MINUTE ITEM
This Calendar Item No. 53
was approved as Minute Item
No. 53 by the State Lands
Commission by a vote of 3
to 0 at its 11-9-93
meeting.

CALENDAR ITEM

53

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DREDGING LEASE
CITY OF SAN LEANDRO, ALAMEDA COUNTY

APPLICANT:
Roberts Landing, Inc.
dba Citation Homes Central
404 Saratoga Avenue, Suite 10
Santa Clara, California 95050

AREA, TYPE LAND AND LOCATION:
A 3-acre parcel of land at Roberts Landing Slough in the City of San Leandro, Alameda County.

LAND USE:
Removal of 20,770 cubic yards of filled levee bench and adjacent materials, and dredging of 2,030 cubic yards to widen Roberts Landing Slough for purposes of wetland enhancement and restoration. The dredged material will be used to create five Salt Marsh Harvest Mouse islands on a larger surrounding site which is also owned by the State Lands Commission.

PROPOSED PERMIT TERMS:
Initial period:
Five years beginning January 1, 1994.

BACKGROUND:
The State, acting by and through the State Lands Commission (SLC), acquired sovereign ownership interests in 172 acres known as the Habitat Enhancement Parcel ("State Parcel") pursuant to a Compromise Title Settlement Agreement between the State, the City of San Leandro (City), and Citation Homes, Inc. (Citation). The State Parcel is described in Exhibit "A", attached hereto and incorporated herein by this reference. The State interests in the State Parcel consist of sovereign fee ownership of 144, acres and an easement for open space and habitat over 28 acres, fee title to which is in the City.

As part of the above-mentioned title settlement agreement and past mitigation requirements placed on the City by the United

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States Army Corps of Engineers for dredging in the City's marina, the City is required to complete and maintain a Water Circulation and Drainage Plan for the State Parcel. The City has filed an incomplete application requesting a permit from the SLC for implementation of the plan at a future date.

Citation has prepared a Mitigation and Monitoring Plan which, in part, proposes to widen Robert's Landing Slough (see attached Exhibit "B") to move water through the State Parcel to a more landward parcel in which Citation's interests were established pursuant to the agreement referred to above. The lease application now before the Commission proposes physical modifications which will restore tidal regime to this more inland property known as Citation Marsh and will lower the levee between the State and Citation properties to create new wetlands. This levee was created in 1985 by using dredged material from the City's dredging project.

Although the City's Water Circulation and Drainage Plan and Citation's Mitigation and Monitoring Plan are designed to operate in concert, the Citation work can be done separately. The Monitoring and Mitigation Plan consists of a construction phase, a performance monitoring phase (with specific performance criteria), and a long-term maintenance phase. Financial assurances for both construction and long-term maintenance are a part of the Mitigation and Monitoring Plan. As part of the larger project, Citation and the City of San Leandro will also provide for the improvement of a public access road linking Lewelling Boulevard to the State Parcel and a trail to the terminus of the existing paved portion of the San Leandro Shoreline Trail.

Implementation of the City's Circulation plan will result in the introduction of tidal action to the State Parcel with the goal of recreating, to the maximum extent possible, the historic conditions which existed before levees isolated the marshes from tidal influence. Seasonal, as well as tidal, wetland conditions for migrating and winter resident shorebirds and waterfowl will be restored, or enhanced where already present, and for the construction of elevated refugial islands in the North Marsh is designed to increase habitat of the endangered Salt Marsh Harvest Mouse. Abuse to the sensitive areas from off-trail activities, such as motor biking, will be substantially curtailed when water is reintroduced to the marsh areas and public access is formally restricted. The City's Circulation plan was developed with the cooperation of the United States Fish and Wildlife Service,

California Department of Fish and Game, United States Army Corps of Engineers, and SLC staff.

Citation's Mitigation and Monitoring plan will provide environmental benefits to the Citation property and the State Parcel. The plan has been developed after study of the area and extensive review over the past four years by various interested federal, State and local agencies.

The major features of Citation's plan are the wetland restoration of the central levee, extension of the Roberts Landing Slough Channel from the Bunker Marsh through the State Parcel to the Citation property, and the enhancement of the Citation Marsh (106 acres) to an optimum wetland state. These features are intended to enable the entire Roberts Landing area to function as one integrated wetland environment. As part of the slough construction, approximately three (3) acres of the State Parcel will be restored to wetland condition. The proposed higher elevations found in the Citation Marsh are into provide substantial upland habitat for the Salt Marsh Harvest Mouse. Modification of the central levee will not only maintain a hydrological barrier between the North Marsh and Citation Marsh, but will eliminate all vehicular access to the area, except as provided through a shoreline trail.

Summary of the Citation Project on the State Parcel:

1. Dredge Roberts Landing Slough from San Lorenzo Creek to the end of the City's Circulation Plan area approximately 1000 ft. up stream of the proposed levee cut into the Bunker Marsh. Continue the slough channel an additional 650 ft. north to the Lewelling Boulevard extension. The channel will be 34 ft. wide at San Lorenzo Creek and 28 ft. wide at Bunker Marsh, with a constant bottom of -2.0. The upstream section to Lewelling Boulevard will be 20 ft. wide, with a bottom elevation of -1.0.

2. Install four 4-ft. diameter corrugated metal pipe culverts in a riprapped levee at the Lewelling Boulevard extension, removing the timber bridge at that location. All culverts can be closed in a water quality emergency. Also, install debris screen across the channel downstream from the culverts.

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3. Reduce elevation of the levee between Citation's Marsh and the North Marsh and a 1-acre area adjoining the levee to 4.0 ft. NVGD. This lowered section will run along the entire east boundary of the North Marsh, from the Lewelling extension to the south end of the City's dredge spoils disposal site.

4. Construction details are set forth in the Technical Memorandum of Construction Plan which is on file at the Sacramento office of the State Lands Commission.

Performance monitoring of Citation's project on the State Parcel and Citation Marsh will be carried out for a minimum of five years following construction in order to assess restoration progress and verify satisfaction of enhancement objectives. Monitoring reports will be prepared by Citation or their consultants and submitted to the United States Army Corps of Engineers on an annual basis with circulation to all agencies which have jurisdiction, including the State Lands Commission. Specific performance criteria have been agreed to and developed to monitor the success of hydrological, sedimentation, and vegetation features of the Plan. Specific corrective measures such as replanting and rechanneling are provided as well. Salt Marsh Harvest Mouse trappings, bird counts, and tests of soils salinity will be regularly made to measure success of the goals of the plans. Tide gates will be temporarily equipped with automated recording gages to compare actual tide heights with modeled tide heights, thus providing information necessary for periodic adjustment(s) to the system, as required.

Citation will provide financial assurances to the U.S. Army Corps of Engineers to guarantee completion and long-term maintenance in amounts agreed to by the involved regulatory agencies. The City will assume long-term management responsibilities for both the State Parcel and the Citation Marsh parcel.

Citation has submitted, as part of its application, a Preliminary Endangerment Assessment (PEA) prepared for the Department of Toxic Substance Control (DTSC) and the Regional Water Quality Control Board (RWQCB). In response to an inquiry by SLC staff, RWQCD has, by letter received at SLC on October 14, 1993, stated that the likelihood that significant migration of pollutants from

the Trojan Explosives Manufacturing Complex, or the subsequent fill of the site, to the State Parcel is extremely low. The Board has noted that its remediation plan based on additional investigation of the Citation Marsh will eliminate any possibility of toxic migration. Regarding the dredging which is the subject of this Calendar Item, the Board has noted that there is no significant ecological risk from soil pollutants in proceeding with the Circulation and Drainage Plan on the State Parcel.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

AB 884:

12/22/93

OTHER PERTINENT INFORMATION

1. The City of San Leandro certified Final SEIR, SCH 93053062, on March 20, 1989, which action also included the adoption of CEQA Findings and a Statement of Overriding Considerations. The CEQA Finding and Statement of Overriding Considerations are contained in Exhibit "C", identified as the City of San Leandro, Resolution No. 92-100.

