navigation hazards, would ensure the associated safety hazards for people residing or working in the Modified Project area would be *less than significant*.

As described in Section 4.7.1.1, Regulatory Framework, of the Certified EIR, compliance with applicable federal, State, and local laws and regulations regarding emergency preparedness would ensure future development under the Modified Project, which does not alter the footprints of proposed buildings at the project site, would not interfere with an adopted emergency response plan or emergency evacuation plan, such as the Multi-Hazard Mitigation Plan, and, therefore, impacts would remain *less than significant* and the Modified Project would not result in a new impact or a substantial increase in magnitude of the existing impacts.

Furthermore, the Modified Project, consistent with the Original Project, is not located within ¼-mile of an existing or proposed school, is not located on an agency-listed hazardous materials site that could result in a significant hazard to the public or the environment, is not on or in the vicinity of a private airstrip, and is not within an area where wildland fires pose a significant risk of loss, injury, or death. Therefore, there are no additional impacts or increase in the severity of impacts related to hazards and hazardous materials.

4.10 HYDROLOGY AND WATER QUALITY

4.10.1 IMPACTS ASSOCIATED WITH THE MODIFIED PROJECT

Would the project:

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of a Subsequent EIR/MND	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?				X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such the project may impede sustainable groundwater management of the basin?				X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				X	
i) result in substantial erosion or siltation on- or off-site;				X	
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;				X	
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or;				X	
iv) impede or redirect flood flows;				X	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				X	

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of a Subsequent EIR/MND	No Impact
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?				X	

Background:

2022 Appendix G Threshold

The CEQA Checklist Guidelines for Hydrology and Water Quality has been updated since those used for the Certified EIR of the Original Project. The changes are detailed below:

IX. HYDROLOGY AND WATER QUALITY.

Would the project:

- a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?
- b) Substantially ~~deplete~~ decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?
- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
 - i. result in substantial erosion or siltation on- or off-site;
 - ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;
 - iii. create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
 - iv. impede or redirect flood flows?
- d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?
- e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?
- ~~d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?~~

- ~~e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?~~
- ~~f) Otherwise substantially degrade water quality?~~
- ~~g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?~~
- ~~h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?~~
- ~~i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?~~
- ~~j) Inundation by seiche, tsunami, or mudflow?~~

Comments:

HYDRO-a, b.

The Certified EIR concluded that the construction and operational impacts associated with the demolition of existing structures and construction of new structures could result in impacts to water quality and waste discharge attributed to water pollution from soil erosion and increased stormwater runoff. As discussed in the Certified EIR, landside development within the Project area would be required to comply with State and local water quality regulations designed to control erosion and protect water quality during construction. This includes compliance with the requirements of the NPDES General Permit, which requires preparation and implementation of a Stormwater Pollution Prevention Plan (SWPPP). The Modified Project, which does not alter the footprint of existing buildings on the project site, would be subject to the same construction conditions as those identified in Chapter 4.8, Hydrology and Water Quality, of the Certified EIR and would not require the implementation of additional mitigation measures. Compliance with local and State regulatory requirements and implementation of construction BMPs would minimize discharges during the construction phase of the Modified Project and would not result in the degradation of water quality in receiving waters. Therefore, landside construction related impacts associated with the Modified Project would not result in a new impact or a substantial increase in magnitude of the existing impacts violating any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.

The Certified EIR project found that waterside construction and demolition associated with the existing marina, docks, and piers would have the potential to result in temporary water quality impacts. The removal of piers and pilings would result in the temporary re-suspension of sediments and associated increase in turbidity levels and waterside construction activities could release chemicals and hydrocarbons, temporarily degrading water quality. Impacts resulting from turbidity and the release of chemicals and hydrocarbons were found to be a *significant* impact, which were reduced to a *less than significant* impact through the implementation of Mitigation Measure HYDRO-1A and Mitigation Measure HYDRO-1B. The Modified Project would also implement Mitigation Measures HYDRO-1A and HYDRO-1B, and therefore removal of piers and pilings and waterside construction related impacts would not result in a new impact or a substantial increase in magnitude of the existing impacts.

The Certified EIR found that operational impacts associated with the removal of the marina and associated boats, piers, and docks would have a beneficial impact on water quality. However, post-construction operational impacts from landside development of the project could affect drainage patterns and increase the overall amount of impervious surface, thus creating changes to stormwater

flows and water quality which would result in a greater potential to introduce pollutants to receiving waters. Water quality impacts would be reduced to a *less than significant* impact by adhering to regulation such as those outlined by the Alameda County Clean Water Program, specifically the C.3 provisions set by the San Francisco Bay RWQCB. Adherence to City ordinances would also require the preparation of a Stormwater Management Plan (SWMP) which includes BMPs appropriate to control runoff for the Project. Furthermore, the project applicant would need to prepare an Operations and Maintenance (O&M) Plan for post-construction water quality measures, as per Alameda County C.3 provisions, to identify responsibility for maintenance of the stormwater treatment facilities and provide adequate funding to maintain and operate the stormwater improvements, and to comply with SWPPP requirements and San Leandro General Plan policies. As proposed, the Modified Project, which does not change the uses of the Approved Project and does not require alteration to the proposed treatment of stormwater, would remain in compliance with operationally related specifications applicable to those for the Original Project. Therefore, operational impacts associated with the Modified Project would not result in a new impact or a substantial increase in the magnitude of the existing impacts.

As discussed in the Certified EIR for the Original Project, water quality would be improved through the treatment of stormwater on-site and through stormwater pollution reduction through the implementation of source control, site design, and LID measures in compliance with the C.3 provisions for stormwater in Alameda County. In addition, compliance with San Leandro Municipal Code Section 3-15, Stormwater Management and Discharge Control, as described in Chapter 4.8, Hydrology and Water Quality, of the Certified EIR, would further protect water quality during project construction and operation. Because the Modified Project would be in conformity with those specifications relevant to the Original Project, new impacts or any substantial increase in the magnitude of the existing impacts to water quality would be avoided.

