

EXHIBIT A to Resolution No. 12-_____

**FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS
RELATED TO THE CERTIFICATION OF THE SUPPLEMENTAL
ENVIRONMENTAL IMPACT REPORT FOR THE CITY OF PLEASANTON'S
HOUSING ELEMENT UPDATE (AND RELATED LAND USE AMENDMENTS AND
REZONINGS) AND CLIMATE ACTION PLAN**

I. STATEMENT OF FINDINGS

The findings and determinations contained herein are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the Project and the Supplemental EIR ("SEIR"). The findings and determinations constitute the independent findings and determinations by this City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

Although the findings below identify specific pages within the Draft and Final SEIRs in support of various conclusions reached below, the City Council agrees with, and thus incorporates by reference and adopts as its own, the reasoning set forth in both environmental documents, and thus relies on that reasoning, even where not specifically mentioned or cited below, in reaching the conclusions set forth below, except where additional evidence is specifically mentioned. This is especially true with respect to the City Council's approval of all mitigation measures recommended in the Final SEIR, and the reasoning set forth in responses to comments in the Final SEIR. The City Council further intends that if these findings fail to cross-reference or incorporate by reference any other part of these findings, any finding required or permitted to be made by this City Council with respect to any particular subject matter of the Project must be deemed made if it appears in any portion of these findings or findings elsewhere in the record.

A. Organization/Format of Findings

Section I.C of these findings contains a summary description of the proposed project, sets forth the objectives of the proposed project, and provides related background facts. Section I.D describes the record of proceedings associated with the proposed project. Section I.E summarizes the City's environmental review of the proposed project. Section I.I summarizes and makes findings regarding the Project's potential impacts that do not require mitigation measures due to the determination that the impacts would be less than significant. Section I.J describes and makes findings regarding the Project's potentially significant adverse environmental impacts and the mitigation measures that will be imposed to ensure that those impacts would be less than significant. Section I.K describes and makes findings regarding the Project's significant and unavoidable impacts and the mitigation measures that will be imposed to reduce those impacts to the extent feasible. Section I.L discusses and the makes findings regarding the project alternatives analyzed in the SEIR. Section I.M discusses and makes findings regarding the Project's growth inducing effects. Section II contains a description of the Project's significant and unavoidable impacts and the City's statement of overriding

considerations and related findings demonstrating why the Project's benefits outweigh its significant and unavoidable impacts and thus render them acceptable.

B. Introduction

The SEIR prepared for the Project addresses the environmental impacts associated with the adoption and implementation of the City of Pleasanton Housing Element update and related land use amendment and rezonings, and the adoption of a Climate Action Plan ("CAP") (referred to collectively hereinafter as the "proposed project" or "Project"). The SEIR is a supplement to the City of Pleasanton's General Plan 2005-2025 Program EIR ("General Plan EIR"). These findings, as well as the accompanying Statement of Overriding Considerations in Section II, have been prepared to comply with the requirements of the California Environmental Quality Act ("CEQA") (Pub. Resources Code § 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.).

In October 2006, two parties--Urban Habitat Program and Sandra De Gregorio--filed a lawsuit styled as *Urban Habitat Program et al. v. City of Pleasanton, et al.*, Case No. RG06293831 ("Urban Habitat Litigation"). In the case, the plaintiffs alleged, among other claims, that the City had failed to implement programs contained in the City's 2003 Housing Element, including Program 19.1 requiring the City to rezone sites for affordable housing, and that certain City ordinances and housing practices, including the City's 29,000-unit "Housing Cap," conflicted with the ability of the City to prepare, adopt and implement an adequate Housing Element as required by State law. The State of California intervened on behalf of the plaintiffs in the Urban Habitat Litigation. In addition to intervening in the Urban Habitat Litigation, the State filed another lawsuit in August 2009 known as *People of the State of California v. City of Pleasanton, et al.*, Case No. RG09469878 ("General Plan/CEQA Litigation") alleging, among other things, that the EIR prepared for the General Plan Update did not comply with the requirements of CEQA in its analysis of Greenhouse Gas ("GHG") emissions.

In August 2010, the City reached an agreement with the parties involved in both the Urban Habitat Litigation and the General Plan/CEQA Litigation over how to address the issues alleged in those actions ("2010 Settlement Agreement"). Under the 2010 Settlement Agreement, the City was obligated to take several actions, many of which have already occurred. For example, the City already has satisfied its obligation under the Settlement Agreement to repeal the City's former Housing Cap. The Settlement Agreement also requires the City to update its Housing Element, complete certain rezonings to accommodate the City's housing obligations, and adopt a Climate Action Plan, all of which are subject to the provisions of CEQA. The Project described below is intended to comply with the provisions of the 2010 Settlement Agreement as well as state law.

C. Project Description and Objectives

1. Project Description

Project Location

The City of Pleasanton is located within Alameda County, one of nine Bay Area counties bordering the San Francisco Bay. The City of Pleasanton is generally bounded to the west by the Pleasanton ridglands, to the north by Interstate 580 (I-580) and the city of Dublin, to the east by the city of Livermore, and to the south by the San Francisco Water Department lands and other rangelands. Interstate 680 (I-680) bisects the western portion of the City, intersecting I-580 in its northwestern corner. The incorporated city limits of Pleasanton include a 22.4-square mile (14,300-acre) area over which Pleasanton exercises zoning control and police powers.

The Pleasanton Sphere-of-Influence consists of a 42.2-square mile (27,200-acre) area adopted by the Alameda County Local Agency Formation Commission (“LAFCO”) and represents the probable ultimate physical boundary and service area of Pleasanton. The Sphere-of-Influence contains unincorporated lands over which Alameda County has zoning control, as well as lands incorporated within the city limits of Pleasanton.

The Pleasanton Planning Area (“Planning Area”) encompasses a 75-square mile (48,000-acre) area within which the City designates the future use of lands “bearing a relation to the city’s planning.”¹ The General Plan Map designates land uses for the entire Planning Area even though much of this land is unincorporated and lies within the jurisdictional authority of Alameda County.

For the purpose of the SEIR, the incorporated area is the project area for the Housing Element and the Draft CAP as policy and programs outlined in these documents would be applied citywide. Because environmental impacts related to the lands designated for residential use on the General Plan land use map were already analyzed adequately in the General Plan EIR (2009) for all issues other than greenhouse gas emissions, the SEIR focuses on the additional sites identified in the Housing Element that could potentially be zoned for residential use (referred to as the “potential sites for rezoning” or “rezoning sites” in the SEIR) as well as greenhouse gas emission impacts of General Plan land uses throughout the General Plan Planning Area. These two project components are discussed further below.

Proposed Housing Element, General Plan Amendment and Rezoning

The first component of the project analyzed in the SEIR is the proposed update to the City of Pleasanton’s Housing Element. The Housing Element is a policy document that consists of goals, policies, and programs to guide the City and private and non-profit developers in providing housing for existing and future residents to meet projected housing demand for all

¹ Definition of “Planning Area” by the Governor’s Office of Planning and Research, General Plan Guidelines (1998).

economic segments of the community, as required under Government Code § 65580 et seq. (State Housing Element law). State law requires the Housing Element to be updated periodically, usually every seven years. The last update of the Pleasanton Housing Element occurred in 2003.

In order to comply with State Housing Element law the City must expand its inventory of land available for the development of housing for all economic segments of the community. Expansion of this inventory is needed for the City to provide for its share of regional housing needs. Prior to the City's consideration and adoption of the updated Housing Element, the City will have completed a proposed General Plan Amendment and rezonings of up to 17 sites within the City for high density residential development.

Although the City has identified 17 potential sites for rezoning and the SEIR analyzed impacts assuming all 17 were rezoned and developed for residential use, the City intends to amend the General Plan land use designations of and rezone only enough sites to meet the City's Regional Housing Needs Allocation ("RHNA"). The SEIR conservatively analyzes impacts of the development of all the potential sites for rezoning in order to give the City flexibility to select the appropriate opportunity sites to meet the Project objectives. The 17 potential sites for rezoning are listed in Table 3-3 at page 3-14 of the Draft SEIR, and additional information pertaining to Table 3-3 is included on page 2-2 of the Final SEIR. From those 17 sites, the City Council has identified sites 1, 2, 3, 4, 7, 8, 9, 10 and 13 as those to be rezoned to expand its inventory of land available for residential development. In addition to the rezoning of these sites, the applicable General Plan land use designations of and/or Specific Plan(s) associated with these sites will also be amended prior to the City Council's consideration and adoption of the Housing Element update to permit high density residential uses (minimum of 30 dwelling units per acre) which would provide housing opportunity sites with sufficient density to develop lower-income housing units. The General Plan land use designations for sites 2, 3 and 4 will also be amended prior to the City Council's consideration and adoption of the Housing Element update to allow mixed-use development.

Proposed Climate Action Plan

The second component of the SEIR is the proposed City of Pleasanton Climate Action Plan ("CAP"). The CAP serves to outline strategies, goals, and actions to reduce municipal and communitywide GHG emissions. The CAP is structured to ensure that the City does its part to meet the mandates of California's Global Warming Solutions Act of 2006 (AB 32), which directs the state to reduce state-wide GHG emissions to 1990 levels by 2020. The CAP is based on the California Air Resources Board (CARB) recommendation that in order to achieve these reductions, local governments target 2020 municipal and communitywide GHG emissions to be 15 percent below 2005 GHG emissions levels.

The Draft CAP is designed to respect the City's General Plan vision and its goal to become the "greenest" city in California. While several initiatives at the state level will help the City reduce GHG emissions, they alone will not be sufficient to meet the 2020 target recommended by CARB. The CAP provides a roadmap for the City to be proactive in reducing

GHGs through a schedule of local actions, designed to enable the City to achieve a 15 percent reduction in GHGs below 2005 levels by 2020.

The City's 2005 baseline emissions are estimated at 770,844 metric tons (MT) of carbon dioxide equivalents (CO₂e). The City's 2020 target of 15 percent below 2005 baseline equates to total annual emissions of 655,218 MT CO₂e, a reduction of 115,626 MT CO₂e below the 2005 baseline.

The Draft CAP includes dozens of strategies and actions measures for reducing GHG emissions associated with transportation and land use, energy consumption and generation, water use and wastewater treatment, and solid waste disposal. For each emissions sector, the Climate Action Plan presents goals, strategies, and specific actions for reducing emissions, along with quantified cost-benefit impacts. An implementation and monitoring plan is also provided.

2. Project Objectives

The proposed Housing Element is an update to the existing adopted General Plan Housing Element, which was adopted by the City Council April 2003. The proposed Housing Element is a statement by the City of its current and future housing needs and proposed actions to facilitate the provision of housing to meet those needs at all income levels, and presents a comprehensive set of housing policies and actions between January 1, 2007 and June 30, 2014.

As discussed above, prior to the City's consideration and adoption of the updated Housing Element, the City will have completed a proposed General Plan Amendment and rezonings of up to 17 sites within the City for high density residential development. These are the related land use amendment and rezonings included in the proposed project.