2. Staff has reviewed such material and has determined that the potential adverse environmental impacts which are identified to occur on State-owned land would be mitigated to a less-than-significant level by the provisions within this project and the Mitigation and Monitoring Plan and that the impacts for which the City adopted its Statement of Overriding Considerations will not occur on State-owned land.

3. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. However, the Commission has declared that all tide and submerged lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of P.R.C. 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding

of the project's consistency with the use classification as required by 2 Cal. Code Regs. 2954 is not applicable.

4. Any dredge spoils removed from the State parcel and not used for public health and safety purposes or for marsh restoration will have a minimum charge of $.25 per cubic yard.

APPROVALS OBTAINED:
City of San Leandro.

FURTHER APPROVALS REQUIRED:
San Francisco Bay Conservation and Development Commission, Approval of Mitgation and Monitoring Plan by the United States Army Corps of Engineers, and the Approval of Conditions from the Regional Water Quality Control Board.

EXHIBITS:
A. Plat of Settlement Parcels
B. Site Map
C. Findings

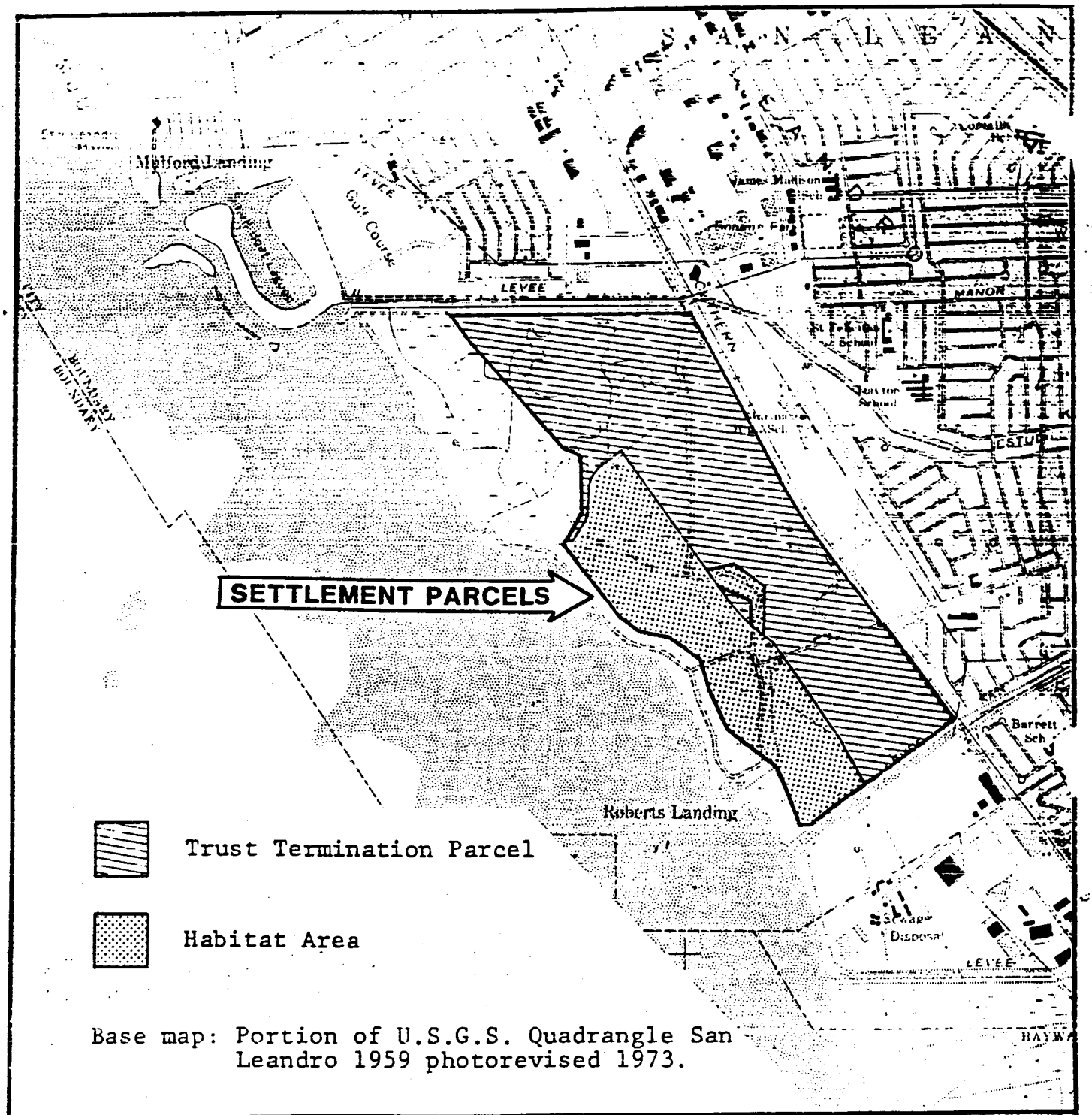
IT IS RECOMMENDED THAT THE COMMISSION:

1. CERTIFY THAT AN EIR WAS PREPARED FOR THIS PROJECT AND THAT A MITIGATION AND MONITORING PLAN WAS SUBSEQUENTLY ADOPTED BY THE CITY OF SAN LEANDRO AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

2. ADOPT THE FINDINGS, MADE IN CONFORMANCE WITH SECTION 15096(h) OF THE STATE CEQA GUIDELINES, AS CONTAINED IN EXHIBIT "C", ATTACHED HERETO; EXCEPTING THEREFROM THE STATEMENT OF OVERRIDING CONSIDERATIONS ON PAGES 24-26 THEREOF.

3. AUTHORIZE ISSUANCE TO ROBERTS LANDING, INC. OF A FIVE-YEAR LEASE, SUBSTANTIALLY IN THE FORM ON FILE IN THE OFFICES OF THE COMMISSION, BEGINNING JANUARY 1, 1994 AND ENDING ON DECEMBER 31, 1998; TO DREDGE A MAXIMUM OF 22,800 CUBIC YARDS AS DESCRIBED IN THE APPLICATION AND MATERIAL SUBMITTED BY THE APPLICANT. THE LEASE IS TO BE RENT-FREE, IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT, FOR REMOVAL OF LEVEE BENCH AND ADJACENT MATERIALS AND WIDENING OF ROBERTS LANDING SLOUGH FOR THE PURPOSES OF WETLAND ENHANCEMENT AND RESTORATION, A ROYALTY WITH A MINIMUM OF $.25 PER CUBIC YARD

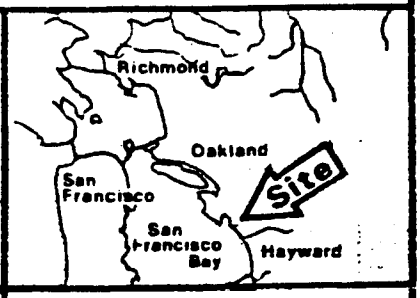
SHALL BE CHARGED FOR MATERIAL NOT USED FOR THE ABOVE-STATED USES, ON THE LAND DESCRIBED ON EXHIBIT "B" ATTACHED AND BY REFERENCE MADE A PART HEREOF. PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE-LIMIT COVERAGE OF $500,000 AND SURETY BOND IN THE AMOUNT OF $100,000 SHALL ALSO BE PROVIDED.