HYDRO-c i, ii, iii iv.

The Original Project had the potential to increase impervious surfaces and to divert groundwater to surface waters through requiring short-term construction dewatering due to the shallow groundwater table. Dewatering activities would require obtaining a Waste Discharge Requirements (WDR) permit from the San Francisco Bay RWQCB. The WDR permit requirements would require testing to prevent discharged water from posing a risk to water quality in San Francisco Bay. In the case that pollutant levels are too high, treatment of the collected groundwater would be required prior to discharge to San Francisco Bay or the City's storm drain system. As with the Original Project, the Modified Project would also be subject to SWPPP requirements ensuring that the discharge of construction dewatering would not significantly impact groundwater quality. The proposed residential housing units for the Modified Project, as with those in the Original Project, would be supplied with EBMUD water, which relies on surface water and recycled water rather than groundwater wells, therefore causing no depletion from groundwater well sources. Furthermore, the Modified Project would be consistent with the Original Project through the implementation of Low Impact Development (LID) measures and on-site infiltration, as required under the C.3 provisions of the Alameda County Clean Water Program which will increase the potential for groundwater recharge. Consistency through the use of site design features as per the C.3 provisions and implementation of water use efficiency measures mandated by the Water Conservation Act of 2009 would ensure that groundwater supplies are not depleted, and impacts would be *less than significant*. As proposed, the Modified Project, which would not alter drainage patterns on the project site or result in

additional impervious surfaces, would remain in compliance with groundwater related specifications applicable to those for the Original Project. Therefore, operational impacts associated with the Modified Project would not result in a new impact or a substantial increase in the magnitude of the existing impacts towards groundwater diversion.

As discussed within the Certified EIR, the Original Project did not involve the alteration of any watercourse, stream, or river. Consistent with the Original Project, construction activities for the Modified Project would involve demolition of existing structures and removal of the 462-slip harbor, grading, excavation, and the construction of buildings, sidewalks, driveways, and parking lots, which could increase the potential for erosion and/or siltation. Implementation of Mitigation Measure HYDRO-1, erosion and sediment control measures as part of the SWPPP, as well as conformance with Chapter 7-12 of the San Leandro Municipal Code requiring project applicants to prepare erosion control and sedimentation control plans for submittal to the City Engineer prior to the start of project construction would reduce impacts from surface runoff resulting in significant erosion or siltation to a *less than significant impact*. Therefore, the demolition and construction phase associated with the Modified Project, which would not alter drainage patterns on the project site or result in additional impervious surfaces, would not result in a new impact or a substantial increase in the magnitude of the existing impacts to any watercourse, stream, or river.

During operation of the Modified Project, erosion and siltation impacts would be avoided through implementation of C.3 requirements and LID measures to address stormwater runoff. Because the Modified Project, as with the Original Project, would replace or create more than 10,000 square feet of impervious surface, post-construction stormwater treatment is required as stated in Chapter 4.8, Hydrology and Water Quality, of the Certified EIR. The General Plan goals and policies relevant to the Original Project would also be implemented to ensure that stormwater runoff is adequately handled and would not contribute to on-site or off-site erosion. In conformity with the *less than significant* finding for erosion and siltation impacts during the operation phase of the Original Project, the Modified Project, which would not alter drainage patterns on the project site or result in additional impervious surfaces, would implement the same specifications, and would therefore, not result in a new impact or a substantial increase in the magnitude of the existing impacts.

As discussed in the Certified EIR, the Original Project required the construction of an adequately sized storm drainage system to convey on-site stormwater runoff to existing storm drain facilities due to the increase in stormwater runoff from the increase in impervious surfaces. On-site systems would require City and ACFCO review for C.3 provision verification and that downstream drainage system capacity would not be exceeded. Furthermore, the City of San Leandro would verify that on-site and off-site drainage facilities can accommodate increased stormwater flows and the applicant would be required to pay for improvements to the storm drain system necessary to accommodate increased flows. Implementation of C.3 provisions, LID design, and General Plan goals and policies would minimize increases in peak flows and encourage development that would not exceed the capacity of existing or proposed storm drain systems. Therefore, because the Modified Project, which would not alter drainage patterns on the project site or result in additional impervious surfaces, would implement those specifications applicable to the Original Project, it would not result in a new impact or a substantial increase in the magnitude of existing impacts to storm drain system capacities.

As discussed in the Certified EIR, the majority of the Original Project was outside of the 100-year floodplain with the exception of the area south of Pescador Point Drive, designated as Zone VE – coastal flood hazard subject to wave velocity, as well as the residential area of the project, east of Monarch Bay Drive, designated Zone AE with a base flood elevation (BFE) of 10 feet above mean sea level (msl). The Certified EIR stated that FEMA is currently revising the Flood Insurance Rate Maps (FIRMs) for all nine counties surrounding San Francisco Bay, and that the area south of Pescador Point Drive would no longer be within the 100-year floodplain, however, according to the current FEMA FIRM maps, a portion of the area south of Pescador Point Drive remains within Zone AE with a BFE of 12 feet msl. However, as described in the Project Description for the Approved Project, the residential areas would be outside of the flood zones due to increased base elevation heights. The 6 housing units under the Modified Project would be located within the Townhouse development area with the increased base elevation height, and, therefore, would not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite.

As there are no streams or flood control channels within the project boundaries, construction of the project would not impede or redirect flood flows, which as described above, are primarily associated with coastal flooding associated with wave velocity. Therefore, the Modified Project would not result in a new impact or a substantial increase in the magnitude of existing impacts which would substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would affect any of the four hydrological hazards (i-iv) outlined in the table.