The following are the project objectives for the 2007-2014 Housing Element and associated General Plan Amendment and rezonings:

- Provide a vision for the City's housing and growth management through 2014;
- Maintain the existing housing stock to serve housing needs;
- Ensure capacity for the development of new housing to meet the RHNA at all income levels;
- Encourage housing development where supported by existing or planned infrastructure, while maintaining existing neighborhood character;
- Encourage, develop and maintain programs and policies to meet projected affordable housing needs;
- Develop a vision for Pleasanton that supports sustainable local, regional and state housing and environmental goals;

- Provide new housing communities with substantial amenities to provide a high quality of life for residents;
- Present the California Department of Housing and Community Development a housing element that meets the requirements of the settlement agreement; and
- Adopt a Housing Element that substantially complies with California Housing Element Law.

The CAP is designed to comply with the 2010 Settlement Agreement, meet the mandates of California’s Global Warming Solutions Act of 2006 (AB 32), and respect the City’s General Plan vision and its goal to become the “greenest” city in California. The CAP provides a roadmap for the City to be proactive in reducing GHGs through a schedule of local actions, designed to enable the City to achieve a 15 percent reduction in GHGs below 2005 levels by 2020. The CAP includes strategies and measures for reducing GHG emissions associated with transportation and land use, energy consumption and generation, water use and wastewater treatment, and solid waste disposal.

The following are the project objectives for the CAP:

- Provide a vision for the City’s sustainable development through 2025 while preserving the City’s character;
- Provide the framework to meet the AB32 target of reducing GHG emissions to 1990 levels (or 15 percent below the 2005 baseline, consistent with recommendations provided by the California Air Resource Board);
- Incorporate GHG emissions reduction programs, consistent with the CAP, into the General Plan;
- Serve as an example of environmentally sustainable development to cities throughout California and the country at large;
- Meet the terms of the Settlement Agreement, providing GHG emissions analysis and reduction strategies for the life of the City’s General Plan.

(Draft SEIR, pp. 3-20 to 3-21.)

D. Record of the Proceedings

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City Council’s decision on the proposed project consists of: (1) matters of common knowledge to the City Council, including but not limited to federal, state, and local laws and regulations; and (2) the following documents that are in the custody of the City of Pleasanton (City) and compiled in accordance with Public Resources Code section 21167.6(e):

- The General Plan EIR

- The 2010 Settlement Agreement
 - All notices issued by the City, including but not limited to the Notice of Preparation, Notice of Availability, and Notice of Completion, which were issued by the City in conjunction with the proposed project;
 - The Final SEIR (dated December 2011), which includes all written comments submitted by agencies or members of the public during the public comment period on the Draft SEIR (dated September 2011) and responses to those comments and all of the documents referenced therein;
 - The Mitigation Monitoring and Reporting Program (“MMRP”);
 - All proposed decisions, findings and resolutions submitted to and/or adopted by the City in connection with the proposed project, and all documents cited or referred to therein;
 - All final reports, studies, memorandums, maps, correspondence, and related documents prepared by the City, or the consultants or responsible or trustee agencies, with respect to: (1) the City’s compliance with CEQA; and (2) the City’s action on the proposed project;
 - All documents submitted to the City by other agencies and by members of the public in connection with the proposed project;
 - All documents compiled by the City in connection with the study of the proposed project and the alternatives;
 - The testimony and evidence presented at the public scoping meeting and at all public hearings at the Planning Commission and City Council on the environmental document or on the Project.

The location of the documents and other materials, which constitute the record of proceedings, is the City of Pleasanton, Community Development Department, 200 Old Bernal Avenue, Pleasanton, CA 94566. The custodian of the documents constituting the record of proceedings is the Planning Manager.

The City Council has relied on all of the documents listed above in reaching its decision on the Project, even if not every document was formally presented to the City Council or City staff as part of the City files generated in connection with the Project. Without exception, any documents set forth above not found in the Project files fall into one of two categories. Many of them reflect prior planning or legislative decisions with which the City Council was aware in approving the Project. (See *City of Santa Cruz v. Local Agency Formation Commission* (1978) 76 Cal.App.3d 381, 391-392; *Dominey v. Department of Personnel Administration* (1988) 205 Cal.App.3d 729, 738, fn. 6.) Other documents influenced the expert advice provided to City staff or consultants, who then provided advice to the City Council. For

that reason, such documents form part of the underlying factual basis for the City Council's decisions relating to the adoption of the Project. (See Pub. Resources Code, § 21167.6, subd. (e)(10); *Browning-Ferris Industries v. Planning Commission of City of San Jose* (1986) 181 Cal.App.3d 852, 866; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 153, 155.)

E. Environmental Review of the Project

Pursuant to the California Environmental Quality Act, Public Resources Code section 21000 et seq. ("CEQA") and the CEQA Guidelines, Code of California Regulations, Title XIV, Section 15000 et seq., the City determined that a Supplement to the General Plan EIR (which was certified in July 2009) should be prepared to analyze the potential environmental impact of the Project. As required under CEQA, a Notice of Preparation ("NOP") describing the proposed project and issues to be addressed in the Supplemental EIR ("SEIR") was distributed to responsible agencies, to state agencies through the State Clearinghouse, and other interested parties and posted between May 2, 2011 and May 31, 2011. The Planning Commission held a scoping meeting for the SEIR on May 11, 2011. Subsequently, the scope of the SEIR was expanded to also include analysis of the Climate Action Plan. A revised NOP was prepared for the Project as it is currently proposed (Housing Element and related General Plan Amendment and rezonings, and Climate Action Plan) on August 23, 2011, with a 30-day review period running from August 23 to September 22, 2011. A second scoping meeting was held by the Planning Commission on September 14, 2011.

The Draft Supplemental EIR ("DSEIR") was prepared and circulated for a 45-day public review period beginning September 27, 2011 and ending November 14, 2011. The Planning Commission held a public hearing to receive public input on the DSEIR on October 26, 2011.

Following the close of the public review period, responses to all comments received on the DSEIR during the public review period were prepared, which in some cases required revisions to the DSEIR intended to correct, clarify, and amplify the DSEIR. The response to comments, changes to the DSEIR and additional information have been incorporated into the Final Supplemental EIR ("FSEIR").

CEQA Guidelines section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the Draft EIR but before certification. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. The CEQA Guidelines provide examples of significant new information under this standard. Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications to an adequate EIR. The City finds that although changes have been made to the DSEIR, the FSEIR does not contain significant new information as defined in the CEQA Guidelines and additional recirculation of the SEIR is not required.

F. Certification of the SEIR

In accordance with CEQA Guidelines section 15090(a)(1), the City Council, as lead agency, finds and certifies that the SEIR has been completed in compliance with CEQA and the CEQA Guidelines. The City Council further finds and certifies that it has reviewed and considered the information in the SEIR prior to adopting or approving any element of or entitlement for the Project and that the Final SEIR reflects the City Council's independent judgment. Similarly, the City Council finds that it has reviewed the record of proceedings and the SEIR prior to approving any element of or entitlement for the Project. By making these findings, the City Council confirms, ratifies and adopts the findings and conclusions of the SEIR, as supplemented and modified by the findings contained herein. The SEIR and these findings represent the independent judgment and analysis of the City and the City Council.

The City Council further certifies that the SEIR is adequate to support the approval/adoption of all Project components.

G. Mitigation Monitoring and Reporting Program

A Mitigation Monitoring and Reporting Program (MMRP), which is included in Table 6-1 of chapter 6 of the Final SEIR, was prepared for the Project and was adopted by the City Council by the same resolution that has adopted these findings. (See Pub. Resources Code, § 21081.6, subd. (a)(1); CEQA Guidelines, § 15097.) The City will use the MMRP to ensure and track compliance with Project mitigation measures. The MMRP will remain available for public review during the compliance period.

H. Findings Required Under CEQA

Public Resources Code section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” Section 21002 also states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” Section 21002 goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles announced in Public Resources Code section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. (See Pub. Resources Code, § 21081, subd. (a); CEQA Guidelines, § 15091, subd. (a).) For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that “[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(1).) The second such finding is that “[s]uch changes or alterations are within the

responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.” (CEQA Guidelines, § 15091, subd. (a)(2).) The third potential conclusion is that “[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.” (CEQA Guidelines, § 15091, subd. (a)(3).) Public Resources Code section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.” CEQA Guidelines section 15364 adds another factor: “legal” considerations. (See also *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 565 (*Goleta II*).

The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.) “[F]easibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors.” (*Ibid.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715.)

The CEQA Guidelines do not define the difference between “avoiding” a significant environmental effect and merely “substantially lessening” such an effect. The City must therefore glean the meaning of these terms from the other contexts in which the terms are used. Public Resources Code section 21081, on which CEQA Guidelines section 15091 is based, uses the term “mitigate” rather than “substantially lessen.” The CEQA Guidelines therefore equate “mitigating” with “substantially lessening.” Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such Projects.” (Pub. Resources Code, § 21002.)

For purposes of these findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less-than-significant level. In contrast, the term “substantially lessen” refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less-than-significant level. These interpretations appear to be mandated by the holding in *Laurel Hills Homeowners Association v. Planning Commission* (1978) 83 Cal.App.3d 515, 519-521, in which the Court of Appeal held that an agency had satisfied its obligation to substantially lessen or avoid significant effects by adopting numerous mitigation measures, not all of which rendered the significant impacts in question less than significant.

Although CEQA Guidelines section 15091 requires only that approving agencies specify that a particular significant effect is “avoid[ed] or substantially lessen[ed],” these findings, for purposes of clarity, in each case will specify whether the effect in question has been reduced to a less-than-significant level, or has simply been substantially lessened but remains significant.

Moreover, although section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely “potentially significant,” these findings will nevertheless fully account for all such effects identified in the Final EIR.

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the Project lies with some other agency. (CEQA Guidelines, § 15091, subd. (a), (b).)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s “benefits” rendered “acceptable” its “unavoidable adverse environmental effects.” (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b).) The California Supreme Court has stated, “[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (*Goleta II, supra*, 52 Cal.3d at p. 576.)

These findings constitute the City Council members’ best efforts to set forth the evidentiary and policy bases for its decision to approve the Project in a manner consistent with the requirements of CEQA. To the extent that these findings conclude that various proposed mitigation measures outlined in the Final SEIR are feasible and have not been modified, superseded or withdrawn, the City hereby binds itself to implement these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the City Council adopts a resolution approving the Project.

I. No or Less Than Significant Impacts Without Mitigation

Based on the discussion in Sections 4 and 6.E of the Draft SEIR, and other supporting information in the record, the City Council finds that the Project would have no or a less than significant impact associated with the specific issues identified below. As a result, no mitigation measures were determined to be needed to address the following:

1. Aesthetics

The Project would not significantly damage scenic resources, including, but not limited to, trees, rocks, outcroppings, and historic buildings within a state scenic highway. (Draft SEIR, pp. 4.A-15 to 4.A-16; Impact 4.A-2.)