Base map: Portion of U.S.G.S. Quadrangle San Leandro 1959 photorevised 1973.

STATE LANDS COMMISSION

PLAT of SETTLEMENT PARCELS



Prepared by: D. Plummer Date: 2-17-84 A: 14 S: 10

Title Study: Citation Property W 20979

EXHIBIT A

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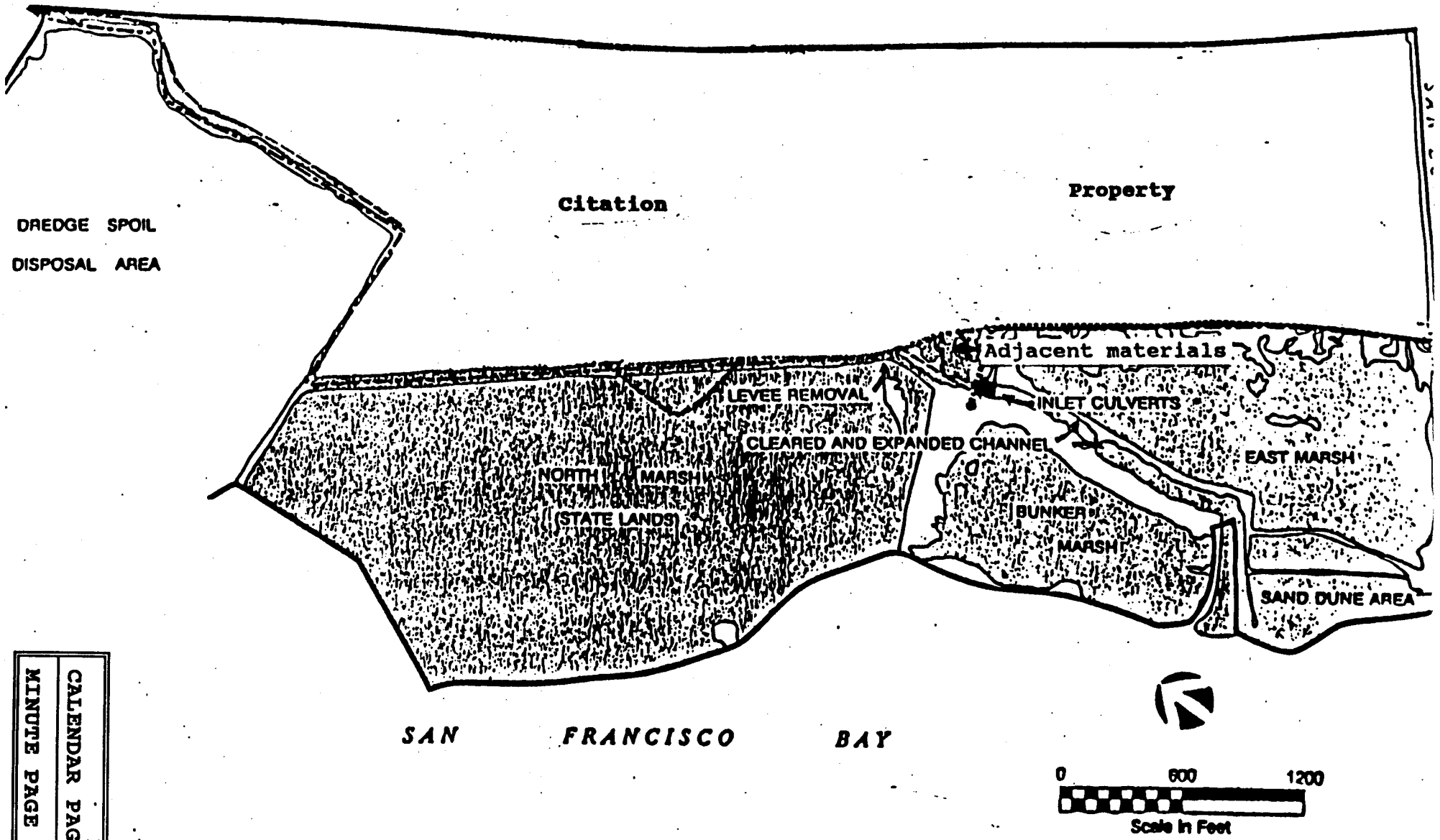

EXHIBIT "B"
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IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

RESOLUTION NO. 92- 100 (2690)

RESOLUTION MAKING FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, APPROVING THE MITIGATION MONITORING PLAN, CERTIFYING AS ADEQUATE THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE ROBERTS LANDING RESIDENTIAL PROJECT AND MAKING A STATEMENT OF OVERRIDING CONSIDERATIONS

Recitals

The City Council, by Resolution No. 89-41, adopted the General Plan of the City of San Leandro on March 20, 1989;

The City Council, by Ordinance No. 91-011, adopted an ordinance which rezoned certain property commonly known as the Roberts Landing area to various designations including open space, open space-special review overlay, and single-family residential-planned space development combining special review overlay; The applicant has proposed a General Development Plan for the Roberts Landing area.

A Draft Environmental Impact Report was prepared by LSA Associates, Inc. and was circulated for comment in accordance with the requirements of the California Environmental Quality Act, including the holding of public hearings before the Planning Commission on January 30, 1992 and February 19, 1992, for the purpose of receiving oral comments, and the acceptance of written comments for the required statutory period;

A Final Environmental Impact Report was then prepared by LSA, incorporating the comments and responses to comments and Draft EIR, in accord with the requirements of CEQA. The Final EIR is an analysis of the impacts of the project at the General Development Plan level. Additional environmental review may be necessary at the Precise Development Plan stage;

On January 30, 1992 and February 19, 1992, the Planning Commission held a public hearing, with notice given as required by law, at which the Planning Commission accepted oral testimony on the Draft Environmental Impact Report for the Roberts Landing General Development Plan.

After receiving public testimony, reviewing the contents of the Final Environmental Impact Report and deliberating the adequacy of the Final Environmental Impact Report, the Planning Commission, by Resolution 92-011 recommended that the City Council make findings regarding the Final Environmental Impact

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Report for the Roberts Landing General Development Plan, that the City Council certify the Final Environmental Impact Report as adequate and that the City Council make a Statement of Overriding Considerations.

On April 6, 1992, the City Council held a public hearing, with notice given as required by law, at which the Planning Commission accepted oral testimony on the Draft Environmental Impact Report for the Roberts Landing General Development Plan.

On April 15, 1992, the Airport Land Use Commission for the County of Alameda made a finding pursuant to Public Utilities Code § 21676 that, subject to specified conditions, Ordinance 91-011 (Roberts Landing Rezone) and the proposed General Development Plan for the Roberts Landing residential project are consistent with the land use policies and plan of the Airport Land Use Commission.

THE CITY COUNCIL OF THE CITY OF SAN LEANDRO DOES RESOLVE AS FOLLOWS:

I. That, pursuant to the California Environmental Quality Act, the City Council makes the following findings.

A. *GEOLOGY, SEISMICITY, AND SOILS*

1. *Grading*

Impact: Grading prior to construction would remove vegetation, increase erosion, and decrease water quality in neighboring water bodies through siltation.

Finding: Impacts would be reduced to below a level of significance through the implementation of mitigation measures 3.1.1 and 3.1.3.

2. *Importation of Fill*

Impact: Importation of engineered fill would increase traffic, air quality, and noise impacts along Lewelling Boulevard.

Finding: Impacts would be reduced through the implementation of mitigation measure 3.1.2, however this would remain a significant short-term impact.

