

ATTACHMENT D

ALTERNATIVES FINDINGS

CEQA provides that decision-makers should not approve a project as proposed if there are feasible alternatives or feasible mitigation measures that would substantially lessen the significant impacts of the project (CEQA Section 21002). The EIR identified feasible mitigation measures that would reduce most of the potentially significant impacts to less than significant, as further set forth in the Attachment C findings above. However, the following impacts in the EIR remain significant after mitigation (i.e., significant and unavoidable) and no feasible mitigation or project alternative is identified to reduce impact to less than significant:

- 1) Impact GHG-1: Implementation of the Project would directly or indirectly generate GHG emissions that may have a significant impact on the environment.
- 2) Impact GHG-3: Implementation of the Project would directly or indirectly generate GHG emissions that may have a cumulatively considerable and therefore significant impact on the environment.
- 3) Impact NOISE-2: Implementation of the Project could result in the exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.
- 4) Impact NOISE-3: Implementation of the Project would result in a substantial permanent increase in ambient noise levels in the vicinity of the project site above levels existing without the Project.
- 5) Impact TRAF-2A: The proposed Project would cause the I-880 northbound segment north of Davis Street to reduce from LOS E to LOS F in the PM peak hour under Year 2020 conditions.
- 6) Impact TRAF-2B: The proposed Project would cause the volume-to-capacity (v/c) ratio on the northbound segment of Doolittle Drive, which would operate at Level of Service (LOS) F, to increase by 0.06 under Year 2020 conditions and by 0.04 under Year 2035 conditions in the PM peak hour.
- 7) Impact TRAF-7B: The addition of traffic associated with implementation of the proposed Project would cause I-880 southbound ramps and Marina Boulevard (#14) to reduce to LOS E during both AM and Saturday peak hours, and would further reduce the service levels from LOS E to LOS F in the PM peak hour, under Near-Term Cumulative Conditions.
- 8) Impact TRAF-7C: The proposed Project would cause operations at the intersection of San Leandro Boulevard and Marina Boulevard (#18) to reduce from LOS D to LOS E in the AM peak hour, adding to the existing substandard LOS F in the PM peak hour and cause the volume-to-capacity (v/c) ratio to increase by 0.07 under Near-Term Cumulative Conditions.

- 9) Impact TRAF-7I: The proposed project would cause the operations at the intersection of I-880 southbound ramps and Marina Boulevard (#14) to further reduce the level of service in the PM and Saturday peak hours causing the volume-to-capacity (v/c) ratios to increase by 0.06, which is higher than the 0.05 allowed by the City.
- 10) Impact TRAF-7J: The proposed Project would add to the Long-Term Cumulative No Project substandard LOS F operations at the intersection of San Leandro Boulevard and Marina Boulevard (#18) and cause the v/c ratio to increase by 0.07 in the AM peak hour and 0.10 in the PM peak hour.

In compliance with CEQA, the following findings address whether there are any feasible alternatives or any additional feasible mitigation measures available that would reduce the significant and unavoidable impacts identified in the EIR for the Project to less than significant.

FINDINGS CONCERNING ALTERNATIVES

CEQA requires that an EIR "describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project ..." (CEQA Guidelines Section 15126.6(a)). "If a project alternative will substantially lessen the significant environmental effects of a proposed project, the decision-maker should not approve the proposed project unless it determines that specific economic, legal, social, technological, or other considerations, ... make the project alternative infeasible." (CEQA Sections 21002 and 21081(a)(3), and CEQA Guidelines Section 15091(a)(3).) The City Council hereby makes these findings with respect to alternatives.

The Project objectives are set forth in Chapter 3 of the Draft EIR. Alternatives are identified and analyzed in Chapter 6 of the Draft EIR and include the required No Project Alternative, a Relocated Hotel Alternative, and a Reduced Density/Intensity Alternative. Each of the alternatives was assessed for each resource topic and compared to potential Project impacts. As further set forth below, the City Council has considered the alternatives identified and analyzed in Chapter 6 of the Draft EIR and finds that they will not substantially lessen the Project's significant unavoidable effects and/or are infeasible for specific economic, social, or other considerations pursuant to CEQA Sections 21002 and 21081(a)(3), and CEQA Guidelines Section 15091(a)(3). For CEQA purposes, "feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors. (CEQA Section 21061.1, CEQA Guidelines Section 15364.)

Alternative #1: No Project Alternative

CEQA Guidelines Section 15126.6(e) requires that a "No-Project" alternative be evaluated as part of an EIR. Under the No Project Alternative, the existing uses and buildings would remain unchanged, including continued operation of the boat harbor. As mentioned above, the existing land use and zoning designations would allow for additional development under this alternative; however, due to market uncertainties and the speculative nature of future development, this alternative assumes no further development would occur.