HYDRO-d

According to the Certified EIR, since the project site is in a flat, coastal area, there is no potential for impacts due to mudflows. Since the Certified EIR was prepared, the CEQA significance criteria has been revised to replace the mudflow with release of pollutants due to project inundation. Because the base elevation of all sections of the project site where development is planned will be outside of areas subject to flooding due to sea level rise, inundation would not occur. As with the Original Project, the risk of flooding remains very low within the City of San Leandro, however, the Modified Project remains within the tsunami inundation zone, as mapped by ABAG. Therefore, the standards, precautions, and warning systems for the Original Project would also apply for the Modified Project. The Original Project found a *less than significant* impact from seiches because there are no large bodies of water within San Leandro, and the long distances of shallow water in San Francisco Bay would minimize waves generated by a seiche. Because the Modified Project site is within the same project area, the finding remains valid. Therefore, the Modified Project would not result in a new impact or a substantial increase in magnitude of the existing impacts to flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.

HYDRO-e

The Modified Project would be in compliance with the San Francisco Bay Regional Water Quality Control Board (RWQCB) Water Quality Control Plan for San Francisco Bay Basin which describes the water quality that must be maintained to support beneficial uses of the State waters, and provides programs, projects,

and other actions necessary to achieve the standards established in the Basin Plan.¹¹ The Modified Project would remain in compliance with the Bay Protection and Toxic Cleanup Program for which the San Francisco Bay RWQCB initiated the Regional Monitoring Program (RMP), which includes water quality monitoring near the project site.¹² Furthermore, the Modified Project would adhere to local regulations governing water quality pursuant to those identified by the Alameda County Flood Control and Water Conservation District and the Alameda County Clean Water Program.¹³¹⁴ Lastly, policies and ordinances governing water quality, as described in the Certified EIR, from the San Leandro General Plan and the San Leandro Municipal Code would also apply to the Modified Project. Therefore, the Modified Project would not result in a new impact or a substantial increase in magnitude of the existing impacts to the implementation of a water quality control plan or a sustainable groundwater management plan.

¹¹ San Francisco Bay RWQCB, 2018. San Francisco Bay Basin (Region 2) Water Quality Control Plan (Basin Plan). Available online at https://www.waterboards.ca.gov/sanfranciscobay/basin_planning.html, accessed January 24th, 2020.

¹² Bay Protection and Toxic Cleanup Program. 2017. Available online at https://www.waterboards.ca.gov/water_issues/programs/bptcp/, accessed January 6th, 2020.

¹³ Alameda County Flood Control and Water Conservation District. 2017. Available online at <https://acfloodcontrol.org/>, accessed January 5th, 2020.

¹⁴ Alameda County Clean Water Program. 2017. Available online at <https://www.cleanwaterprogram.org/>, accessed January 5th, 2020.

4.11 LAND USE AND PLANNING

4.11.1 IMPACTS ASSOCIATED WITH THE MODIFIED PROJECT

Would the project:

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of a Subsequent EIR/MND	No Impact
a) Physically divide an established community?				X	
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				X	

Background:

2022 Appendix G Threshold

The CEQA Checklist Guidelines for Land Use and Planning has been updated since those used for the Certified EIR of the Original Project. The changes are detailed below:

XI. LAND USE AND PLANNING.

Would the project:

- a) Physically divide an established community?
- b) ~~Cause a significant environmental impact due to a conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?~~
- c) ~~Conflict with any applicable habitat conservation plan or natural community conservation plan?~~

Comments:

LAND-a, b.

The Modified Project does not include any new features that would physically divide an established community. Compared to the Approved Project, the Modified Project would increase the height of certain buildings and increase the total net number of housing units on the site by 6 units (from 485 in the Approved Project to 491 in the Modified Project). The increase in height and addition of these 6

townhouse units would not physically divide an established community, and would not result in a new impact or a substantial increase in magnitude of the existing impacts in terms of physically dividing an established community. Furthermore, the Modified Project is in compliance with the General Plan Designation and applicable Planned Development Overlay Zoning process, which were approved for the project area as part of the First Addendum review. Thus, the Modified Project would not result in a new impact or a substantial increase in magnitude of the existing impacts in terms of consistency with any land use plan, policy, or regulation adopted for the purpose of mitigating an environmental effect.

4.12 MINERAL RESOURCES

4.12.1 IMPACTS ASSOCIATED WITH THE MODIFIED PROJECT

Would the project:

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of a Subsequent EIR/MND	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?					X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?					X

Comments:

The Certified EIR concluded that due to the proposed project’s location in an urbanized city setting, the project would not have a significant effect on mineral resources, and therefore an impact analysis was not prepared for the Original Project. The project site is mapped in Mineral Resource Zone 1 (MRZ-1) by the California Geological Survey, indicating that there is little likelihood that significant mineral resources are present.¹⁵ Because the site has been developed and is not considered suitable for protection or conservation, there would be no impacts to mineral resources. Consequently, there would be no impacts with regard to mineral resources under the Original Project or Modified Project.

¹⁵ California Geological Survey (CGS). 1996. Generalized Mineral Land Classification Map of the South San Francisco Bay Production-Consumption Region. Available Online at ftp://ftp.consrv.ca.gov/pub/dmg/pubs/ofr/OFR_96-03/OFR_96-03_Plate1.pdf. Accessed January 7, 2020.