3. *Slope Stability*

Impact: Raising building pad elevations could result in slope instability on the site's exterior slopes which are underlain by Bay Mud.

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Finding: Impacts would be reduced to below a level of significance through the implementation of mitigation measure 3.1.4.

4. Soil Settlement

Impact: Fill placement and removal, as well as the placement of structures would result in varying amounts of soil settlement throughout the site, which could damage building foundations and cause roads and/or utility lines to crack or break.

Finding: Impacts would be reduced to below a level of significance through the implementation of mitigation measures 3.1.3, 3.1.4, 3.1.5, 3.1.6., and 3.1.7.

5. Seismic Hazards

Impact: Damage and injury may result during periods of intense groundshaking when structures collapse, objects become dislodged and fall, or fires start.

Finding: Impacts would be lowered through the implementation of mitigation measures 3.1.7, 3.1.8, and 3.1.9. However, seismic risk can not be completely mitigated.

6. Seismic Consolidation

Impact: Earthquake-induced major groundshaking could cause seismic consolidation on the site where liquefiable soils are present.

Finding: This is not considered to be a significant impact, as the geotechnical engineer has concluded that seismic consolidation would occur over a large area, and result in consolidation on the order of one to two inches.

7. Emergency Response

Impact: In the event of a major earthquake, lack of emergency response and/or access could result in the loss of life or property.

Finding: Impacts would be reduced to below a level of significance through the implementation of mitigation measures 3.1.10 and 3.1.11.

B. *HYDROLOGY AND WATER QUALITY*

1. Runoff

Impact: Development would increase site runoff through the addition of impervious surfaces, which could impact neighboring water bodies by decreasing available capacity, increasing channel instability, and increasing flood hazards.

Finding: Impacts would be reduced to below a level of significance through the implementation of mitigation measures 3.2.1, 3.2.3, and 3.2.4.

2. Erosion

Impact: Construction and related activities (ie. grading) would increase erosion potential, and therefore the potential to deliver additional sediments to neighboring water bodies.

Finding: Impacts would be reduced to below a level of significance through the implementation of mitigation measure 3.2.2.

3. Site Drainage

Impact: Site drainage would be altered by concentrating runoff into a central outfall, which would increase runoff to portions of the site, and decrease it to others when compared to existing conditions. Drainage conditions would also be altered by rerouting Roberts Landing Slough to San Lorenzo Creek, thus reopening the Slough to tidal action, and widening and deepening the slough channel.

Finding: Impacts would be lowered to below a level of significance through the implementation of mitigation measures 3.2.3 and 3.2.5.

4. Dredge Disposal Site

Impact: While not part of the proposed project, improper operating procedures at the dredge disposal site could result in decant water spilling into the Citation Marsh.

Finding: Continued proper operating procedures by the City of San Leandro would reduce this impact to below a level of significance.

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5. *Flood Hazards*

Impact: Portions of the proposed project could be subject to flooding from major storm events or levee failure.

Finding: Impacts would be lowered to below a level of significance through the implementation of mitigation measures 3.2.4. and 3.2.6.

6. *Flood Hazards*

Impact: Improper construction of tide gates required for the implementation of Drainage Plan Alternate B could increase flood hazards to portions of the site, as failure could increase water levels to above the proposed 2.5 foot msl level.

Finding: Impacts would be lowered to below a level of significance through the implementation of mitigation measures 3.2.6 and 3.2.9.

7. *Floodplain Boundaries*

Impact: Implementation of Drainage Plan Alternate B could alter floodplain boundaries within the project area, and if improperly constructed, could extend BCDC jurisdiction into portions of the site.

Finding: Impacts would be lowered to below a level of significance through the implementation of mitigation measure 3.2.5.

8. *Runoff Pollution*

Impact: Water quality in neighboring water bodies may decrease during and after construction by increased levels of sediment and pollutants in site runoff.

Finding: Impacts would be lowered to a level below significance through the implementation of mitigation measures 3.2.2, 3.2.6, 3.2.7, 3.2.8, 3.2.9, and 3.2.10.

9. *Storm Drain System*

Impact: Levee failure or improper design of the tide gates could result in inundation of portions of the storm drain system, including the first flush basin, and if implemented, the fresh water pond and wetland system. This could increase sediment and pollutant loads to neighboring water bodies.

Finding: Impacts would be lowered to below a level of significance through the implementation of mitigation measures 3.2.6 and 3.2.9.

10. Ponding

Impact: Implementation of Drainage plan Alternate A could result in the ponding of urban runoff, as Roberts Landing Slough would not be modified, and runoff from the site would have minimal drainage from the site via a 12-inch culvert connecting the Citation Marsh to Estudillo Canal. Ponding and evaporation would increase pollutant concentrations within the Citation Marsh.

Finding: Impacts would be lowered through the implementation of mitigation measure 3.2.10, however, this would not lower impacts to below a level of significance.

11. Drainage System Vegetation

Impact: Vegetation harvested from the fresh water pond and wetland system may be considered hazardous if absorbed pollutant concentrations are significant.

Finding: Impacts would be lowered to below a level of significance through the implementation of mitigation measures 3.2.6 and 3.2.7.

12. Salinity

Impact: Urban runoff could potentially alter the salinity of neighboring soils and water, thereby altering soil suitability and vegetation types on the site.

Finding: With the implementation of Drainage Plan Alternate B, muted tidal influences would maintain a fairly consistent salinity level on the site which would support marsh land vegetation. With the implementation of Drainage Plan Alternate A, salinity levels would likely vary from saline to brackish conditions, thus allowing for potential intrusion of alkali bulrush into pickleweed habitat. Either drainage alternative would not significantly impact the site, nor would it impact the site's salt marsh harvest mouse population, which subsists well with either vegetation type.

C. VEGETATION AND WILDLIFE

1. Wetland Fill

Impact: The proposed alternative project would fill 13.2 acres of wetlands. This is significant because wetlands

provide significant wildlife values and have been greatly reduced in acreage around the Bay Area due to previous developments.

Finding: Impacts would be reduced to below a level of significance through the implementation of mitigation measures 3.3.1 and 3.3.2.

2. Site Drainage

Impact: Altering site drainage by concentrating runoff into a central outfall would reduce the supply of freshwater to portions of the Citation and East Marshes. This could adversely affect marsh vegetation and associated wildlife in these areas if Drainage Plan Alternate A is implemented. Drainage alternative B would be beneficial to habitat areas by restoring tidal action into the Citation marsh and the east marsh.

Finding: Impacts from both drainage alternatives would be lowered to below a level of significance by providing an alternate water supply to these areas, if required, to maintain existing wetland habitat. The design of this alternate water supply system, if it is found necessary, should occur at the Specific Plan stage.

3. Urban Runoff under Drainage Plan Alternate A

Impact: With the implementation of Drainage Plan Alternate A, urban runoff could contain pollutants after passing through the first flush basin. These impacts may extend to wetlands adjacent to the slough, to the extent (if any) that the runoff overflows from the slough.

Finding: Impacts would be lowered to below a level of significance through the implementation of mitigation measure 3.3.6.

4. Salt Marsh Harvest Mouse Habitat

Impact: The proposed wetland fill would cause the direct loss of 6.4 acres of known salt marsh harvest mouse habitat. In addition, about 30 acres of salt marsh harvest mouse upland habitat would be eliminated by the project.

Finding: Impacts would be lowered to below a level of significance through the implementation of mitigation measures 3.3.2, 3.3.3, 3.3.4, and 3.3.5.

5. *Habitat and Open Space*

Impact: The proposed project would add to the cumulative loss of habitat and open space in the region, reducing the habitat of the burrowing owl, northern harrier, black-shouldered kite, Alameda song sparrow, and salt marsh wandering shrew.