The Project would not significantly degrade the existing visual character or quality of the Planning Area. (Draft SEIR, pp. 4.A-17 to 4.A-19; Impact 4.A-3.)

The Project would not create new sources of substantial light or glare which would adversely affect day or nighttime views in the Planning Area. (Draft SEIR, pp. 4.A-19 to 4.A-21; Impact 4.A-4.)

The Project would not have a cumulatively considerable adverse impact to aesthetic resources. (Draft SEIR, p. 4.A-21; Impact 4.A-5.)

2. Air Quality

The Project would not conflict, directly or cumulatively, with the *Bay Area 2010 Clean Air Plan* because the projected rate of increase in vehicle miles traveled (“VMT”) is not greater than the projected rate of increase in population and because implementation of policies included in the Circulation Element of the Pleasanton General Plan 2005-2025 would implement transportation control measures consistent with the *Bay Area 2010 Clean Air Plan*. (Draft SEIR, pp. 4.B-17 to 4.B-26; Impacts 4.B-2 , 4.B-3 and 4.B-6.)

3. Biological Resources

The Project would not cause adverse impacts to trees or conflict with any local policies or ordinances protecting biological resources. (Draft SEIR, pp. 4.C-35 to 4.C-36; Impact 4.C-4.)

The Project would not conflict with a habitat conservation plan or natural community conservation plan. (Draft SEIR, p. 4.C-37; Impact 4.C-5.)

The Project would not have a cumulatively considerable adverse impact on biological resources. (Draft SEIR, p. 4.C-38 to 4.C-39; Impact 4.C-6.)

4. Greenhouse Gas Emissions

The Project would not adversely affect greenhouse gas emissions or conflict with an applicable plan, policy or regulation adopted for the purpose of reducing greenhouse gas emissions. (Draft SEIR, pp. 4.E-13 to 4.E-19; Impacts 4.E-1 and 4.E-2.)

5. Geological Resources

The Project would not result in any direct or cumulatively considerable significant adverse affects to geological resources. (Draft SEIR, pp. 4.F-17 to 4.F-23; Impacts 4.F-1 through 4.F-6.)

6. Hazards and Hazardous Materials

The Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. (Draft SEIR, pp. 4.G-9 to 4.G-11; Impact 4.G-1.)

The Project would not create a significant adverse affect related to hazardous material releases within the vicinity of an existing or proposed school. (Draft SEIR, pp. 4.G-13 to 4.G-14; Impact 4.G-3.)

The Project has no potential to result in a safety hazard for people residing or working in the vicinity of a private airstrip as no such private airstrips exist in the vicinity of the City. (Draft SEIR, p. 4.G-17; Impact 4.G-6.)

The Project would not create a significantly adverse impairment to the implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. (Draft SEIR, pp. 4.G-18 to 4.G-19; Impact 4.G-7.)

The Project would not create a significantly risk of loss, injury or death involving wildland fires. (Draft SEIR, pp. 4.G-19 to 4.G-20; Impact 4.G-8.)

The Project would not result in a cumulatively considerable adverse hazard or contribute to a cumulative hazardous materials impact. (Draft SEIR, p. 4.G-21; Impact 4.G-9.)

7. Hydrology and Water Quality

The Project would not result in any direct or cumulatively considerable significant adverse affects to hydrological resources or water quality. (Draft SEIR, pp. 4.H-16 to 4.H-24; Impacts 4.H-1 through 4.H-6.)

8. Land Use and Planning

The Project would not result in any direct or cumulatively considerable significant adverse land use and planning impacts. (Draft SEIR, pp. 4.I—7 to 4.I-12; Impacts 4.I-1 through 4.I-4.)

9. Noise

The Project would not result in significant adverse impacts associated with the exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels associated with train pass-by events. (Draft SEIR, pp. 4.J-20 to 4.J-21; Impact 4.J-4.)

The Project would not have a cumulatively considerable adverse hazard or contribute to a cumulative construction noise impact at noise-sensitive receptors. (Draft SEIR, p. 4.J-29; Impact 4.J-8.)

10. Population and Housing

The Project would not result in any direct or cumulatively considerable significant adverse population and housing impacts. (Draft SEIR, pp. 4.K-7 to 4.K-13; Impacts 4.K-1 through 4.K-4.)

11. Public Service and Utilities

The Project would not create significant adverse impacts associated with the provision of fire or police protection services or to schools. (Draft SEIR, pp. 4.L-11 to 4.L-13; Impact 4.L-1.)

The Project would not result in significant adverse impacts associated with the construction of wastewater treatment facilities or exceedance of wastewater treatment capacity. (Draft SEIR, pp. 4.L-16 to 4.L-17; Impact 4.L-3.)

The Project would not result in significant adverse solid waste impacts. (Draft SEIR, pp. 4.L-18 to 4.L-19; Impact 4.L-4.)

The project would not result in any cumulatively considerable adverse impact associated with an increased demand for utilities services. (Draft SEIR, p. 4.L-19; Impact 4.L-5.)

12. Recreation

The Project would not result in any direct or cumulatively considerable significant adverse recreation impacts. (Draft SEIR, pp. 4.M-8 to 4.M-11; Impacts 4.M-1 through 4.M-3.)

13. Transportation and Traffic

The Project would not result in any impacts related to changes in air traffic patterns. (Draft SEIR, pp. 4.N-14 to 4.N-16.)

The Project would not result in significant adverse traffic impacts at the local study intersections under existing plus Project conditions. (Draft SEIR, pp. 4.N-16 to 4.N-20; Impact 4.N-1.)

The Project would not result in significant adverse traffic safety hazards for vehicles, bicyclists and pedestrians. (Draft SEIR, pp. 4.N-20 to 4.N-21; Impact 4.N-2.)

The Project would not result in significant adverse traffic impacts related to service calls for emergency vehicles. (Draft SEIR, pp. 4.N-21 to 4.N-22; Impact 4.N-3.)

The Project would not result in significant adverse traffic impacts related to the creation of any inconsistencies with adopted policies, plans, and programs supporting alternative transportation. (Draft SEIR, pp. 4.N-22 to 4.N-24; Impact 4.N-4.)

The Project would not result in significant adverse temporary construction traffic impacts. (Draft SEIR, pp. 4.N-24 to 4.N-25; Impact 4.N-5.)

The Project would not result in any cumulatively considerable significant adverse traffic impacts under cumulative plus Project conditions. (Draft SEIR, pp. 4.N-25 to 4.N-30; Impact 4.N-6.)

14. Agricultural Resources

The Project would have no impacts on agricultural resources and would not result in the loss of forest land or convert forest land to non-forest uses. (Draft SEIR, p. 6-9.)

15. Mineral Resources

The Project would have no impacts on mineral resources. (Draft SEIR, pp. 6-9 to 6-10.)

J. Less Than Significant Impacts With Mitigation Incorporated

The SEIR determined that the Project has potentially significant environmental impacts in the areas discussed below and identified feasible mitigation measures to avoid or substantially reduce some or all of the environmental impacts in these areas. Based on the information and analyses set forth in the Draft and Final SEIRs, all but two of the Project impacts will be avoided or substantially reduced to less than significant with identified feasible mitigation measures incorporated into the Project.

The City Council agrees with the characterization in the SEIR with respect to all impacts initially identified as “significant” or “potentially significant” that would be rendered less than significant with implementation of the mitigation measures identified in the SEIR and MMRP. In accordance with CEQA Guidelines section 15091(a), a specific finding is made for each impact and its associated mitigation measures in the discussions below. The City Council again ratifies, adopts and incorporates the full analysis, explanation, findings, responses to comments and conclusions of the SEIR.

1. Aesthetics

Impact 4.A-1

Development facilitated by the General Plan Amendment and rezonings could have a potentially adverse effect on a scenic vista.

The SEIR evaluates the impact of the Project related to adverse effects on a scenic vista. New residential housing on the potential sites for rezoning would result in an impact by partially obscuring a scenic vista. If the new residential housing were developed in a manner that obstructs views from a scenic vista from a public area or introduces a visual element that would dominate or upset the quality of a view, this would create a significant impact on a scenic vista. The proposed Housing Element would result in increased intensity and could result in greater bulk and mass of buildings. Views of scenic vistas at Site 7 are currently unavailable. However, Site 7 is currently entitled to allow four-story buildings that could potentially obscure views of the ridgeline west of I-680.

Significance Before Mitigation: Significant

Significance After Mitigation: Less than Significant

Finding: Changes or alterations have been required in or incorporated into the Project that would avoid or substantially lessen the significant environmental effect as identified in the SEIR. Mitigation Measure 4.A-1, which has been

required in or incorporated into the Project, will reduce the significant environmental impact to a less than significant level.

Facts in Support of Finding: The following facts and mitigation measure indicate that the impact will be reduced to less than significant.

1. Development along scenic corridors would occur in areas that are already densely developed (i.e., Sites 1, 2, and 3), except in the case of Site 7, which would be constructed on currently undeveloped land. The obstruction of views of the ridgeline west of I-680 by development at Site 7 would be considered significant.

2. Implementation of Mitigation Measure 4.A-1 set forth in Table 6-1 of the Final SEIR and listed in the MMRP will ensure that Impact 4.A-1 would be reduced to a less than significant level and is hereby incorporated by reference and described below:

4.A-1: The City shall require that site plans for the proposed Site 7 residential development to incorporate view corridors through the site which maintain views of the ridgelines to the west from Valley Avenue.

Site(s) affected: Site 7.

(Draft SEIR, pp 4.A-13 to 4.A-15.)

2. Air Quality

Impact 4.B-1

Implementation of the General Plan Amendment and rezonings would result in increased long-term emissions of criteria pollutants associated with construction activities that could contribute substantially to an air quality violation.

The SEIR evaluates the impact of the proposed project related to increased long-term emissions of criteria pollutants that could contribute substantially to an air quality violation. Implementation of the proposed project would allow for the development of up to 3,900 multi-family homes on the potential sites for rezoning. Mixed-use development would be associated with some of the sites and the project could also include infrastructure improvements such as vehicle access, sidewalks, and utility connections. Emissions generated during construction activities include exhaust emissions from heavy duty construction equipment, trucks used to haul construction materials to and from sites, worker vehicle emissions, as well as fugitive dust emissions associated with earth disturbing activities.

Significance Before Mitigation: Significant

Significance After Mitigation: Less than Significant

Finding: Changes or alterations have been required in or incorporated into the Project that would avoid or substantially lessen the significant environmental effect as identified in the SEIR. Mitigation Measure 4.B-1, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less than significant level.

Facts in Support of Finding: The following facts and mitigation measure indicate that the impact will be reduced to less than significant.

1. Construction activities related to the proposed development could result in emissions of pollutants that result in an air quality violation.