4.13 NOISE

4.13.1 IMPACTS ASSOCIATED WITH THE MODIFIED PROJECT

Would the project result in:

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of a Subsequent EIR/MND	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?				X	
b) Generation of excessive groundborne vibration or groundborne noise levels?				X	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X	

Background:

2022 Appendix G Threshold

The CEQA Checklist Guidelines for Noise has been updated since those used for the Certified EIR of the Original Project. The changes are detailed below:

XIII. NOISE.

Would the project:

- a) ~~Exposure of persons to or g~~ Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- b) ~~Exposure of persons to or g~~ Generation of excessive groundborne vibration or groundborne noise levels?
- c) ~~A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?~~

- c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?
- d) ~~For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?~~

Comments:

NOISE-a. Construction Equipment

The Certified EIR for the Original Project identified a *significant* impact related to construction noise. However, this impact was reduced to *less than significant* with implementation of Mitigation Measure NOISE-4 from the Certified EIR. Construction of the individual components of the Approved Project were found to temporarily increase the ambient noise environment in the vicinity of each individual site and, because activities associated with any individual development may occur near noise-sensitive receptors, and depending on the project type, noise may occur for prolonged periods of time. The Modified Project would not introduce substantially louder or different equipment than for the Approved Project, and the duration of the construction would remain approximately the same (four years). Furthermore, Mitigation Measures NOISE-1A and NOISE-1B, which include measures to avoid exceeding noise standards established in the General Plan and/or the applicable standards of other agencies, and Mitigation Measure NOISE-4, which includes measures to avoid substantial temporary or periodic increases in ambient noise levels in the vicinity of the project site above existing levels, would be required for the Modified Project. Therefore, no changes or new information would result in new impacts or a substantial increase in magnitude of the Approved Project's impacts to noise from construction equipment in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. The Modified Project would be required to comply with the City's Municipal Code restrictions for construction activities outside the hours of 7:00 a.m. and 7:00 p.m. on weekdays, or between 8:00 a.m. and 7:00 p.m. on Sunday and Saturday.

Construction Vehicles

The Certified EIR for the Original Project did not identify any significant impacts associated with temporary construction-related trips. Under the Original Project a total of 825 haul trips due to demolition was estimated. The Approved Project includes an additional 30,501 haul trips for the import of soil and additional demolition activities, as described in the First Addendum. With implementation of a phasing plan described in the First Addendum, construction of the Approved Project was found not to result in a new impact or a substantial increase in magnitude of the existing impacts associated with construction haul trips in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. The incremental changes under the Modified Project of a reduction in building area of 1,100 square feet, increased height and the addition of 6 townhouse units would not require additional grading or increase the footprint of the existing building, would also not result in a new impact or a substantial increase in magnitude of existing construction-period noise impacts.

Traffic-Related Noise

In the Certified EIR for the Original Project, operational traffic noise was found to be *significant and unavoidable*. Marina Boulevard west of Aurora Drive would experience a noise increase greater than 3 dBA L_{dn} for all three traffic scenarios due to Original Project traffic and the resulting ambient noise level would be greater than 60 dBA L_{dn} , exceeding the City's exterior noise level for residential uses. The transportation analysis in the First Addendum found that revisions to the Original Project would result in a net decrease of 538 project-related daily trips compared to the Original Project. Furthermore, Mitigation Measure NOISE-3, which includes measures to minimize an increase in ambient noise levels in the vicinity of the project site above levels existing without the project, would be implemented for the Modified Project, as with the Approved Project. Therefore, the Modified Project, which would not result in a net increase of 6 housing units, would not result in a new impact or a substantial increase in magnitude of the Approved Project's impacts from traffic-related noise in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Stationary Noise

In the Certified EIR for the Original Project, and in the First Addendum, stationary noise impacts associated with HVAC systems, proposed outdoor activities and events associated with the hotel, landscaping, maintenance, and recreational activities were found not to exceed the City's noise standards. Noise from outdoor activities would be regulated by Chapter 4-1 of the City's Municipal Code. Stationary noise sources such as those related to outdoor amenities and mechanical equipment (e.g., HVAC) associated with the relocated hotel would be approximately 500 feet from the nearest existing sensitive receptors (residences). At this distance, noise from HVAC or outdoor conversations associated with outdoor hotel amenities would attenuate to levels below the existing noise environment and remain *less than significant*. Therefore, the Modified Project would not result in a new impact or a substantial increase in magnitude of the Approved Projects impacts from stationary noise in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

NOISE-b.

The Certified EIR for the Original Project found that short-term construction vibration impacts were *significant and unavoidable*. These short-term construction vibration impacts were identified to potentially cause architectural damage if construction techniques such as pile driving, rock blasting and the use of vibratory rollers occurred in close proximity to existing buildings and structures. Even after implementation of Mitigation Measure NOISE-2, which includes measures to avoid excessive groundborne vibration or groundborne noise levels vibration, impacts were found to remain *significant and unavoidable*. The First Addendum found that changes to the Original Project would not result in a significant change in construction equipment mix. The Certified EIR analyzed impacts due to potential pile driving, rock blasting and vibratory rollers within close proximity of surrounding sensitive receptors. Since the overall project construction boundary has not changed and no new types of developments are being proposed under the Modified Project, the Modified Project would not result in new significant impacts. Impacts would be similar to those analyzed in the Certified EIR and the requirement of Mitigation Measure NOISE-2 would remain.

NOISE-c.

The Certified EIR for the Original Project did not identify any private airstrips in the proximity of the project site. The location of the project site itself has not changed and no new private airstrips have been built since the Certified EIR in the proximity of the Modified Project.

The Certified EIR identified the project to be within the Oakland International Airport's influence area and exposed to noise from aircraft. However, no portions of the project site were found to be located within the 65 dBA CNEL noise contour and the only areas within the 60 dBA CNEL noise contour in the Original Project were the proposed restaurant and parking lot on Mulford Point, which were removed as part of the First Addendum. There are no new or updated noise contours showing that the Modified Project's proposed uses would be within 60 dBA CNEL noise contour. Therefore, the Modified Project, which does not increase the footprint of existing buildings, would not result in a new impact or a substantial increase in magnitude of the Approved Project's impacts to areas within proximity to a private airstrip, an airport land use plan, or within two miles of a public airport.