Finding: Impacts would be lowered to below a level of significance through the implementation of mitigation measures 3.3.7 and 3.3.8.

6. *Construction Disturbance*

Impact: The proposed development may directly disturb adjacent undeveloped areas during construction. Increased runoff and sedimentation could fill adjacent wetlands, and construction traffic could damage the vegetation and disturb wildlife.

Finding: Impacts would be lowered to below a level of significance through the implementation of mitigation measures 3.3.3 and 3.3.4.

7. *Human Intrusion*

Impact: The proposed project may disturb adjacent undeveloped areas by increased human intrusion by new residents, and by providing improved public access.

Finding: Impacts would be lowered to below a level of significance through the implementation of mitigation measure 3.3.4.

D. *PUBLIC HEALTH AND SAFETY*

1. *Hazardous Waste Contamination*

Impact: Potentially adverse effects to human health and upon land and water could occur from previous use of the project site for manufacture of explosives and from dumping activities.

Finding: Implementation of DEIR mitigation measures 3.4.1, 3.4.2, 3.4.3, and 3.4.4, contained in the DEIR, would bring this impact to a level of insignificance. The PEA and any needed remediation for clean up of the site would be performed by the Applicant as required by the State Office of Toxic Substance.

2. Transmission Lines

Impact: Except for known adverse effects upon older pacemakers and incidence of electrical shock, current scientific evidence is inconclusive regarding the other effects of electromagnetic radiation from transmission lines upon human health. However, under Section 15064(h) of CEQA, whenever there is serious controversy or a disagreement among experts the effect may be regarded as significant in the EIR.

Finding: With implementation of mitigation measures 3.4.6 and 3.4.7, potentially significant impacts of proximity to transmission lines upon older pacemakers and electric shock would be insignificant. Since other potential impacts from electromagnetic radiation are inconclusive, the actual significance on human health is unknown. Mitigation measure 3.4.5 of the DEIR has been proposed to provide information to future purchasers and mitigation measure 3.4.8 has been recommended as a setback guideline for consideration in lieu of any other statutory requirements.

E. AIR QUALITY

1. Short-Term Construction Impacts

Impact: Short-term construction air pollutant emissions would occur from vehicle and equipment exhausts and windblown dust from grading. Dust emissions during construction could be considered significant without proper mitigation.

Finding: With the incorporation of Mitigation Measures 3.5.1 and 3.5.2, short-term construction emissions would be reduced to below a level of significance.

2. Long-Term Project Operation Impacts

Impact: Operational impacts to air quality would primarily result from increased automobile use. Project-related emissions of reactive organic gases would be considered significant.

Finding: With the incorporation of Mitigation Measures 3.5.3 and 3.5.4, which include methods to reduce commuter vehicle trips, project operation impacts would be reduced to below a level of significance.

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F. NOISE

1. Short-Term Construction Impacts

Impact: Some noise disturbance at the closest existing residences, east of the site between the SPRR and Wicks Boulevard, may occur during construction phases. Construction activities typically require the use of a number of pieces of heavy equipment, as well as heavy and light duty trucks. Noise from construction equipment may be disruptive to residents living along the access route to the site.

Finding: Mitigation Measures 3.6.1 through 3.6.4 are suggested to reduce short-term construction noise impacts. Although the severity of construction noise impacts would be reduced by these measures, reduction to the point where no neighbors would be disturbed is unlikely. Such impacts may still be significant even after the above-mentioned mitigations have been incorporated.

2. Long-Term Project Operation Impacts

Impact: Project operation would result in noise from exposure of residents to noise from trains passing along the adjacent railroad trackage, aircraft noise, and the presence of new residents and activities.

Finding: With the incorporation of Mitigation Measures 3.6.5 through 3.6.8, which include a soundwall and other design measures, potentially adverse impacts from project operation noise would be reduced to below a level of significance in all circumstances except the possible construction of an additional runway at Oakland Airport in a location east of the existing runway. Although expansion of Oakland Airport is possible, it is not known when such expansion will occur and whether, assuming a new runway is constructed, an additional runway would be located east or west of the existing runway. If a new runway was located to the east of the existing runway, the new aircraft approach/departures could be routed closer to the project site and significant noise impacts might occur. Because of the insufficient information available regarding when a new runway might be built or where it might be located, an in-depth analysis of possible impacts would be speculative at this time. Nevertheless, the City has chosen to identify the potential impact caused by construction of a runway easterly of the existing runway as potentially significant. Mitigation of the potential, but undefined impacts, is not feasible or practical because of the uncertainty as to the location and timing associated with possible construction of

a new runway. Thus, a possibility exists that significant noise impacts will not be mitigated.

G. *VISUAL RESOURCES*

1. *Loss of Visual Open Space*

Impact: About 19 percent of the entire Roberts Landing parcel originally owned by the Applicant would be removed as an open space visual resource. Residential development of the project site, including the required soundwall, would alter the visual character of the area, contrast with existing foreground setting and likely diminish the quality of western views available from the row of houses and mobile homes immediately to the east. The resultant change from primarily vacant land to residences would be a significant impact.

Finding: The loss of visual open space could not be mitigated.

2. *Loss of Views*

Impact: Virtually all of the views from the mobile home parks would be adversely affected by the soundwall and residential development resulting in blockage of views toward the Bay.

Finding: The loss of views from the mobile home parks could not be mitigated.

3. *Visual Impacts from Key Viewpoints*

Impact: The development may have an adverse impact upon key viewpoints including the Shoreline Trail, in which the disposition of the alignment is being discussed.

Finding: Impact upon key viewpoints would be minimized through the implementation of mitigation measure 3.7.1 of the DEIR. However, the level of significance could not be determined until Precise Development Plans evaluation.

4. *Light and Glare*

Impact: Addition of light and glare could potentially be generated by the proposed residential project which would adversely impact surrounding uses, including residences and habitat areas.

Finding: Implementation of mitigation measure 3.7.4 of the DEIR would reduce the impact of light and glare to an insignificant level.

H. *CULTURAL RESOURCES*

1. *Roberts Landing (the area used as a port)*

Impact: Indirect impacts to the Roberts Landing historical area may result from increased human activity on the project site and vandalism to historic resources by pothunters.

Finding: Mitigation Measures 3.8.1, 3.8.2, 3.8.11 and 3.8.12 are recommended to reduce impacts to the Roberts Landing historical area to a level below significance.

2. *Bluebird Dump*

Impact: The Bluebird Dump is not considered a significant resource.

Finding: As described on page 3-103 of the DEIR, historic research has determined that the historical artifacts of the Bluebird Dump had been redeposited from other locations to the present facility during the 1960s. However, the dump masks remnants of the Trojan Powder Works facilities that may be considered significant.

3. *Trojan Powder Works*

Impact: The Trojan Powder Works are considered potentially significant historic resources. Recent research indicates that this complex made a significant contribution to the manufacture of explosives during World War I and II and to the research for a safer product.

Finding: Mitigation Measures 3.8.5 through 3.8.7, 3.8.11 and 3.8.12 are recommended to reduce impacts to this resource to below a level of significance.

4. *Potentially Historic Homesteads*

Recent research has uncovered two potentially historic homesteads within the project boundaries. These homesteads may be associated with other historic remains.

With the incorporation of Mitigation Measures 3.8.8, 3.8.9, 3.8.11, and 3.8.12, impacts to potentially historic homesteads would be reduced to below a level of significance.

5. *Historic debris Concentrations and Potential Glassworks*

Impact: Several areas of potentially historic debris and a potentially historic glass manufacturing facility exist within the project boundaries.