2. Implementation of Mitigation Measure 4.B-1 set forth in Table 6-1 of the Final SEIR and listed in the MMRP will ensure that Impact 4.B-1 would be reduced to a less than significant level and is hereby incorporated by reference and described below:

4.B-1: Prior to the issuance of a grading or building permit, whichever is sooner, the project applicant for a potential site for rezoning shall submit an air quality construction plan detailing the proposed air quality construction measures related to the project such as construction phasing, construction equipment, and dust control measures, and such plan shall be approved by the Director of Community Development. Air quality construction measures shall include Basic Construction Mitigation Measures (BAAQMD, May 2011) and, where construction-related emissions would exceed the applicable thresholds, Additional Construction Mitigation Measures (BAAQMD, May 2011) shall be instituted. The air quality construction plan shall be included on all grading, utility, building, landscaping, and improvement plans during all phases of construction, access roads, parking areas and staging areas at construction sites.

Site(s) affected: All

(Draft SEIR, pp. 4.B-14 to 4.B-16.)

Impact 4.B-4

Development facilitated by the General Plan Amendment and rezonings could potentially include residential or mixed-use developments that could expose sensitive receptors to substantial health risk from diesel particulate matter (“DPM”) and other toxic air contaminants (“TAC”) from mobile and stationary sources.

The SEIR evaluates the impact of the proposed project related to the exposure of sensitive receptors to diesel particulate matter (DPM) and other toxic air contaminants (TACs) from mobile and stationary sources. Roadway traffic, especially on Interstates 580 and 680, would be the primary sources of TACs near the potential sites for rezoning. In addition,

BAAQMD indicates that there are 40 permitted TAC sources within 1,000 feet of one or more potential sites for rezoning.

Significance Before Mitigation: Significant

Significance After Mitigation: Less than Significant

Finding: Changes or alterations have been required in or incorporated into the Project that would avoid or substantially lessen the significant environmental effect as identified in the SEIR. Mitigation Measure 4.B-4, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less than significant level.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to less than significant.

1. Some of the potential sites for rezoning are within areas of concern from the TAC emissions from one or more of the stationary TAC sources. On-road vehicular traffic on nearby highway segments and arterials could also expose new residences on the potential sites for rezoning to TAC sources.

2. Implementation of Mitigation Measure 4.B-4 set forth in Table 6-1 of the Final SEIR and listed in the MMRP will ensure that Impact 4.B-4 would be reduced to a less than significant level and is hereby incorporated by reference and described below:

4.B-4: Reduce Exposure to TACs. On project sites where screening thresholds are exceeded, the following measures shall be implemented for development on all the potential sites for rezoning to reduce exposure to TACs and improve indoor and outdoor air quality:

Indoor Air Quality - In accordance with the recommendations of BAAQMD, appropriate measures shall be incorporated into building design in order to reduce the potential health risk due to exposure of sensitive receptors to TACs to a less than significant level.

Project applicants shall retain a qualified air quality consultant to prepare a health risk assessment (HRA) in accordance with the BAAQMD requirements to determine the exposure of project residents/occupants/users to air pollutants prior to PUD approval. The HRA shall be submitted to the Community Development Department for review and approval. The applicant shall implement the approved HRA mitigation measure recommendations, if any, in order to reduce exposure to TACs below BAAQMDs threshold of significance at the time of project approval.

Outdoor Air Quality - To the maximum extent practicable, individual and common exterior open space, including playgrounds, patios, and decks, shall either be shielded from the source of air pollution by buildings or otherwise buffered to further reduce air pollution for project occupants.

Site(s) affected: All

(Draft SEIR, pp. 4.B-21 to 4.B-24; Final SEIR, pp. 2-4 to 2-5.)

Impact 4.B-5

Development facilitated by the proposed General Plan Amendment and rezonings could potentially include residential developments that expose occupants to sources of substantial odors affecting a substantial number of people.

The SEIR evaluates the impact of the proposed project related to the exposure of residents to substantial odors. Existing odor sources in the City of Pleasanton include: (1) sand-and-gravel harvesting areas – including asphalt plants – along Stanley Boulevard; (2) the Dublin-San Ramon Services District sewage treatment plant on Johnson Drive and the treatment ponds and drying beds north of Stoneridge Drive; and (3) the solid waste transfer station on Busch Road.

Significance Before Mitigation: Significant

Significance After Mitigation: Less than Significant

Finding: Changes or alterations have been required in or incorporated into the Project that would avoid or substantially lessen the significant environmental effect as identified in the SEIR. Mitigation Measure 4.B-5, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less than significant level.

Facts in Support of Finding: The following facts and mitigation measure indicate that the impact will be reduced to less than significant.

1. Potential odors from the transfer station could adversely affect areas to be rezoned residential within the one-mile buffer distance (Sites 6, 8, 11, and 14).

2. Implementation of Mitigation Measure 4.B-5 set forth in Table 6-1 of the Final SEIR and listed in the MMRP will ensure that Impact 4.B-5 would be reduced to a less than significant level and is hereby incorporated by reference and described below:

4.B-5: If odor complaints associated with the solid waste transfer station operations are received from future residences of the potential sites for rezoning

(Sites 6, 8, 11, and 14), the City shall work with the transfer station owner(s) and operator(s) to ensure that odors are minimized appropriately.

Site(s) affected: Sites 6, 8, 11, 14

(Draft SEIR, pp. 4.B-24 to 4.B-25.)

3. Biological Resources

Impact 4.C-1

Development facilitated by the General Plan Amendment and rezonings could potentially have a substantial adverse effect, either directly or through habitat modifications, on species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations or by the CDFG, or the USFWS.

The SEIR evaluates the impact of the proposed project 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. The removal of any trees or other vegetation associated with development under the Housing Element could result in direct losses of nesting habitat, nests, eggs, nestlings, or roosting special-status bats and demolition of unused or underutilized buildings could also impact bats through loss of habitat or by direct mortality. Potentially suitable grassland habitat for Western burrowing owl is also located on a several of the potential sites for rezoning.

Significance Before Mitigation: Significant

Significance After Mitigation: Less than Significant

Finding: Changes or alterations have been required in or incorporated into the Project that would avoid or substantially lessen the significant environmental effect as identified in the SEIR. Mitigation Measure 4.C-1, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less than significant level.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to less than significant.

1. The removal of any trees or other vegetation associated with development under the Housing Element could result in direct losses of nesting habitat, nests, eggs, or nestlings of special-status birds.

2. The removal of any trees or other vegetation or demolition of unused or underutilized buildings could result in direct losses of roosting special-status bats.

3. The destruction of burrowing owl burrows and grassland habitat providing potentially suitable habitat for burrowing owl could result from the proposed project.

4. Implementation of Mitigation Measures C-1a through C1-d set forth in Table 6-1 of the Final SEIR and listed in the MMRP will ensure that Impact 4.C-1 would be reduced to a less than significant level and is hereby incorporated by reference and described below:

4.C-1a: Pre-construction Breeding Bird Surveys. The City shall ensure that prior to development of all potential sites for rezoning (Sites 1-4, 6-11, 13, 14, and 16-21) and each phase of project activities that have the potential to result in impacts on breeding birds, the project applicant shall take the following steps to avoid direct losses of nests, eggs, and nestlings and indirect impacts to avian breeding success:

If grading or construction activities occur only during the non-breeding season, between August 31 and February 1, no surveys will be required.

Pruning and removal of trees and other vegetation, including grading of grasslands, should occur whenever feasible, outside the breeding season (February 1 through August 31).

During the breeding bird season (February 1 through August 31) a qualified biologist will survey activity sites for nesting raptors and passerine birds not more than 14 days prior to any ground-disturbing activity or vegetation removal. Surveys will include all line-of-sight trees within 500 feet (for raptors) and all vegetation (including bare ground) within 250 feet for all other species.

Based on the results of the surveys, avoidance procedures will be adopted, if necessary, on a case-by-case basis. These may include construction buffer areas (up to several hundred feet in the case of raptors) or seasonal avoidance.

Bird nests initiated during construction are presumed to be unaffected, and no buffer would necessary except to avoid direct destruction of a nest or mortality of nestlings.

If pre-construction surveys indicate that nests are inactive or potential habitat is unoccupied during the construction period, no further mitigation is required. Trees and shrubs that have been determined to be unoccupied by nesting or other special-status birds may be pruned or removed.

Site(s) affected: Sites 1-4, 6-11, 13, 14, 16-21

4.C-1b: Pre-Construction Bat Surveys. Conditions of approval for building and grading permits issued for demolition and construction on Sites 6, 8, 9, 10, 13, 20,

and 21 shall include a requirement for pre-construction special-status bat surveys when large trees are to be removed or underutilized or vacant buildings are to be demolished. If active day or night roosts are found, the bat biologist shall take actions to make such roosts unsuitable habitat prior to tree removal or building demolition. A no-disturbance buffer of 100 feet shall be created around active bat roosts being used for maternity or hibernation purposes. Bat roosts initiated during construction are presumed to be unaffected, and no buffer would be necessary.

Site(s) affected: Sites 6, 8, 9, 10, 13, 20, 21

4.C-1c: Burrowing Owl Surveys. Conditions of approval for building and grading permits at Site 18 and Site 20 shall require the project applicant to implement the following measures prior to construction initiation.

A qualified biologist shall conduct a combined Phase I and Phase II burrowing owl habitat assessment and burrow survey according to accepted guidelines developed by the Burrowing Owl Consortium and accepted by CDFG. If suitable habitat, i.e. grasslands with short cover and burrows of a size usable by owls and/or owl sign, is not present at a site then the qualified biologist shall prepare a written report to be submitted to CDFG stating the reasons why the site is not considered to be burrowing owl habitat and no further surveys or mitigation are necessary.

If the Phase I and II surveys find that suitable habitat and burrows are present at a site the qualified biologist will conduct Phase III surveys to determine presence or absence of burrowing owls. A minimum of four surveys will be conducted during the breeding season (April 15 to July 15). If owls are not observed then a minimum of four surveys will be conducted during the wintering season. If owls are not observed during either Phase III survey then no further mitigation is generally required, although CDFG may require pre-construction surveys. In either case a Phase IV survey report shall be prepared and submitted to CDFG.

If required, pre-construction surveys for burrowing owl shall be conducted as follows:

A qualified biologist shall conduct a pre-construction survey for burrowing owl if construction occurs during the breeding season (February 1 through August 31). Surveyors shall walk transects no more than 100 feet apart to attain 100 percent visual coverage of all grassland habitats within the project site. Where possible, agricultural or grassland habitats within 300 feet of the project site shall also be surveyed. If owls are not detected during this survey, project work can move forward as proposed.

If owls are detected during this survey, no project activities shall occur within 250 feet of occupied burrows until the breeding season is over, unless owls have not begun laying eggs or juveniles are capable of independent survival.

If project activities will occur during the non-breeding season (September 1 through January 31), a second pre-construction survey shall be conducted for burrowing owl to document wintering owls that have migrated to the project site, as well as breeding owls that may have left the project site. If owls are not detected during this survey, project work can move forward as proposed.

If occupied burrows are detected during this survey and can be avoided, project activities shall not occur within 160 feet of occupied burrows.