4.14 POPULATION AND HOUSING

4.14.1 IMPACTS ASSOCIATED WITH THE MODIFIED PROJECT

Would the project:

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of a Subsequent EIR/MND	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X	

Background:

2022 Appendix G Threshold

The CEQA Checklist Guidelines for Population and Housing has been updated since those used for the Certified EIR of the Original Project. The changes are detailed below:

XIV. POPULATION AND HOUSING

Would the project:

- a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?
- b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?
- ~~c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?~~

Comments:

POP-a.

The Original Project was estimated to generate 354 housing units and approximately 970 new residents under the assumption of 2.74 residents per housing unit. Using the same assumption, the Approved Project was estimated to generate approximately 1,329 residents from 458 housing units: a net increase of 131 housing units and 359 new residents compared to the Original Project estimate. The Modified Project would result in a net increase of 6 additional housing units and 16 additional residents which represents a 1.2 percent increase in housing units and population, compared to the Approved Project. Further, all increase in housing units and population is planned and implementation of the Modified Project would not induce substantial unexpected population growth, or growth for which inadequate planning has occurred,

Given the small increase in projected population growth from the Modified Project, approval would not result in a new impact or a substantial increase in magnitude of the existing impacts in terms of direct or indirect population growth.

POP-b.

In terms of displacing current residents or housing units on the project site, the Modified Project would have the same effect as the originally proposed project of displacing 16-20 people living on 10 boats in the harbor on the project site. The same analysis applied to the Original Project, of available housing in San Leandro plus the additional housing resulting from the project, can be applied to the Modified Project. The Modified Project would thus not result in a new impact or a substantial increase in magnitude of the existing impacts in terms of displacement of housing and people.

4.15 PUBLIC SERVICES

4.15.1 IMPACTS ASSOCIATED WITH THE MODIFIED PROJECT

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of a Subsequent EIR/MND	No Impact
a) Fire protection?				X	
b) Police protection?				X	
c) Schools?				X	
d) Parks?				X	
e) Other public facilities?				X	

Comments:

PUB-a.

The Original Project was determined in the Certified EIR to have a *less than significant* impact in terms of requiring additional fire services. This is in part because the two nearby fire stations that would service the project site had been replaced within the last twelve years when the Certified EIR was written (now 19 years as of 2022), and because Policy 45.05 of the San Leandro General Plan calls for the fire department to review proposed development plans to ensure that there is adequate emergency access, Fire Code requirements are satisfied, and that adequate levels of service can be maintained with implementation of the project. This policy is implemented through the development review process. Like the Approved Project, this review is also required of the Modified Project, so the Modified Project would not result in any new impacts or a substantial increase in impacts in terms of fire protection services upon approval by ACFD through the development review process.

PUB-b.

The San Leandro Police Department (SLPD) provides police services within the San Leandro city limits and the sphere of influence. The SLPD is located at 901 East 14th Street. Since the time the Certified EIR was completed, the San Leandro City Council approved a capital expenditure to renovate the existing police building and City's south offices within the Civic Center (where City Hall and the police station are

located) to expand police operations services in order to reduce overcrowding and keep up with demands for services from a growing San Leandro population. Construction began in early 2019 and was completed in late 2021.

The Modified Project would not increase retail or recreational opportunities above the amount included in the Approved Project. Additionally, as required by Policy CSF-1.5 of the most recent San Leandro General Plan, the SLPD would be required to review the development plans for the Modified Project to ensure that adequate levels of service can be provided. The Modified Project's addition of approximately 16 residents (over the Approved Project's addition of 1,329 new residents) would not result in the need for new or physically altered police protection facilities beyond those renovations completed in 2021 and thus does not constitute a new impact or a substantial increase in impacts compared to the Original Project.

PUB-c.

As described in the Certified EIR, California Education Code Section 17620 allows school districts to levy fees against new construction projects, which would generate students that would use district school facilities. The most current developer school impact fees are levied by the San Leandro Unified School District (SLUSD) at the rate of \$4.79 per square foot for residential construction and \$0.66 per square foot for commercial/industrial construction.¹⁶ Due to the additional increase of 6 residential units of the Modified Project, the developer school impact fees would be slightly greater than those required for the Approved Project. According to California Government Code Section 65995(h), the payment of statutory mitigation fees is "deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization...on the provision of adequate school facilities." Since these conditions remain the same for the Modified Project, the Modified Project would result in no new impacts or a substantial increase in magnitude of existing impacts compared to the Original Project in terms of requiring new or modified school facilities.

PUB-d.

The modifications from the First Addendum, included an additional 6+ acres of park space compared to the Original Project, with an additional approximately 9 acres of publicly accessible trails, landscaped areas, access drives, and parking lots throughout the project area. As noted in Section 4.14 of this checklist, the Modified Project would add 16 additional residents, representing an increase of 1.2 percent of the total projected population and would not result in a net decrease in park space or open space areas. This incremental amount would therefore not introduce new impacts or increase impacts associated with parks services compared to the Approved Project.

PUB-e.

For other public services, the Approved Project includes provisions for demolishing and reconstructing the Mulford-Marina library branch, which would be approximately 2,500 square feet in size and would

¹⁶The fees are effective on June 1, 2022. San Leandro Unified School District. 2022. SLUSD Developer Fee Information. Available online at <https://www.slusd.us/slusd/district-divisions-departments/business-operations-division/developer-fee-information/>, accessed May 11, 2022.

include a community meeting space constituting approximately 500 square feet of additional space compared to the existing library. Since these provisions unchanged by the Modified Project, the Modified Project would therefore not introduce new impacts or increase impacts associated with other public services compared to the Original Project.