Finding: Mitigation Measures 3.8.10, 3.8.11, and 3.8.12 are recommended to reduce the impacts to this resource to below a level of significance.

I. *TRAFFIC AND CIRCULATION*

1. *Washington/Beatrice Intersection*

Impact: The intersection at Washington/Beatrice is an existing deficient intersection. With cumulative and project buildout, it would continue to operate at LOS F.

Finding: There are no plans to mitigate this intersection and impacts would remain significant.

2. *Hesperian/Lewelling Intersection*

Impact: The Hesperian/Lewelling intersection currently operates at LOS E. With cumulative and project buildout, the intersection would operate at LOS F.

Finding: Mitigation Measure 3.9.8 would improve traffic flow at the intersection, however, not sufficiently to meet the City's threshold of acceptability criteria of LOS D. This impact would remain significant after mitigation.

3. *Doolittle/Davis Intersection*

Impact: The intersection at Doolittle/Davis would be significantly affected by cumulative and project buildout.

Finding: Mitigation of this impact through the addition of roadway capacity would encourage through traffic onto Doolittle Drive and increase traffic volumes in the Washington manor area and along Lewelling Boulevard. Such additional through traffic is not desireable along Doolittle Drive. Thus, roadway improvements are not a feasible mitigation measure. Therefore, this impact is considered significant.

4. *Wicks/Lewelling Boulevard*

Impact: The proposed project would result in potentially significant impacts to the LOS at this intersection.

Finding: Mitigation Measures 3.9.2 through 3.9.5 are recommended to reduce impacts to this intersection to below a level of significance.

5. Doolittle/Marina

Impact: The proposed project would result in potentially significant impacts to the LOS at this intersection.

Finding: Mitigation Measures 3.9.6 is recommended to reduce impacts to this intersection to below a level of significance.

6. Washington/Lewelling

Impact: The proposed project would result in potentially significant impacts to the LOS at this intersection.

Finding: Mitigation Measures 3.9.7 is recommended to reduce impacts to this intersection to below a level of significance.

7. Project Access and Internal Circulation

Impact: There would be no significant impacts to project access and internal circulation.

Finding: As described on page 3-127, the forecast traffic volumes for this project can be accommodated within the proposed two-lane roadway.

8. Transit Service

Impact: Impacts to Transit Service are not expected to be significant.

Finding: As described on page 3-129 of the DEIR, transit ridership is expected to be limited as a result of the long walking distances to the nearest bus stops. Mitigation measures adopted for this project indicate that a shuttle bus will provide access from the development to transit modes such as the Bayfair BART station.

9. Emergency Vehicle Access

Impact: Impacts resulting from the proposed emergency vehicle access points are not considered significant.

Finding: As described on page 3-130 of the DEIR, the most appropriate EVAs are at-grade crossings of the SPRR located at the northeastern and southeastern corners of the project site.

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10. Construction Traffic

Impact: Development of the project site would require that trucks be used to haul fill material to the property, which would impact local circulation during the construction period. It is estimated that construction hauling activities would require a maximum of 70 working days, at an average of 50 to 60 trucks per day.

Finding: Mitigation Measures 3.9.15 and 3.9.16 are recommended to reduce construction traffic impacts to below a level of significance.

J. LAND USE

1. Land Use Conversion

Impact: Existing land use of 92 acres of the site would be converted from vacant open space to residential development. Approximately 13.2 acres of wetlands would be filled.

Finding: The loss of open space acreage could not be mitigated. However, the impacts to land use were evaluated in the rezoning of the area as part of the Roberts Landing Rezoning Supplemental EIR. The land use conforms with the City of San Leandro General Plan (page 3-137 of the DEIR). Authority for wetland fill permitting and any resultant compensatory requirements would be the responsibility of the US Army Corps of Engineers. The Applicant has filed a permit application to the Corps for proposed fill activities.

2. Adjacent Land Use

Impact: Implementation of the proposed residential project could have a significant effect upon adjacent areas to the west and north which are currently wildlife open space and habitat, including areas of salt marsh harvest mouse habitat.

Finding: To minimize the potential adjacent land use impacts upon wildlife habitat, approximately 106 acres of additional, contiguous Citation lands have been proposed as open space. Implementation of mitigation measures 3.10.1, 3.10.2 and 3.10.3 would reduce the potential impacts upon adjacent lands to a level of insignificance.

K. *PUBLIC SERVICES AND UTILITIES*

1. *Police Protection*

Impact: There would be no significant impacts to police protection.

Finding: As described on page 3-149 of the DEIR, adequate staffing exists within the San Leandro Police Department.

2. *Fire Protection*

Impact: There would be no significant impacts to fire protection.

Finding: As described on page 3-150 of the DEIR, adequate staffing and equipment exists within the San Leandro Fire Department.

3. *Schools*

Impact: The proposed residential development would result in a significant increase in the demand for school services and facilities in San Leandro.

Finding: With the incorporation of Mitigation Measure 3.11.4, this impact would be reduced to a level below significance. The Developer and the San Leandro School District reached a tentative agreement on April 9, 1992, regarding the provision of school facilities. This agreement complies with Mitigation Measure 3.11.4.

4. *Parks and Recreation*

Impact: There would be no significant impacts to parks and recreation.

Finding: As described on page 3-151 of the DEIR, the proposed project includes adequate park and recreation facilities.

5. *Water Supply*

Impact: There would be no significant impacts to water supply.

Finding: As described on page 3-152 of the DEIR, EBMUD has an adequate water supply to serve the project.

6. Wastewater Disposal

Impact: There would be no significant impacts to wastewater disposal.

Finding: As described on page 3-153 of the DEIR, the Oro Loma treatment plant has adequate capacity to serve the project.

7. Gas and Electrical Services

Impact: There would be no significant impacts to gas and electrical services.

Finding: As described on page 3-153 of the DEIR, PG&E has adequate facilities to serve the project.

8. Solid Waste Disposal

Impact: There would be no significant impacts to solid waste disposal.

Finding: As described on page 3-154 of the DEIR, adequate collection and disposal facilities exist to serve the site.

9. Telephone Service

Impact: There would be no significant impacts to telephone service.

Finding: As described on page 3-154 of the DEIR, Pacific Bell has adequate facilities to serve the site.

10. Cable Television

Impact: There would be no significant impacts to cable television.

Finding: As described on page 3-154 of the DEIR, adequate facilities exist to serve the site.

L. ENERGY

Impact: There would be no significant impacts to energy consumption.

Finding: As described on page 3-162 of the DEIR, construction and project operation would not consume significant amounts of energy.

II. That the City Council makes the following findings regarding alternatives to the proposed projects.

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A. *ALTERNATIVES "A" & "C"*

The Project proponent has requested City approval of the projects identified as "Alternative A" (No Wetlands Fill/760 Units) and "Alternative C" (Alternative Wetlands Fill/Site Arrangement - 13.2 Acre Fill Plan). Thus, the City hereby finds that the impacts and findings identified in Finding "I" above apply to alternatives "A" & "C", except where the impact identified is not attributable to the "No Fill" alternative.

B. *DRAFT EIR IDENTIFIED "PROJECT"*

The City hereby finds that the "Project," as identified in the Draft EIR and which is no longer being pursued by the applicant as a project, is not environmentally preferable because: (1) the "13.2 Acre Fill" alternative was determined to be preferable after consultation with concerned agencies such as the California Department of Fish and Game (CDFG), U.S. Fish and Wildlife Service (FWS), U.S. Army Corps of Engineers (Corps), Environmental Protection Agency (EPA), Regional Water Quality Control Board (RWQCB), and State Lands Commission (SLC) because the "Project" plan, with 8.3 acres of fill, would encroach on the wetland habitat, particularly the Salt Marsh Harvest Mouse habitat, to a greater degree than the "13.2 Acre Fill" plan, and the wetlands to be filled under the "13.2 Acre Fill" plan have been identified as low-value wetlands.