If occupied burrows cannot be avoided, one-way doors shall be installed to passively relocate burrowing owls away from active work areas. Two natural burrows or one artificial burrow shall be provided in adjacent grassland habitat for each one-way door installed in an active burrow. One-way doors shall remain in place for 48 hours. The project site shall be monitored daily for up to one week to ensure owls have moved to replacement burrows.

Once unoccupied, burrows shall be excavated by hand and backfilled to prevent owl occupation. When feasible, other unoccupied burrows in ground disturbance area should also be excavated by hand and backfilled. Depending on the California red-legged frog and California tiger salamander Habitat Assessment results the project site may require a pre-construction survey for these species as well before burrows can be collapsed.

Site(s) affected: Sites 18, 20

4.C-1d: Compensatory mitigation for annual grassland habitat providing potentially suitable habitat for burrowing owl. Annual grasslands at Sites 18 and 20 may provide foraging, nesting, or wintering habitat for burrowing owl. If burrowing owls are found to be absent through the surveys prescribed above, then consistent with standard CDFG mitigations standards and ratios, annual grassland habitat at Sites 18 and 20 shall be compensated for at a ratio of 1:1. If burrowing owls are found to be occupying Sites 18 or 20, then compensatory mitigation shall be required at a ratio of 3:1, acres replaced to acres lost. The project applicant may fulfill this obligation by purchasing annual grassland property suitable for, or occupied by, burrowing owl. Such land shall be protected in perpetuity through an endowed conservation easement. Alternatively, the project applicant may purchase credits in an approved mitigation bank for burrowing owl.

Site(s) affected: Sites 18, 20

(Draft SEIR, pp. 4.C-28 to 4.C-32; Final SEIR, p. 2-5.)

Impact 4.C-2

Development facilitated by the General Plan Amendment and rezonings could potentially adversely affect wetlands, streams, or riparian habitat.

The SEIR evaluates the impact of the proposed project on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The proposed project may have an effect on Arroyo Mocho, Tassajara Creek, Sycamore Creek, and Arroyo del Valle.

Significance Before Mitigation: Significant

Significance After Mitigation: Less than Significant

Finding: Changes or alterations have been required in or incorporated into the Project that would avoid or substantially lessen the significant environmental effect as identified in the SEIR. Mitigation Measure 4.C-2, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less than significant level.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to less than significant.

1. Development proposed for areas adjacent to Arroyo Mocho, Tassajara Creek, Sycamore Creek, and Arroyo del Valle may result in degradation of water quality and aquatic habitat; degradation of wetland habitat; and accidental discharge of sediment or toxic materials into wetlands.

2. Implementation of Mitigation Measure 4.C-2 set forth in Table 6-1 of the Final SEIR and listed in the MMRP will ensure that Impact 4.C-2 would be reduced to a less than significant level and is hereby incorporated by reference and described below:

4.C-2: Consistent with the Alameda County Watercourse Protection Ordinance, no new grading or development at Sites 6, 8, 9, 10, 13, 20, or 21 shall be allowed within 20 feet of the edge of riparian vegetation or top of bank, whichever is further from the creek centerline, as delineated by a qualified, City-approved biologist.

Site(s) affected: Sites 6, 8, 9, 10, 13, 20, 21

(Draft SEIR, pp. 4.C-32 to 4.C-34.)

Impact 4.C-3

Development facilitated by the General Plan Amendment and rezonings could potentially interfere 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.

The SEIR evaluates the impact of the proposed project on 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.

Significance Before Mitigation: Significant

Significance After Mitigation: Less than Significant

Finding: Changes or alterations have been required in or incorporated into the Project that would avoid or substantially lessen the significant environmental effect as identified in the SEIR. Mitigation Measures 4.C-1a through 4.C-1d and 4.C-2, which have been required in or incorporated into the Project, will reduce the significant environmental impact to a less than significant level.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to less than significant.

1. Development facilitated by the project could potentially interfere with migration and dispersal corridors located along Arroyo Mocho, Tassajara Creek, and Arroyo del Valle, as well as smaller creeks and landscaped areas within the vicinity.

2. Implementation of Mitigation Measures 4.C-1a through 4.C-1d and 4.C-2, listed above under Impacts 4.C-1 and 4.C-2, would reduce the impact to less than significant.

Site(s) affected: Sites 6, 8, 9, 10, 13, 20, 21

4. Cultural Resources

Impact 4.D-2

Development facilitated by the General Plan Amendment and rezonings has the potential to adversely affect archaeological resources.

The SEIR evaluates the impacts of the proposed project on the significance of archaeological resources. Some sites proposed for development may have only been minimally disturbed in the past and they may contain unknown archaeological resources the disturbance of which would therefore cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines.

Significance Before Mitigation: Significant

Significance After Mitigation: Less than Significant

Finding: Changes or alterations have been required in or incorporated into the Project that would avoid or substantially lessen the significant environmental effect as identified in the SEIR. Mitigation Measure 4.D-2, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less than significant level.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to less than significant.

1. While the majority of the potential sites for rezoning identified in the proposed Housing Element are located in the flat valley area and on parcels that have had some level of previous development or disturbance, some sites, such as Sites 6 or 7 may have only been minimally disturbed in the past and, while they are located in the flat valley and are expected to reveal a low sensitivity for prehistoric sites, they may contain unknown archaeological resources. Site 7, for example, contains a Native American burial ground.

2. Implementation of Mitigation Measure 4.D-2 set forth in Table 6-1 of the Final SEIR and listed in the MMRP will ensure that Impact 4.D-2 would be reduced to a less than significant level and is hereby incorporated by reference and described below:

4.D-2: Prior to the issuance of grading permits for development on the potential sites for rezoning that have not been previously developed or have only experienced minimal disturbance, including Sites 6, 7, 8, and 18, the applicant shall submit to the City an archaeological mitigation program that has been prepared by a licensed archaeologist with input from a Native American Representative.

The applicant shall implement the requirements and measures of this program, which will include, but not be limited to:

Submission of periodic status reports to the City of Pleasanton and the NAHC.

Submission of a final report, matching the format of the final report submitted for CA-Ala-613/H, dated March 2005, to the City and the NAHC.

A qualified archaeologist and the Native American Representative designated by the NAHC will be present on site during the grading and trenching for the foundations, utility services, or other on-site excavation, in order to determine if any bone, shell, or artifacts are uncovered. If human remains are uncovered, the applicant will implement Mitigation Measure 4.D-4, below.

Site(s) affected: Sites 6-8, 18

(Draft SEIR, pp. 4.D-16 to 4.D-17.)

Impact 4.D-3

Development facilitated by the General Plan Amendment and rezonings may directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

The SEIR evaluates the impacts of the proposed project related to the potential destruction of unique paleontological resources or a unique geologic feature. The city has moderate paleontological sensitivity and it is possible that paleontological resources could be disturbed during construction activities.

Significance Before Mitigation: Significant

Significance After Mitigation: Less than Significant

Finding: Changes or alterations have been required in or incorporated into the Project that would avoid or substantially lessen the significant environmental effect as identified in the SEIR. Mitigation Measure 4.D-3, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less than significant level.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to less than significant.

1. Subsurface ground-disturbing activities of the proposed project could have a significant impact on previously unknown unique paleontological resources in the Planning Area.
2. Implementation of Mitigation Measure 4.D-3 set forth in Table 6-1 of the Final SEIR and listed in the MMRP will ensure that Impact 4.D-3 would be reduced to a less than significant level and is hereby incorporated by reference and described below:

4.D-3: In the event that paleontological resources are encountered during the course of development, all construction activity must temporarily cease in the affected area(s) until the uncovered fossils are properly assessed by a qualified paleontologist and subsequent recommendations for appropriate documentation and conservation are evaluated by the Lead Agency. Excavation or disturbance may continue in other areas of the site that are not reasonably suspected to overlie adjacent or additional paleontological resources.

Site(s) affected: All

(Draft SEIR, p. 4.D-18.)

Impact 4.D-4

Development facilitated by the General Plan Amendment and rezonings has the potential to disturb human remains, including those interred outside of formal cemeteries.

The SEIR evaluates the impacts of the proposed project related to the disturbance of human remains, including those interred outside of formal cemeteries.

Significance Before Mitigation: Significant

Significance After Mitigation: Less than Significant

Finding: Changes or alterations have been required in or incorporated into the Project that would avoid or substantially lessen the significant environmental effect as identified in the SEIR. Mitigation Measure 4.D-4, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less than significant level.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to less than significant.

1. Subsurface ground-disturbing activities of the proposed project could inadvertently disturb previously unknown human remains.

2. Implementation of Mitigation Measure 4.D-4 set forth in Table 6-1 of the Final SEIR and listed in the MMRP will ensure that Impact 4.D-4 would be reduced to a less than significant level and is hereby incorporated by reference and described below:

4.D-4: In the event that human remains are discovered during grading and construction of development facilities by the Housing Element, work shall stop immediately. There shall be no disposition of such human remains, other than in accordance with the procedures and requirements set forth in California Health and Safety Code Section 7050.5 and Public Resources Section 5097.98. These code provisions require notification of the County Coroner and the Native American Heritage Commission, who in turn must notify the persons believed to be most likely descended from the deceased Native American for appropriate disposition of the remains.

Site(s) affected: All

(Draft SEIR, 4.D-19 to 4.D-20.)

Impact 4.D-5

Development facilitated by the General Plan Amendment and rezonings, in combination with past, present, existing, approved, pending, and reasonably foreseeable future development that would adversely affect historical resources on or adjacent to cumulative project sites, could form a significant cumulative impact to historical resources.

The SEIR evaluates the impacts of the proposed project regarding the potential for past, present, existing, approved, pending, and reasonably foreseeable future development to adversely affect historical resources on or adjacent to cumulative project sites.

Significance Before Mitigation: Significant

Significance After Mitigation: Less than Significant

Finding: Changes or alterations have been required in or incorporated into the Project that would avoid or substantially lessen the significant environmental effect as identified in the SEIR. Mitigation Measure 4.D-5, which has been required in or incorporated into the Project, will reduce the significant environmental impact to a less than significant level.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to less than significant.

1. For CEQA purposes, it is conservatively assumed that development facilitated by the proposed Housing Element could result in the demolition of historical resources. Other past, present, existing, approved, pending, and reasonably foreseeable future projects in the City that have, or will have, resulted in the demolition of historical resources could combine with the Housing Element projects to form a significant cumulative impact to historical resources.

2. Implementation of Mitigation Measure 4.D-1a set forth in Table 6-1 of the Final SEIR and listed in the MMRP will ensure that Impact 4.D-5 would be reduced to a less than significant level and is hereby incorporated by reference and described below:

4.D-1a: On Sites 6 and 21, prior to PUD approval or demolition, whichever occurs first, the project applicant shall have a historic resource evaluation conducted for the homes and outbuildings on Site 6 and for the residence on Site 21, as applicable. If it is determined that a structure is historic, Mitigation Measure 4.D-1b will be required. If the structure is not found to be historic, demolition of the structure will be considered a less than significant impact.

Site(s) affected: Sites 6, 21

(Draft SEIR, p. 4.D-20.)