4.16 RECREATION

4.16.1 IMPACTS ASSOCIATED WITH THE MODIFIED PROJECT

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of a Subsequent EIR/MND	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X	

Comments:

REC-a.

As noted in Section 4.14 of this checklist, the Modified Project would add 16 additional residents, representing an increase of 1.2 percent of the total projected population. This incremental amount would therefore not introduce new impacts or increase impacts associated with recreation services compared to the Approved Project.

REC-b.

The Modified Project does not include any changes to the proposed recreational facilities included in the Approved Project. Therefore, the Modified Project would thus not result in a new impact or a substantial increase in magnitude of the existing impacts in terms of introducing new recreational facilities or expanding existing recreational facilities in a way that could harm the environment.

4.17 TRANSPORTATION

4.17.1 IMPACTS ASSOCIATED WITH THE MODIFIED PROJECT

Would the project:

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of a Subsequent EIR/MND	No Impact
a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?				X	
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?				X	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X	
d) Result in inadequate emergency access?				X	

Background:

2022 Appendix G Threshold

The CEQA Checklist Guidelines for Transportation has been updated since those used for the Certified EIR of the Original Project. The changes are detailed below:

XVII. TRANSPORTATION/~~TRAFFIC~~

Would the project:

- Conflict with an applicable program plan, ordinance or policy establishing measures of effectiveness for the performance of addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? ~~taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?~~
- Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)(1)? ~~Conflict with an applicable congestion management program, including, but not limited to~~

~~level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?~~

- ~~c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?~~
- c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?
- d) Result in inadequate emergency access?
- ~~f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?~~

Comments:

TRAF-a.

Circulation and Roadway System

The First Addendum found that project modifications would result in fewer traffic trips compared to the Original Project during all time periods, and based on the net reduction in trips, it was likely that the transportation impacts from the modifications will be similar or lower than in the Certified EIR. For the purpose of this Third Addendum, the assumption is that all mitigation measures shall continue to be required of and implemented for the Modified Project. Therefore, with an incremental increase of 6 housing units and a decrease of 1,100 square feet of building area, the Modified Project would not result in a new impact or a substantial increase in magnitude of the existing impacts which would conflict with a program, plan, ordinance, or policy addressing the circulation system or roadway.

Bicycle and Pedestrian Facilities and Public Transit

The Certified EIR for the Original Project, and the First Addendum concluded that impacts to transit, were *less than significant*, with implementation of Mitigation Measure TRAF-2C which requires designing roundabouts to accommodate AC Transit buses to would improve transit travel times through the intersections impacted by the approved Project. These findings would also apply for the Modified Project, given the incremental addition of 16 residents to the project area.

The Certified EIR for the Original Project, and the First Addendum concluded that other impacts to transit, roadway, bicycle and pedestrian facilities were *less than significant*. These findings would also apply for the Modified Project, which only results in a net increase of 6 housing units and does not further affect transit pathways. and therefore, with the implementation of Mitigation Measure TRAF-2C, the Modified Project would not result in a new impact or a substantial increase in magnitude of the existing impacts which would conflict with a program, plan, ordinance, or policy addressing transit, bicycle, and pedestrian facilities.

TRAF-b.

The updated 2019 CEQA Guidelines Checklist for Transportation has been amended to include changes to the way that transportation impacts are analyzed pursuant to Senate Bill (SB) 743. The amended CEQA Guidelines for Transportation provide an alternative to LOS for evaluating transportation impacts and recommend analysis methodology and thresholds. SB 743 did not change the discretion that lead agencies have to select methodology or define their own significance thresholds; however, the Governor's Office of Planning and Research (OPR) has recommended potential metrics to measure

transportation impacts that include, but are not limited to, “vehicle miles traveled (VMT), VMT per capita, automobile trip generation rates, or automobile trips generated.”¹⁷¹⁸ OPR selected VMT as the preferred metric with July 1st, 2020 as the statewide implementation date. Agencies may opt-in use of new metrics prior to that date.¹⁹

The City has not formally adopted a significance criterion, however, the First Addendum found that the trip generation analysis for the modifications under the First Addendum would generate less trips than the Original Project, the VMT for the Modified Project would likely be lower than that for the Original Project. Based on this net reduction in trips and reduction in VMT, the Modified Project consisting of 6 additional residential units will result the same or less impacts than were disclosed in the Certified EIR and evaluated in the First Addendum. Furthermore, it is likely the same Certified EIR mitigations will still apply, though without further detailed analysis, it is undetermined which of those mitigations would no longer be necessary. However, for the purpose of this Addendum, the assumption is that all mitigation measures shall continue to be required of and implemented for the Modified Project. Therefore, the Modified Project would not result in a new impact or a substantial increase in magnitude of the existing impacts putting it in conflict or inconsistency with CEQA Guidelines section 15064.3, subdivision (b).

TRAF-C.

The Certified EIR and the First Addendum found that the Original Project and Approved Project would have *no impact* from hazards from incompatible uses. This would remain for the Modified Project. However, the Certified EIR found that the location of the proposed northern driveway of the North Golf Course Residential component of the Original Project presents a potential sight distance challenge for cars pulling out of the driveway and would constitute a *significant* impact. Implementation of Mitigation Measure TRAF-4A would reduce this impact to *less than significant* by removing the North Golf Course northern driveway from the project plans. This Mitigation Measure would also be implemented for the Modified Project. The Certified EIR also found that 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. Implementation of Mitigation Measure TRAF-4B in coordination with TRAF-1D would reduce this impact to *less than significant* by moving the Southern Driveway of the North Golf Course residential component to the north, to form a standard four-legged intersection. These Mitigation Measures would also be implemented for the Modified Project. Furthermore, no new design features are proposed. Therefore, with the implementation of these Mitigation Measures, the Modified Project would not result in a new impact or a substantial increase in magnitude of the existing impacts as they relate to increased hazards due to a geometric design feature or incompatible uses.