The "13.2 Acre Fill" plan is also preferable because it provides fewer dwelling units and includes greenways to provide visual corridors.

C. *ALTERNATIVE B: FOUR ACRES OF WETLAND FILL*

The City hereby finds that the "Four Acre Fill" plan is not environmentally preferable because: (1) as a partial fill plan, it would preserve only 7 acres of upland habitat for the Salt Marsh Harvest Mouse (SMHM) whereas the "13.2 Acre Fill" plan preserves 17 acres of SMHM habitat, and (2) the "13.2 Acre Fill" alternative was determined to be preferable after consultation with concerned agencies such as the California Department of Fish and Game (CDFG), U.S. Fish and Wildlife Service (FWS), U.S. Army Corps of Engineers (Corps), Environmental Protection Agency (EPA), Regional Water Quality Control Board (RWQCB), and State Lands Commission (SLC) because the "Project" plan would encroach on the wetland habitat, particularly the Salt Marsh Harvest Mouse habitat, to a greater degree than the "13.2 Acre Fill" plan and the wetlands to be filled under the "13.2 Acre Fill" plan have been identified as low-value wetlands.

D. *ALTERNATIVE D: GENERAL PLAN ALLOWABLE DEVELOPMENT*

The City hereby finds the General Plan Allowable Development, which would allow the maximum number of dwelling units (1,380) to be constructed based on the rezoning of the property, is not environmentally preferable because the increase of 620 residential units from the "No Fill" plan and 650 units from the "8.2 Acre Fill" plan may: (1) result in an increase in the amount of fill required to bring pad elevations to design grade; (2) increase water quality impacts, particularly from increased urban runoff from the additional residents; (3) increase disturbance of Salt Marsh Harvest Mouse and other wildlife due to increased numbers of pets and human activity, however, such impacts would depend on the configuration of the project; (4) increase impacts from transmission lines due to the increased number of units; and (5) increase air pollutant emissions. Also, construction noise would be prolonged, due to the increased number of units to be built. The additional car trips from the increased units would significantly contribute to the LOS deterioration at eight intersections and additional transit services and emergency vehicle access locations would be required to serve the development. The additional units would significantly increase the impacts on public schools, park land, water service, and wastewater service and would result in greater construction, residential, and transportation energy consumption.

E. *ALTERNATIVE E: REDUCED RESIDENTIAL UNITS*

The City hereby finds that Alternative E is not preferable because a decreased number of dwelling units would, for the following reasons, likely make the project infeasible. Development of this property, even at the reduced dwelling unit level, requires substantial financial resources to implement mitigation measures and conditions of approval. The Draft EIR, in the alternatives section of 3.7 (Visual Resources) stated a reduction of 200-250 dwelling units could reduce revenues and result in reduced expenditures for off-site enhancement and restoration programs, as well as landscaping programs. The fiscal impact analysis, a document prepared separate from the EIR, concluded that, from a fiscal perspective, alternative E is a fiscally inferior alternative because it will produce a slightly lower net present value and slightly lower annual fiscal surplus than alternatives A, B, and C.

Testimony by the developer indicates that infrastructure costs of the project are fixed at approximately $10 million. These infrastructure costs will be spread amongst the number of dwelling units built. If the number of dwelling units were reduced, then the price of the homes would be increased to cover the fixed cost. Also, reducing the number of units may reduce the financial resources available for the mitigation and other infrastructure costs.

If the reduced number of dwelling units causes the project to be economically infeasible, the project may not be built, thereby withdrawing desired new housing stock from the City of San Leandro. Alternatively, reducing the number of dwelling units might necessitate developing units for a higher income group. Under such circumstances, the City would be deprived of new housing stock for mid-range income home buyers. The lack of housing affordable to mid-range income home buyers is inconsistent with the development goals identified for the Roberts Landing Project Area in the San Leandro General Plan.

Government Code § 65589.5(j) requires that a city make certain findings if it proposes to reduce the density of a proposed housing development that complies with applicable general plan, zoning, and development policies in effect at the time the housing development application is determined to be complete. To reduce the proposed density, the City must find: (1) that the housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density, and (2) there is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than disapproval of the housing development project or approval of the project upon the condition that it be developed at a lower density. As regards issues of public health and safety, the Environmental Impact Report concludes that the proposed project will not have a significant impact upon issues related to public health and safety including police and fire services, water supply, waste water disposal, gas and electrical services, solid waste disposal, emergency vehicle access, transit service, air quality, hazardous waste contamination, emergency response, and long-term identifiable project noise operation impacts. Thus, the City would likely not be able to make the finding required regarding specific adverse impacts upon the public health, or safety.

F. NO DEVELOPMENT ALTERNATIVE:

The City hereby finds that the "No Development Alternative" is not environmentally preferable because: No habitat enhancement would be undertaken on the site. This would result in lesser hydrologic activity in the proposed wetland enhancement area of the site than either of the two proposed projects, resulting in reduced wetland quality. The informal recreational use of the site, including motorcycle riding and dog walking, would continue. This human disturbance would be expected to remain at least at present levels. The archaeological resources on the site could be disturbed by vandalism or by the increased number of people using the site for open space or access to the future regional trail extension.

Under the "No Development Alternative," no housing stock would be added to the City of San Leandro. This is undesirable because it is inconsistent with the housing goals provided in the San Leandro General Plan.

III. That the City Council approves of and adopts the Mitigation Monitoring Program provided in Appendix A to the Final Environmental Impact Report.

IV. That the City Council makes the following Statement of Overriding Considerations for those significant environmental impacts that, despite the required mitigation measures, either may not or cannot be mitigated to below a level of significance.

A. *GEOLOGY, SEISMICITY, AND SOILS*

1. *Importation of Fill*

Impact: Importation of engineered fill would increase traffic, air quality, and noise impacts along Lewelling Boulevard.

Finding: Impacts would be reduced through the implementation of mitigation measure 3.1.2, however this would remain a significant short-term impact.

2. *Seismic Hazards*

Impact: Damage and injury may result during periods of intense groundshaking when structures collapse, objects become dislodged and fall, or fires start.

Finding: Impacts would be lowered through the implementation of mitigation measures 3.1.7, 3.1.8, and 3.1.9. However, seismic risk can not be completely mitigated.

B. *HYDROLOGY AND WATER QUALITY*

1. *Ponding*

Impact: Implementation of Drainage plan Alternate A could result in the ponding of urban runoff, as Roberts Landing Slough would not be modified, and runoff from the site would have minimal drainage from the site via a 12-inch culvert connecting the Citation Marsh to Estudillo Canal. Ponding and evaporation would increase pollutant concentrations within the Citation Marsh.

Finding: Impacts would be lowered through the implementation of mitigation measure 3.2.10, however, this would not lower impacts to below a level of significance.

C. *NOISE*

1. *Short-Term Construction Impacts*

Impact: Some noise disturbance at the closest existing residences, east of the site between the SPRR and Wicks Boulevard, may occur during construction phases. Construction activities typically require the use of a number of pieces of heavy equipment, as well as heavy and light duty trucks. Noise from construction equipment may be disruptive to residents living along the access route to the site.