Impact 4.D-6

Construction resulting from development facilitated by the General Plan Amendment and rezonings, in combination with construction of other past, present, existing, approved, pending, and reasonably foreseeable future development in the vicinity, would cause a significant cumulative impact to currently unknown cultural resources at the site, potentially including an archaeological resource pursuant to CEQA Guidelines section 15064.6 or Public Resources Code section 21083.2(g), or the disturbance of any human remains, including those interred outside of formal cemeteries, as well as paleontological resources.

The SEIR evaluates the impacts of the Project regarding the potential for past, present, existing, approved, pending and reasonably foreseeable future development to adversely affect archaeological and paleontological resources or human remains on or adjacent to cumulative project sites.

Significance Before Mitigation: Significant

Significance After Mitigation: Less than Significant

Finding: Changes or alterations have been required in or incorporated into the Project that would avoid or substantially lessen the significant environmental effect as identified in the SEIR. Mitigation Measures 4.D-3 and 4.D-4, which are described above and have been required in or incorporated into the Project, will reduce the significant environmental impact to a less than significant level.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to less than significant.

1. For CEQA purposes, it is conservatively assumed that development facilitated by the proposed Housing Element could result in impacts to archeological or paleontological resources. Other past, present, existing, approved, pending, and reasonably foreseeable future projects in the City that have, or will have, resulted in like impacts could combine with the Housing Element projects to form a significant cumulative impact to archeological or paleontological resources.

2. Implementation of Mitigation Measures 4.D-3 and 4.D-4 set forth in Table 6-1 of the Final SEIR and listed in the MMRP will ensure that Impact 4.D-6 would be reduced to a less than significant level and are hereby incorporated by reference and described below:

4.D-3: In the event that paleontological resources are encountered during the course of development, all construction activity must temporarily cease in the affected area(s) until the uncovered fossils are properly assessed by a qualified

paleontologist and subsequent recommendations for appropriate documentation and conservation are evaluated by the Lead Agency. Excavation or disturbance may continue in other areas of the site that are not reasonably suspected to overlie adjacent or additional paleontological resources.

4.D-4: In the event that human remains are discovered during grading and construction of development facilities by the Housing Element, work shall stop immediately. There shall be no disposition of such human remains, other than in accordance with the procedures and requirements set forth in California Health and Safety Code Section 7050.5 and Public Resources Section 5097.98. These code provisions require notification of the County Coroner and the Native American Heritage Commission, who in turn must notify the persons believed to be most likely descended from the deceased Native American for appropriate disposition of the remains.

Site(s) affected: All

(Draft SEIR, p. 4.D-21.)

5. Hazards and Hazardous Materials

Impact 4.G-2

Development facilitated by the General Plan Amendment and rezonings could accidentally release hazardous materials into the environment, creating a potentially significant hazard to the public or environment.

The SEIR evaluates the impacts of the proposed project through creation of a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials. Development facilitated by the project could create a significant hazard to the public or the environment through the excavation of contaminated soil or exposure of construction workers to contaminated groundwater.

Significance Before Mitigation: Significant

Significance After Mitigation: Less than Significant

Finding: Changes or alterations have been required in or incorporated into the Project that would avoid or substantially lessen the significant environmental effect as identified in the SEIR. Mitigation Measure 4.G-2 which is required in or incorporated into the Project, will reduce the significant environmental impact to a less than significant level.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to less than significant.

1. Remaining and/or previously unidentified contamination may be present on or below ground surface. Encountering contaminated soil, surface water, and groundwater without taking proper precautions during site remediation could result in the exposure of construction workers to hazardous materials and consequently result in associated significant adverse human health and environmental impacts.

2. Implementation of Mitigation Measure 4.G-2 set forth in Table 6-1 of the Final SEIR and listed in the MMRP will ensure that Impact 4.G-2 would be reduced to a less than significant level and is hereby incorporated by reference and described below:

4.G-2: The City shall ensure that each project applicant retain a qualified environmental consulting firm to prepare a Phase I environmental site assessment in accordance with ASTM E1527-05 which would ensure that the City is aware of any hazardous materials on the site and can require the right course of action. The Phase I shall determine the presence of recognized environmental conditions and provide recommendations for further investigation, if applicable. Prior to receiving a building or grading permit, project applicant shall provide documentation from overseeing agency (e.g., ACEH or RWQCB) that sites with identified contamination have been remediated to levels where no threat to human health or the environment remains for the proposed uses.

Site(s) affected: All

(Draft SEIR, 4.G-11 to 4.G-13.)

Impact 4.G-4

Development facilitated by the General Plan Amendment and rezonings could potentially be located on one or more sites that are included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5, resulting in a hazard to the public or the environment.

The SEIR evaluates the impacts related to the potential for sites proposed for development to be included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5, resulting in a hazard to the public or the environment.

Significance Before Mitigation: Significant

Significance After Mitigation: Less than Significant

Finding: Changes or alterations have been required in or incorporated into the Project that would avoid or substantially lessen the significant environmental effect as identified in the SEIR. Mitigation Measure 4.G-2 which is required in or

incorporated into the Project, will reduce the significant environmental impact to a less than significant level.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to less than significant.

1. Development of sites known to be contaminated by hazardous materials or wastes would occur on both land currently zoned for residential, as well as the potential sites for rezoning.
2. Implementation of Mitigation Measure 4.G-2, which is listed above under Impact 4. G-2, set forth in Table 6-1 of the Final SEIR and listed in the MMRP will ensure that Impact 4.G-4 would be reduced to a less than significant level and is hereby incorporated by reference.

Site(s) affected: Sites 11, 14

(Draft SEIR, pp. 4.G-15 to 4.G-15.)

Impact 4.G-5

Development facilitated by the General Plan Amendment and rezonings could potentially affect the operations at the Livermore Municipal Airport or present a safety hazard to people residing or working in the vicinity.

The SEIR evaluates the impacts of the proposed project related to the operations at the Livermore Municipal Airport and the potential safety hazards to people residing or working in the vicinity.

Significance Before Mitigation: Significant

Significance After Mitigation: Less than Significant

Finding: Changes or alterations have been required in or incorporated into the Project that would avoid or substantially lessen the significant environmental effect as identified in the SEIR. Mitigation Measure 4.G-5 which is required in or incorporated into the Project, will reduce the significant environmental impact to a less than significant level.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to less than significant.

1. Potential sites for rezoning 6, 8, 10, 11, 14, 16, 17, and 21 are located within the boundaries of the Alameda County Airport Land Use Policy Plan's (ALUPP) General Referral Area, which is coterminous with the Alameda County Airport Land Use Commission Hazard Prevention Zone. A land use

conflict between the draft ALUPP and the potential sites for rezoning is not anticipated. However, since the revised draft ALUPP has not been adopted, and specific project details for Sites 1-21 are not available, potential safety impacts could occur to people residing or working in the vicinity.

2. Implementation of Mitigation Measure 4.G-5 set forth in Table 6-1 of the Final SEIR and listed in the MMRP will ensure that Impact 4.G-5 would be reduced to a less than significant level and is hereby incorporated by reference and described below:

4.G-5

a. Prior to PUD approval for Sites 11 (Kiewit), 14 (Legacy Partners), 6 (Irby-Kaplan-Zia), 8 (Auf de Maur/Richenback), 10 (CarrAmerica), 16 (Vintage Hills Shopping Center), 17 (Axis Community Health), and 21 (4202 Stanley): 1) the project applicant shall submit information to the Director of Community Development demonstrating compliance with the ALUPP, as applicable, including its height guidance; and 2) the Director of Community Development shall forward this information and the proposed PUD development plans to the ALUC for review.

b. Prior to any use permit approval for Sites 11 (Kiewit) and 14 (Legacy Partners): the project applicant shall submit information to the Director of Community Development demonstrating compliance with the ALUPP, as applicable; and 2) the Director of Community Development shall forward this information and the proposed use permit to the ALUC for review.

c. The following condition shall be included in any PUD development approval for all the potential sites for rezoning: Prior to the issuance of a grading permit or building permit, whichever is sooner, the project applicant shall submit verification from the FAA, or other verification to the satisfaction of the City Engineer or Chief Building Official, of compliance with the FAA Part 77 (Form 7460 review) review for construction on the project site.

Site(s) affected: Mitigation Measure 4.G-5a. Sites 6, 8, 10, 11, 14, 16, 17, 21; Mitigation Measure 4.G-5b. Sites 11 and 14; Mitigation Measure 4.G-5c. All Sites.

(Draft SEIR, pp. 4.G-15 to 4.G-17.)

6. Noise

Impact 4.J-1

Development facilitated by the General Plan Amendment and rezonings could potentially increase construction noise levels at sensitive receptors located near construction sites.

The SEIR evaluates the impact of the proposed project related to a substantial temporary increase in noise levels at sensitive receptors located near construction sites.

Significance Before Mitigation: Significant

Significance After Mitigation: Less than Significant

Finding: Changes or alterations have been required in or incorporated into the Project that would avoid or substantially lessen the significant environmental effect as identified in the SEIR. Mitigation Measure 4.J-1 which is required in or incorporated into the Project, will reduce the significant environmental impact to a less than significant level.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to less than significant.

1. Construction activities would include demolition, site preparation, paving, and building construction, in addition to construction for off-site improvements such as roadways, storm drainage, and utilities. Construction would involve the use of heavy equipment (e.g., front loader, graders, haul trucks) in addition to small power tools, generators, and hand tools that would be sources of noise.

2. Implementation of Mitigation Measure 4.J-1 set forth in Table 6-1 of the Final SEIR and listed in the MMRP applies to all potential sites for rezoning and will ensure that Impact 4.J-1 would be reduced to a less than significant level and is hereby incorporated by reference and described below.

4.J-1: In addition to requiring that all project developers comply with the applicable construction noise exposure criteria established within the City's Municipal Code 9.04.100, the City shall require developers on the potential sites for rezoning to implement construction best management practices to reduce construction noise, including:

a. Locate stationary construction equipment as far from adjacent occupied buildings as possible.

b. Select routes for movement of construction-related vehicles and equipment so that noise-sensitive areas, including residences, and outdoor recreation areas, are avoided as much as possible. Include these routes in materials submitted to the City of Pleasanton for approval prior to the issuance of building permits.

c. All site improvements and construction activities shall be limited to the hours of 8:00 a.m. to 5:00 p.m., Monday through Saturday. In addition, no construction shall be allowed on State and federal holidays. If complaints are

received regarding the Saturday construction hours, the Community Development Director may modify or revoke the Saturday construction hours. The Community Development Director may allow earlier "start-times" for specific construction activities (e.g., concrete-foundation/floor pouring), if it can be demonstrated to the satisfaction of the Community Development Director that the construction and construction traffic noise will not affect nearby residents.

d. All construction equipment must meet DMV noise standards and shall be equipped with muffling devices.

e. Designate a noise disturbance coordinator who will be responsible for responding to complaints about noise during construction. The telephone number of the noise disturbance coordinator shall be conspicuously posted at the construction site and shall be provided to the City of Pleasanton. Copies of the construction schedule shall also be posted at nearby noise-sensitive areas.