¹⁷ Governor’s Office of Planning and Research. 2020. Available online at <http://opr.ca.gov/ceqa/updates/sb-743/>, accessed January 22, 2020.

¹⁸ California Legislative Information. 2013. Available online at http://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB743, accessed January 22, 2020.

¹⁹ California Department of Transportation. 2020. Available online at <https://dot.ca.gov/programs/transportation-planning/office-of-smart-mobility-climate-change/sb-743>, accessed January 22, 2020.

TRAF-d.

The Certified EIR found that the Original Project concept design is required to comply with all City roadway and access standards as well as other requirements in the California Fire Code and California Vehicle Code. As with the Original Project, the Modified Project is well-served by public streets and access to the project site from Fairway Drive and Monarch Bay Drive remains the same. Therefore, due to the same roadway access and based on the concept plan, the Modified Project would not result in a new impact or a substantial increase in magnitude of the existing impacts as they relate to emergency access.

4.18 TRIBAL CULTURAL RESOURCES

4.18.1 IMPACTS ASSOCIATED WITH THE MODIFIED PROJECT

- a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of a Subsequent EIR/MND	No Impact
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or				X	
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.				X	

Background:

2022 Appendix G Threshold

The CEQA Checklist Guidelines for Tribal Cultural Resources were added since those used for the Certified EIR of the Original Project.

Comments:

TRIB-i, ii.

The 2015 Certified EIR was prepared before the 2019 updated CEQA checklist addition of analysis on Tribal Cultural Resources. However, criteria a) was addressed in Chapter 4.4, Cultural Resources for the Original Project, as described in the Certified EIR, and was reduced to a *less than significant* impact through implementation of Mitigation Measure CULT-1. As with the Approved Project, no known

archeological resources, ethnographic sites or Native American remains are located on the project site. However, there remains the possibility that these are present. Therefore, Mitigation Measure CULT-2 to avoid impacts to archaeological resources and Mitigation Measure CULT-4 to avoid impacts to human remains would be implemented for the Modified Project, as with the Approved Project. Therefore, with the implementation of mitigation measures prescribed in the Certified EIR, the Modified Project would not result in a new impact or a substantial increase in magnitude of the existing impacts as they relate to Tribal Cultural Resources.

Pursuant to Senate Bill 18 and with consideration to Assembly Bill 52, the Native American Heritage Commission (NAHC) was consulted by the City of San Leandro and a list of Native American Tribes was sent to the City by the NAHC on November 15th, 2019. The City of San Leandro has performed their due diligence by contacting each of the Tribes on the list to notify them of the project. The City has not received a request for consultation from any of the contacted Native American Tribes and an addendum to an EIR is not an environmental document that triggers additional consultation requirements under AB 52.

4.19 UTILITIES AND SERVICE SYSTEMS

4.19.1 IMPACTS ASSOCIATED WITH THE MODIFIED PROJECT

Would the project:

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of a Subsequent EIR/MND	No Impact
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?				X	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?				X	
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				X	
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?				X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?				X	

Background:

2022 Appendix G Threshold

The CEQA Checklist Guidelines for Utilities and Service System has been updated since those used for the Certified EIR of the Original Project. The changes are detailed below:

XIX. UTILITIES AND SERVICE SYSTEMS.

Would the project:

- ~~a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?~~
- a) Require or result in the relocation or construction of new or expanded water, or wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities or expansion of existing facilities, the construction or relocation of which could cause significant environmental effects?
- ~~c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?~~
- b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years from existing entitlements and resources, or are new or expanded entitlements needed?
- c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?
- d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?
- e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Comments:

UTIL-a, b, c, d, e.

Compared to the impacts described in the Approved Project, the addition of 6 housing units would not require major or minor modifications or additions to existing water, wastewater treatment/storm drainage, electric power, natural gas or telecommunications facilities at the project site that are different than those required for the Approved Project site plan. This is primarily because the project site has been previously developed and already includes significant utility infrastructure. In addition, the Modified Project would not change the uses of the Approved Project. With a reduction of 1,027 square feet of commercial building area, and a net increase of 6 townhouse units, small increase in demand for water would be within the overall range of the demand estimated in the First Addendum, which projected an increased demand of approximately seven percent.

The Certified EIR for the Original Project notes that although creation of new or extended water distribution pipes or wastewater pipes or lift stations/capacities could create short-term construction-related environmental effects (e.g. noise, dust, traffic, temporary service interruption, etc.); most of the

work would be in existing public rights-of-way or facilities, and would be subject to compliance with applicable regulations and standard conditions for sewer construction projects, including City permits/review for construction within public rights-of-way (e.g., grading permits, private development review, encroachment permits, etc.). This consideration would also apply to the creation of new or extended electrical service drops and/or gas lines, which would have similar requirements to comply with applicable regulations and standard conditions for utility construction projects, including City permits/review for construction within public rights-of-way. These regulations and conditions would require new construction to include best management practices that require construction activities to minimize dust generation by watering the construction area, limit construction noise to daytime hours to limit exposure to sensitive receptors and use modern equipment to limit emissions. In addition, San Leandro General Plan policies regarding infrastructure and development impacts, would further ensure any potential adverse physical effects of these activities would remain *less than significant* for the Modified Project and, therefore, the Modified Project would not result in different impacts or a substantial increase in existing impacts in terms of expanding or extending utilities on the project site through the minimization measures reflected above.