Finding: Mitigation Measures 3.6.1 through 3.6.4 are suggested to reduce short-term construction noise impacts. Although the severity of construction noise impacts would be reduced by these measures, reduction to the point where no neighbors would be disturbed is unlikely. Such impacts may still be significant even after the above-mentioned mitigations have been incorporated.

2. *Noise: Long Term Operation Impacts*

Impact: Project operation would result in noise from exposure of residents to noise from trains passing along the adjacent railroad trackage, aircraft noise, and the presence of new residents and activities.

Finding: With the incorporation of Mitigation Measures 3.6.5 through 3.6.8, which include a soundwall and other design measures, potentially adverse impacts from project operation noise would be reduced to below a level of significance in all circumstances except the possible construction of an additional runway at Oakland Airport in a location east of the existing runway. Although expansion of Oakland Airport is possible, it is not known when such expansion will occur and whether, assuming a new runway is constructed, an additional runway would be located east or west of the existing runway. If a new runway was located to the east of the existing runway, the new aircraft approach/departures could be routed closer to the project site and significant noise impacts might occur. Because of the insufficient information available regarding when a new runway might be built or where it might be located, an in-depth analysis of possible impacts would be speculative at this time. Nevertheless, the City has chosen to identify the potential impact caused by construction of a runway easterly of the existing runway as potentially significant. Mitigation of the potential, but undefined impacts, is not feasible or practical because of the uncertainty as to the location and timing associated with possible construction of

a new runway. Thus, a possibility exists that significant noise impacts will not be mitigated.

D. *VISUAL RESOURCES*

1. *Loss of Visual Open Space*

Impact: About 19 percent of the entire Roberts Landing parcel originally owned by the Applicant would be removed as an open space visual resource. Residential development of the project site, including the required soundwall, would alter the visual character of the area, contrast with existing foreground setting and likely diminish the quality of western views available from the row of houses and mobile homes immediately to the east. The resultant change from primarily vacant land to residences would be a significant impact.

Finding: The loss of visual open space could not be mitigated.

2. *Loss of Views*

Impact: Virtually all of the views from the mobile home parks would be adversely affected by the soundwall and residential development resulting in blockage of views toward the Bay.

Finding: The loss of views from the mobile home parks could not be mitigated.

3. *Visual Impacts from Key Viewpoints*

Impact: The development may have an adverse impact upon key viewpoints including the Shoreline Trail, in which the disposition of the alignment is being discussed.

Finding: Impact upon key viewpoints would be minimized through the implementation of mitigation measure 3.7.1 of the DEIR. However, the level of significance could not be determined until Precise Development Plans evaluation.

E. *TRAFFIC AND CIRCULATION*

1. *Washington/Beatrice Intersection*

Impact: The intersection at Washington/Beatrice is an existing deficient intersection. With cumulative and project buildout, it would continue to operate at LOS F.

Finding: There are no plans to mitigate this intersection and impacts would remain significant.

2. Hesperian/Lewelling Intersection

Impact: The Hesperian/Lewelling intersection currently operates at LOS E. With cumulative and project buildout, the intersection would operate at LOS F.

Finding: Mitigation Measure 3.9.8 would improve traffic flow at the intersection, however, not sufficient to meet the City's threshold of acceptability criteria of LOS D. This impact would remain significant after mitigation.

3. Doolittle/Davis Intersection

Impact: The intersection at Doolittle/Davis would be significantly affected by cumulative and project buildout.

Finding: Mitigation of this impact through the addition of roadway capacity would encourage through traffic onto Doolittle Drive and increase traffic volumes in the Washington manor area and along Lewelling Boulevard. Such additional through traffic is not desireable along Doolittle Drive. Thus, roadway improvements are not a feasible mitigation measure. Therefore, this impact is considered significant.

F. LAND USE

1. Land Use Conversion

Impact: Existing land use of 92 acres of the site would be converted from vacant open space to residential development. Approximately 8.3 acres of wetlands would be filled.

Finding: The loss of open space acreage could not be mitigated. However, the impacts to land use were evaluated in the rezoning of the area as part of the Roberts Landing Rezoning Supplemental EIR. The land use conforms with the City of San Leandro General Plan (page 3-137 of the DEIR). Authority for wetland fill permitting and any resultant compensatory requirements would be the responsibility of the US Army Corps of Engineers. The Applicant has filed a permit application to the Corps for proposed fill activities.

G. STATEMENT OF OVERRIDING CONSIDERATIONS

The City carefully considered each of the potential unavoidable significant environmental impacts in deciding to approve the proposed Project. Although the City believes that many of the unavoidable environmental impacts identified in the EIR will be substantially lessened by the mitigation measures incorporated into the Project, it recognizes that approval of the

Project will result in certain unavoidable and irreversible environmental effects.

The City specifically finds that, to the extent the significant or potentially significant impacts set forth above have not been mitigated to insignificant levels, there are specific economic, social, environmental, land use and other considerations that support approval of the proposed Project. Furthermore, the City Council finds that any of the following overriding considerations is sufficient to approve the Project for any one or more of the impacts outlined above, and that each of the overriding considerations is adopted with respect to each of the impacts individually. The following considerations support approval of the Project:

(a) The restoration of approximately 16 acres of wetlands which is greater than the amount of wetlands proposed to be filled by the project.

(b) The 13.2 acre fill project will include a dedication to the City of 125.9 acres of habitat open space.

(c) The enhancement of the habitat for the salt marsh harvest mouse, an endangered species. The EIR identifies that the salt marsh harvest mouse habitat would continue to deteriorate if the restoration proposed by the project is not implemented.

(d) The project provides a range of housing types, including some units that would be affordable to moderate income persons, and will contribute to the overall supply of local and regional housing.

(e) The project provides additional housing stock in closer proximity to jobs in the vicinity.

(f) The project will provide additional passive recreation activities, such as the proposed interpretive center.

(g) The City has determined that this site is appropriate for a residential development including a combination of single family detached and attached dwelling units.

(h) The project will provide employment opportunities during the construction period of the project.

(i) The proposed "126.7 No Fill" alternative will provide approximately 132.7 acres of habitat open space and the proposed "13.2 Acre Fill" alternative will provide approximately 125.9 acres of habitat open space.

(j) The project may, depending on the final alignment of the Shoreline Trail, provide additional public access to the Shoreline Trail.

(k) The project will provide a net present value surplus to the City of at least $2,000,000.

(l) The project will, assuming the assessment district provided in the conditions of approval is formed, provide for enhancement and future maintenance of: (1) the portion of the Shoreline Trail that transverses the project property; (2) shoreline levees; (3) tidegates; (4) pumps; (5) maintenance roads; (6) bank protection; (7) drainage facilities; and (8) wetland habitat; and

(m) Implementation of the conditions of approval will also benefit the City through items such as implementation of a landscape buffer plan, providing access to open space during construction, off-site improvements included, and traffic mitigation improvements.

V. That the City Council finds that the City of San Leandro, as lead agency for the Roberts Landing General Development Plan Environmental Impact Report, has conducted an independent analysis of the adequacy of the Draft and Final Environmental Impact Reports.

VI. That the City Council impose as mitigation measures all mitigation measures provided in the Environmental Impact Report for the Roberts Landing General Development Plan.

VII. That the City Council certifies, as adequate the Final Environmental Impact Report for the Roberts Landing General Development Plan, and makes a Statement of Overriding Considerations.

Introduced by Council Member Santos and passed and adopted this 20th day of April, 1992, by the following called vote:

Members of the Council:

AYES: Council Members Faria, Glaze, Polvorosa, Santos; Mayor Karp (5)

NOES: Council Members Corbett, Perry (2)

ABSENT: None (0)

Attest: Alice Calvert
Alice Calvert, City Clerk

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