Site(s) affected: All

(Draft SEIR, pp. 4.J-16 to 4.J-18.)

Impact 4.J-2

Construction associated with development facilitated by the General Plan Amendment and rezonings could potentially generate ground-borne vibration at neighboring sensitive uses.

The SEIR evaluates the impact of the proposed project related to generate ground-borne vibration at neighboring sensitive uses.

Significance Before Mitigation: Significant

Significance After Mitigation: Less than Significant

Finding: Changes or alterations have been required in or incorporated into the Project that would avoid or substantially lessen the significant environmental effect as identified in the SEIR. Mitigation Measure 4.J-2 which is required in or incorporated into the Project, will reduce the significant environmental impact to a less than significant level.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to less than significant.

1. Vibration exposure at sensitive uses located near construction sites could exceed the applicable criteria in situations where pile driving or similar vibration-producing activity occurs.

2. Implementation of Mitigation Measure 4.J-2 set forth in Table 6-1 of the Final SEIR and listed in the MMRP will ensure that Impact 4.J-2 would be reduced to a less than significant level and is hereby incorporated by reference and described below.

4.J-2: The City shall require developers on the potential sites for rezoning to conduct a vibration study which will estimate vibration levels at neighboring sensitive uses, and if required, provide mitigation efforts needed to satisfy the applicable construction vibration level limit established in Table 4.J-4. It is expected that vibration mitigation for all project sites will be reasonable and feasible.

Site(s) affected: All

(Draft SEIR, 4.J-18 to 4.J-19.)

Impact 4.J-3

Development facilitated by the General Plan Amendment and rezonings could potentially locate residential uses near an existing rail line. Future residents could potentially be exposed to excessive exterior and interior noise exposure from train noise events.

The SEIR evaluates the impact of the proposed project related to the exposure of residents to excessive exterior and interior noise resulting from train noise events.

Significance Before Mitigation: Significant

Significance After Mitigation: Less than Significant

Finding: Changes or alterations have been required in or incorporated into the Project that would avoid or substantially lessen the significant environmental effect as identified in the SEIR. Mitigation Measure 4.J-3 which is required in or incorporated into the Project, will reduce the significant environmental impact to a less than significant level.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to less than significant.

1. Train-related noise exposure at Sites 8, 11, 14, 18, and 21, which are in close proximity to the UPRR mainline tracks, may exceed the applicable 70 dB Ldn exterior noise exposure limit and 50 dB Lmax/55 dB Lmax criteria within habitable rooms. As a result, this impact would be potentially significant.

2. Implementation of Mitigation Measure 4.J-3 set forth in Table 6-1 of the Final SEIR and listed in the MMRP will ensure that Impact 4.J-3

would be reduced to a less than significant level and is hereby incorporated by reference and described below.

4.J-3: The City shall require project applicants (Sites 8, 11, 14, 18, and 21) to conduct site-specific acoustical assessments to determine train-related noise exposure, impact, and mitigation. Recommendations in the acoustical assessment shall be sufficient to satisfy the applicable City of Pleasanton 70 dB Ldn and 50/55 dB Lmax exterior and interior noise exposure criteria, respectively, using appropriate housing site design and building construction improvements.

Site(s) affected: Sites 8, 11, 14, 18, 21

(Draft SEIR, pp. 4.J-19 to 4.J-20.)

Impact 4.J-5

Development facilitated by the General Plan Amendment and rezonings could potentially generate additional traffic on local area roadways and associated increases in traffic noise exposure relative to existing conditions.

The SEIR evaluates the impact of the proposed project related to the exposure of residents to traffic noise resulting from additional traffic on local area roadways.

Significance Before Mitigation: Significant

Significance After Mitigation: Less than Significant

Finding: Changes or alterations have been required in or incorporated into the Project that would avoid or substantially lessen the significant environmental effect as identified in the SEIR. Mitigation Measures 4.J-5a through 4.J-5c which are required in or incorporated into the Project, will reduce the significant environmental impact to a less than significant level.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to less than significant.

1. Potentially significant, project-related traffic noise level increase of 1 dB is established along Hopyard Road between West Las Positas Boulevard and Valley Avenue and Stoneridge Drive between West Las Positas Boulevard and Santa Rita Road, which may increase traffic noise exposure to above 60 dB Ldn within single-family residential backyards. Development adjacent to several roadways may experience traffic noise exposure in excess of 65 dB, potentially resulting in interior noise exposure of 45 dB Ldn or higher within some project buildings.

2. Implementation of Mitigation Measures 4.J-5a through 4.J-5c set forth in Table 6-1 of the Final SEIR and listed in the MMRP will ensure that Impact 4.J-5 would be reduced to a less than significant level and are hereby incorporated by reference and described below.

4.J-5a: Prior to PUD approval, if a potential site for rezoning would add traffic noise in excess of 55 dBA as described in Table 4.J-6, the project applicant shall conduct an off-site noise study to determine the project's contribution to off-site roadway noise and contribute its fair-share to mitigate the established noise impact.

4.J-5b: Any residential or office buildings shall be built to California's interior-noise insulation standard so that interior traffic noise exposure does not exceed 45 dB Ldn. Before building permits are issued, the project applicant shall be required to submit an acoustical analysis demonstrating that the buildings have been designed to limit interior traffic noise exposure to a level of 45 dB Ldn/CNEL or less.

4.J-5c: Any locations of outdoor activity for sensitive uses associated with the project site shall be designed so that the noise exposure from traffic does not exceed 65 dB Ldn at these activity areas. This shall be done thru site orientation (i.e., location of activity areas away from roadways or shielded by project buildings) or with the inclusion of appropriate noise barriers. Prior to PUD approval, the project applicant shall be required to submit an acoustical analysis demonstrating that outdoor activity spaces associated with sensitive uses do not exceed 65 dB Ldn within these spaces.

Site(s) affected: All

(Draft SEIR, pp. 4.J-21 to 4.J-26.)

Impact 4.J-6

Development facilitated by the General Plan Amendment and rezonings could potentially be affected by existing, stationary (non-transportation) noise sources that would exceed the applicable City of Pleasanton Municipal Code criteria.

The SEIR evaluates the impact of the proposed project related to the exposure of residents to stationary (non-transportation) noise sources that would exceed the applicable City of Pleasanton Municipal Code criteria.

Significance Before Mitigation: Significant

Significance After Mitigation: Less than Significant

Finding: Changes or alterations have been required in or incorporated into the Project that would avoid or substantially lessen the significant environmental effect as identified in the SEIR. Mitigation Measures 4.J-6a through 4.J-6c which are required in or incorporated into the Project, will reduce the significant environmental impact to a less than significant level.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to less than significant.

1. Noise from stationary (non-transportation) sources in the vicinity of all the potential sites for rezoning could exceed the applicable 60 dB Lmax exterior noise exposure limit established within the City Municipal Code. Some areas adjacent to industrial/commercial areas could be subject to loading noise and late or 24-hour operations noise.

2. Implementation of Mitigation Measures 4.J-6a through 4.J-6c set forth in Table 6-1 of the Final SEIR and listed in the MMRP will ensure that Impact 4.J-6 would be reduced to a less than significant level and are hereby incorporated by reference and described below.

4.J-6a: For all of the potential sites for rezoning the City shall require site-specific acoustical assessments to determine noise exposure, impact, and mitigation regarding non-transportation sources. Noise exposure shall be mitigated to satisfy the applicable City Code criterion using appropriate housing site design.

4.J-6b: For Site 14 the City shall require a site-specific acoustical assessment to determine noise from quarrying noise sources. Recommendations in the acoustical assessment shall be sufficient to satisfy the applicable City of Pleasanton 70 dB Ldn and 50/55 dB Lmax exterior and interior noise exposure criteria, respectively.

4.J-6c: For all of the potential sites for rezoning, the City shall require a noise disclosures and noise complaint procedures for new residents at the project site. The requirement shall include a) a disclosure of potential noise sources in the project vicinity; b) establish procedures and a contact phone number for a site manager the residents can call to address any noise complaints.

Site(s) affected: Mitigation Measure 4.J-6a All Sites; Mitigation Measure 4.J-6b - Site 14; Mitigation Measure 4.J-6c -All Sites.

(Draft SEIR, pp. 4.J-26 to 4.J-27.)

Impact 4.J-7

Development facilitated by the General Plan Amendment and rezonings could potentially be exposed to aircraft noise associated with the closest airport which would exceed the applicable noise exposure criteria.

The SEIR evaluates the impact of the proposed project related to the exposure of residents to aircraft noise associated with the Livermore Municipal Airport, which would exceed the applicable noise exposure criteria.

Significance Before Mitigation: Significant

Significance After Mitigation: Less than Significant

Finding: Changes or alterations have been required in or incorporated into the Project that would avoid or substantially lessen the significant environmental effect as identified in the SEIR. Mitigation Measure 4.J-7 which is required in or incorporated into the Project, will reduce the significant environmental impact to a less than significant level.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to less than significant.

1. Aircraft/airport noise exposure associated with Livermore Municipal Airport is expected to be well below 60 dB Ldn at the closest potential site for rezoning (Site 14). Additionally, interior aircraft-related noise exposure is not expected to exceed the applicable 45 dB Ldn criterion. However, maximum noise levels from aircraft departures to the west may exceed the applicable 50/55 dB Lmax criteria within habitable rooms.

2. Implementation of Mitigation Measure 4.J-7 set forth in Table 6-1 of the Final SEIR and listed in the MMRP will ensure that Impact 4.J-7 would be reduced to a less than significant level and is hereby incorporated by reference and described below.

4.J-7: For residential developments at Sites 11 and 14 near the left-hand pattern of Runway 25L, the City shall require a site-specific acoustical assessments to determine noise exposure, impact, and mitigation regarding aircraft single events. The assessments shall include the collection of aircraft single-event noise level data for no less than 48-hours on or in the vicinity of the given housing areas. If needed, aircraft-related single-event noise exposure shall be mitigated to satisfy the applicable City of Pleasanton Code criteria of 50 dB Lmax (bedrooms) and 55 dB Lmax (other habitable rooms) using acoustically rated construction materials/systems.

Site(s) affected: Sites 11, 14

(Draft SEIR, p. 4.J-28.)

Impact 4.J-9

Development facilitated by the General Plan Amendment and rezonings in combination with other foreseen projects in the city could potentially produce a significant cumulative increase in traffic noise exposure under the project scenario.

The SEIR evaluates the impact of the proposed project related to the exposure of residents to traffic noise resulting from additional traffic on local area roadways in combination with other foreseen projects in the city.

Significance Before Mitigation: Significant

Significance After Mitigation: Less than Significant

Finding: Changes or alterations have been required in or incorporated into the Project that would avoid or substantially lessen the significant environmental effect as identified in the SEIR. Mitigation Measure 4.J-9 which is required in or incorporated into the Project, will reduce the significant environmental impact to a less than significant level.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to less than significant.