4.20 WILDFIRE

4.20.1 IMPACTS ASSOCIATED WITH THE MODIFIED PROJECT

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of a Subsequent EIR/MND	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?					X
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?					X
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?					X
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?					X

Background:

2022 Appendix G Threshold

The CEQA Checklist Guidelines for Wildfire were added since those used for the Certified EIR of the Original Project.

Comments:

WILD-a, b, c, d.

The Original Project EIR was completed in 2015, before assessment of wildfire risk was required as part of all project EIRs. The First Addendum evaluated the Modified Project based on the thresholds of significance outlined in the most recent CEQA guidelines.

The State of California’s Department of Forestry and Fire Protection (CAL FIRE) ranks areas within all “state-responsibility zones”—unincorporated areas in California for which the State is responsible for fire protection—by moderate, severe, and very severe fire hazard risk. This ranking system is based on fuels (vegetation type and densities), terrain (fires spread faster over steeper topography), weather (e.g., wind and precipitation), and other relevant factors. Areas in State Responsibility Zones tend to be at higher risk for wildfire since they are most often in areas with wildland-urban interface—areas on the fringes of urban development containing significant development (e.g., houses) adjacent to wild vegetation. These areas often have higher winds than urban areas due to the lack of nearby tall buildings, as well as steeper topography, which both contribute to increased fire hazard risk.

The most recent (2022) CEQA Guidelines state that the project must be evaluated using the criteria a,b,c and d in the above table “If (the project is) located in or near state responsibility areas or lands classified as very high fire hazard severity zones.” As stated in the Original Project EIR, the project site lies along the eastern margin of San Francisco Bay on the low-lying coastal plain and adjacent filled portions of the bay. The Project site is surrounded by urbanized San Leandro to the east and the San Francisco Bay to the west. Areas of high or very high fire risk in San Leandro are confined to the City’s eastern hillsides on the City’s easternmost edge, approximately 3.5 miles east of the project site, which is located on San Leandro’s westernmost edge adjacent to the Bay. The Modified Project site is far from any Wildland-Urban Interface zones or fire hazard severity zones that are “high” or “very high” in or near San Leandro. This is true of both the Approved Project and the Modified Project, which does not change the boundaries or location of the Project site. Therefore, the Modified Project is determined to have *no impact* in terms of Wildfire risk.

4.21 MANDATORY FINDINGS OF SIGNIFICANCE

Environmental Issues	Substantial Change in Project Requiring Major EIR/MND Revisions	Substantial Change in Circumstances Requiring Major EIR/MND Revisions	New Information Showing New or Increased Significant Effects	Less Than Significant Impacts/No Changes or New Information Requiring Preparation of a Subsequent EIR/MND	No Impact
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?				X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?				X	

Background:

2022 Appendix G Threshold

The CEQA Checklist Guidelines for Mandatory Findings of Significance has been updated since those used for the Certified EIR of the Original Project. The changes are detailed below:

XXIX. MANDATORY FINDINGS OF SIGNIFICANCE.

Would the project:

- a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community,

substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?
- c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Comments:

MAN-a.

Based on the preceding discussion and the Certified EIR, and the First Addendum, it has been determined that the Modified Project is consistent with the analysis of the Certified EIR and First Addendum. Implementation of the Modified Project, which increases the height of certain buildings, adds 6 net new housing units (within the footprint of the existing proposed buildings) but decreases overall building area, would not result in a new impact or a substantial increase in magnitude of any impact related to the degradation of the environment, reduction in the habitat of a fish or wildlife species, causation of a fish or wildlife population to drop below self-sustaining levels, elimination of a plant or animal community, substantial reduction of the number or restriction of the range of a rare or endangered plant or animal or elimination of important examples of the major periods of California history or prehistory.

MAN-b.

According to the Certified EIR and the First Addendum, the Original Project would have resulted in a *less than significant* impact related to cumulative impacts, with exception to the *significant and unavoidable* impacts from GHG Emissions. Impacts of the Original Project would have been mitigated to *less than significant* levels through Mitigation Measures AIR-2 and AIR-5 for cumulative Air Quality impacts, BIO-1A, BIO-1B, BIO-1C, BIO-3, BIO-5A, and BIO-5B for cumulative Biological Resources impacts, and GHG-1A through GHG-1F for cumulative impacts related to energy generation and conservation from Utilities and Services Systems impacts. Mitigation Measures GHG-1A through GHG-1F for cumulative GHG emissions impacts were implemented, however the impacts remained *significant and unavoidable*. Therefore, the Original Project would not have been expected to contribute to significant cumulative impacts, with exception to GHG Emissions. The Modified Project would also have *less than significant* impacts with the incorporation of the aforementioned mitigation measures found within the Certified EIR for the Original Project, with exception to those cumulative impacts found from GHG Emissions. Therefore, the Modified Project would not contribute to significant cumulative impacts, in exceedance of those identified in the Certified EIR and First Addendum, when considered along with other impacts or other reasonably foreseeable projects or when considered with the overall buildout under the City's General Plan. Therefore, implementation of the Modified Project would not result in a new impact or a substantial increase in magnitude of the impact related to cumulative impacts.

MAN-c.

As discussed in the approved Certified EIR and the First Addendum, the Approved Project would have resulted in *significant and unavoidable* impacts to GHG Emissions, Transportation, and Noise that could not be mitigated to a *less than significant* level. As discussed in the GHG Emissions, Transportation, and Noise sections of this Addendum, the Modified Project would not result in a new significant and unavoidable impact that was not previously addressed within the Certified EIR for the Original Project and the First Addendum. Therefore, implementation of the Modified Project would not result in a new impact or a substantial increase in magnitude of the impact related to environmental effects that would cause substantial adverse effects on human being, either directly or indirectly.

5. *List of Preparers*

City of San Leandro

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