Under this alternative, the existing uses of the Project site include a 131-room Marina Inn, Horatio's Restaurant, and El Torito Restaurant would remain. Additionally, the 462-slip public boat harbor with separate boat launch and support operations, and two private yacht clubs would remain unchanged under this alternative. The approximately 1,950 parking spaces throughout the Shoreline Recreational Area would remain unchanged. Under the No Project Alternative, proposed improvements such as removing the boat harbor, adding new housing units, new restaurants, commercial and retail uses, a new parking structure, and public amenities, including a community building/library, aquatic center, and enhanced shorelines would not occur.

By eliminating project construction and operation, the No Project Alternative would eliminate all the significant and unavoidable impacts of the Project on greenhouse gas emissions, noise and traffic. The No Project Alternative would not create any new significant impacts.

The No Project Alternative avoids the project's significant and unavoidable impacts; however, the City finds this alternative infeasible because it would not meet any of the Project's objectives. Although the No Project Alternative would conceivably allow for some development to occur under existing land use and zoning designations, as stated above, due to market uncertainties and the speculative nature of future development, this alternative assumes no further development would occur; therefore, enhanced and new public amenities are unlikely to be provided under the No Project Alternative. Further, this alternative would not result in an economically viable and vibrant mixed-use development. Therefore, the No Project Alternative would not meet the Project objectives.

Finding: The City Council considered the No Project Alternative and declines to adopt it because it is inconsistent with the Project objectives and is infeasible for the specific economic, social, or other considerations described above, as supported by the administrative record for the Project.

Alternative #2: Relocated Hotel Alternative

The Relocated Hotel Alternative would be relocated from its proposed location on Mulford Point Drive to another location within the project site that could

accommodate the hotel. Although Chapter 4.1, Aesthetics, of this Draft EIR, found less-than-significant impacts with regard to the hotel's impact on the character of the site and its surroundings as well as a less-than-significant impact on a scenic vista, the Relocated Hotel Alternative was considered to address concerns raised by the public regarding the location of a hotel on Mulford Point. Under this alternative, all other components proposed by the Project, such as square footage, residential units, hotel rooms, and other development of the Project would remain the same. Because of its similarities to the Project use, density, and conceptual site plan, this alternative would meet the Project objectives. However, as described in the Draft EIR, this alternative would also have generally the same impacts as the Project and would not reduce or avoid any of the Project's significant unavoidable environmental impacts related to GHG, noise or traffic. All of the Project's unavoidable impacts would remain unavoidable under this alternative.

Finding: The City Council considered the Relocated Hotel Alternative and declines to adopt it because it will not avoid or substantially lessen the Project's significant unavoidable impacts; all of the unavoidable impacts would remain under this alternative. For this reason, this alternative will not substantially lessen the significant environmental effects of the proposed project.

Alternative #3: Reduced Density/Intensity Alternative

Under this alternative, Project components, including the office, retail, restaurant, convention center residential units, the community library and hotel rooms would be reduced by 25 percent over what is proposed under the Project. The Reduced Density/Intensity Alternative was considered in order to reduce potential impacts to air quality, GHG emissions, noise, population and housing, and traffic that were identified for the Project. The Reduced Density/Intensity alternative is compatible with the Project objectives to provide for a mix of uses. The mix of uses would allow the residential, non-residential and recreational uses to interact and support one another. The reduced density/intensity, however, is not likely to support the development economically. The Shoreline area has long been the subject of City and public planning. Smaller and limited use projects were approved in the past, but were never built because they could not obtain financing. One of the major concerns for the public Shoreline advisory groups over the last decade has been evaluating what mix, proportion and level of uses and intensity would be successful. Ultimately, the advisory groups recommended the mix and intensity of the proposed Project as the most likely level of development to generate enough economic activity to be viable. The City's past history with approved but unbuilt projects and the advisory groups consideration of various levels and mixes of intensity suggests that the reduced density/intensity alternative would not be economically viable and thus, would not achieve one of the Project's primary objectives. As such, this alternative would

not be feasible. In any case, this alternative reduces but does not avoid any of the Project's unavoidable impacts.

Finding: The City Council considered the Reduced Density/Intensity Alternative and declines to adopt it because it will not avoid or substantially lessen the Project's significant unavoidable impacts and is infeasible for the specific economic, social, or other considerations described above, as supported by the administrative record for the Project.

Alternatives considered but rejected for further analysis.

Section 6.3 in the Draft EIR identifies two alternatives that were considered but were determined to not even be potentially feasible. As such, the Draft EIR was not required to analyze them further. The Off-site Alternative would not provide development at the Shoreline, and the Hotel Removal Alternative would remove one of the main proposed uses even though the Urban Decay analysis in Draft EIR Appendix B showed that an additional hotel could be accommodated without significant impact.

Two other alternatives were suggested in public comments on the Draft EIR, one for a single-use alternative and one for a 50/75% reduction in density. For the reasons stated in the related Final EIR responses to comments, these alternatives were not potentially feasible and were not required to be analyzed further.

Finding: The City Council considered the above alternatives but declines to adopt them as they were not shown to be potentially feasible.