1. Cumulative traffic noise level increases would be significant along Busch Road north of Valley Avenue and Valley Avenue south of Bernal Avenue. Potentially significant, cumulatively considerable, project-related traffic noise level increase of 1 dB is established along Stoneridge Drive between Johnson Drive and Hopyard Road, and Hopyard Road between Stoneridge Drive and West Las Positas Boulevard. In these cases, the project-related increases, although not in excess of the established City of Pleasanton General Plan significance threshold (5+ dB), may increase traffic noise exposure to above the City's 60 dB Ldn limit within neighboring single-family residential backyards.

2. Implementation of Mitigation Measure 4.J-9 set forth in Table 6-1 of the Final SEIR and listed in the MMRP will ensure that Impact 4.J-9 would be reduced to a less than significant level and is hereby incorporated by reference and described below.

4.J-9: Prior to PUD approval, if a potential site for rezoning would add traffic noise in excess of 55 dBA as described in Table 4.J-7, the project applicant shall conduct an off-site noise study to determine the project's contribution to off-site roadway noise and contribute its fair-share to mitigate the established noise impact.

Site(s) affected: All

(Draft SEIR, pp. 4.J-29 to 4.J-34.)

Impact 4.J-10

Development facilitated by the General Plan Amendment and rezonings could potentially locate residential uses or mixed-use buildings near an existing highway, arterial, or collector roadway, exposing future residents to excessive exterior and interior traffic noise exposure.

The SEIR evaluates the impact of the proposed project related to the exposure of residents to excessive exterior and interior noise resulting from locating potential residential or mixed-use buildings near existing highways, arterials, or collector roadways.

Significance Before Mitigation: Significant

Significance After Mitigation: Less than Significant

Finding: Changes or alterations have been required in or incorporated into the Project that would avoid or substantially lessen the significant environmental effect as identified in the SEIR. Mitigation Measures 4.J-5b and 4.J-5c which are required in or incorporated into the Project, will reduce the significant environmental impact to a less than significant level.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to less than significant.

1. Noise exposure at the closest project housing sites to Interstates 580 and 680 (i.e., Sites 1, 2, and 7) is expected to be as-high-as 85 dB Ldn given future increases in traffic volumes (without significant decreases in speed) and elevated receiver locations (e.g., upper-floor building facades). Future traffic noise exposure at project sites along Owens, West Las Positas, First, Stanley, Bernal, and Sunol may be as-high-as 61-67 dB Ldn (setback of 100 feet from center of roadway). Upper-floor building facades at these sites could experience traffic noise as-high-as 71 dB Ldn (4 dB above that at the ground-floor) at these locations. This exterior noise exposure would be expected to exceed the City's 65 dB Ldn exterior noise exposure limit for multi-family residential uses.

2. Implementation of Mitigation Measures 4.J-5b and 4.J-5c, listed above under Impact 4.J-5, set forth in Table 6-1 of the Final SEIR and listed in the MMRP will ensure that Impact 4.J-10 would be reduced to a less than significant level and are hereby incorporated by reference and described below.

4.J-5b: Any residential or office buildings shall be built to California's interior-noise insulation standard so that interior traffic noise exposure does not exceed 45 dB Ldn. Before building permits are issued, the project applicant shall be required

to submit an acoustical analysis demonstrating that the buildings have been designed to limit interior traffic noise exposure to a level of 45 dB Ldn/CNEL or less.

4.J-5c: Any locations of outdoor activity for sensitive uses associated with the project site shall be designed so that the noise exposure from traffic does not exceed 65 dB Ldn at these activity areas. This shall be done thru site orientation (i.e., location of activity areas away from roadways or shielded by project buildings) or with the inclusion of appropriate noise barriers. Prior to PUD approval, the project applicant shall be required to submit an acoustical analysis demonstrating that outdoor activity spaces associated with sensitive uses do not exceed 65 dB Ldn within these spaces.

Site(s) affected: All

(Draft SEIR, pp. 4.J-35 to 4.J-36.)

7. Public Services and Utilities

Impact 4.L-2

Development facilitated by the General Plan Amendment and rezonings could potentially require new or expanded water supply resources or entitlements.

The SEIR evaluates the impact of the proposed project related to the potential need for new or expanded water supply resources or entitlements. New housing development as facilitated on the potential sites for rezoning by the proposed Housing Element would increase demand for water and could require new water supply sources.

Significance Before Mitigation: Significant

Significance After Mitigation: Less than Significant

Finding: Changes or alterations have been required in or incorporated into the Project that would avoid or substantially lessen the significant environmental effect as identified in the SEIR. Mitigation Measure 4.L-2 which is required in or incorporated into the Project, will reduce the significant environmental impact to a less than significant level.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will be reduced to less than significant.

1. Future water demand resulting from new development has been addressed by Zone 7's capital improvement projects to secure more water. In order to meet future needs, Zone 7 plans to improve conveyance, storage, and groundwater recharge and extraction facilities to accommodate the growth outlined in its customers' general plans, which include the City of Pleasanton and the proposed Housing Element. To further ensure supply is adequate, the City has

developed a Condition of Approval in the 2011 WSA for residential development on the potential sites for rezoning.

2. Implementation of Mitigation Measure 4.L-2 set forth in Table 6-1 of the Final SEIR and listed in the MMRP will ensure that Impact 4.L-2 would be reduced to a less than significant level and is hereby incorporated by reference and described below.

4.L-2: Prior to the recordation of a Final Map, the issuance of a grading permit, the issuance of a building permit, or utility extension approval to the site, whichever is sooner, the applicant shall submit written verification from Zone 7 Water Agency or the City of Pleasanton's Utility Planning Division that water is available for the project. To receive the verification, the applicant may need to offset the project's water demand. This approval does not guarantee the availability of sufficient water capacity to serve the project.

Site(s) affected: All

(Draft SEIR, pp. 4.L-13 to 4.L-16.)

K. Significant Impacts That Cannot be Mitigated to a Less Than Significant Level

The following significant impacts cannot be mitigated to a less-than-significant level, even with the implementation of the identified mitigation measures set forth below. No mitigation is feasible that would mitigate these impacts to a less-than-significant level. The City has determined that the impacts identified below are acceptable because of overriding economic, legal, social or other considerations, as described in the Statement of Overriding Considerations. As required by CEQA, a Statement of Overriding Considerations is presented in Section II below in addition to these findings.

1. Cultural Resources

Impact 4.D-1

Development facilitated by the General Plan Amendment and rezonings has the potential to adversely change the significance of historical resources.

The SEIR evaluates the impact of the proposed project related to the potential to adversely change the significance of historical resources. Construction activities such as grading and excavation associated with development on the potential sites for rezoning identified in the proposed Housing Element could potentially affect known historic or cultural resources. Specifically, Site 6 is the location of an ice house and farmhouse complex that may be historic as they are more than 50 years old and Site 21 includes an early 20th century home within an historic neighborhood identified in the General Plan.

Significance Before Mitigation: Significant

Significance After Mitigation: Significant and Unavoidable

Finding: Changes or alterations have been required in or incorporated into the Project, however, the changes would not reduce this impact to a less than significant level. Mitigation Measures 4.D-1a and 4.D-1b are required in or incorporated into the Project.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will not be reduced to less than significant.

1. Cultural resources would be directly adversely affected by development on the potential sites for rezoning if they are demolished to make way for new housing, or indirectly affected, through incompatible design of new development adjacent to the resource.

2. Mitigation Measures 4.D-1a and 4.D-1b include the requirement for a historic resource evaluation at Sites 6 and 21. Mitigation Measure D-1a and D-1b as set forth in Table 6-1 of the Final EIR and listed in the MMRP are hereby incorporated by reference and described below:

4.D-1a: On Sites 6 and 21, prior to PUD approval or demolition, whichever comes first, the project applicant shall have a historic resource evaluation conducted for the ice house and farmhouse on Site 6 and for the residence on Site 21 as applicable. If it is determined that a structure is historic, Mitigation Measure 4.D-1b will be required. If a structure is not found to be historic, demolition of the structure will be considered a less than significant impact.

4.D-1b: If the historic resources evaluation determines that Site 6 or 21 contains a historic resource, prior to demolition, the structure shall be documented according to Historic American Building Survey (HABS) standards. These standards include large format black and white photographs, an historical narrative describing the architectural and historical characteristics of the building, and measured drawings (or reproduced existing drawings if available). The HABS documentation shall be archived at the City of Pleasanton Planning Department and the City of Pleasanton Public Library.

3. Implementation of Mitigation Measures 4.D-1a and 4.D-1b would not reduce the impact to less than significant as demolition of the structures on Site 6 and 21 could result in an adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5.

(Draft SEIR, pp. 4.D-15 to 4.D-16.)

2. Transportation and Traffic

Impact 4.N-7

Development facilitated by the General Plan Amendment and rezonings could potentially add traffic to the regional roadway network to the point at which they would operate unacceptably under Cumulative plus Project conditions.

The SEIR evaluates the impact of the proposed project related to the potential to add traffic to the regional roadway network to the point at which they would operate unacceptably under Cumulative plus Project conditions.

Significance Before Mitigation: Significant

Significance After Mitigation: Significant and Unavoidable

Finding: Changes or alterations have been required in or incorporated into the Project, however, the changes would not reduce this impact to a less than significant level. Mitigation Measure 4.N-7 is required in or incorporated into the Project.

Facts in Support of Finding: The following facts and mitigation measures indicate that the impact will not be reduced to less than significant.

1. Implementation of the proposed Housing Element would result in a significant impact related to capacity overloads to Sunol Boulevard (First Street) under Year 2015 and 2035 conditions and Hopyard Road under 2035 conditions. Under 2015 conditions, traffic generated by development facilitated on potential rezoning sites would further degrade the existing LOS F on Sunol Boulevard between Vineyard Avenue and Stanley Boulevard during the p.m. peak hour and increase the volume-to-capacity (V/C) ratio by more than 0.03. Under 2035 conditions, the V/C ratio would increase by more than 0.03 on the same segment of Sunol Boulevard and on Hopyard Road between Owens Drive and I-580.

2. Existing development surrounding these roadways would need to be removed in order to widen them, rendering such widening infeasible.

3. Improvements to nearby parallel corridors which would increase their capacity thresholds could create more attractive alternative routes and provide additional capacity, lessen the traffic volume on Sunol Boulevard and Hopyard Road.

4. Mitigation Measure 4.N-7 set forth in Table 6-1 of the Final EIR and listed in the MMRP is hereby incorporated by reference and described below:

4.N-7: Prior to issuance of building permit(s), the City shall require developers on the potential sites for rezoning to contribute fair-share funds through the payment of the City of Pleasanton and Tri-Valley Regional traffic impact fees to help fund future improvements to local and regional roadways.

5. Implementation of Mitigation Measure N-7 would not reduce the impact to less than significant because the City cannot be assured that collected funds would be spent to specifically improve Sunol Boulevard or parallel corridors as they are collected by the regional agency; therefore, the impact would remain significant and unavoidable.

(Draft SEIR, pp. 4.N-30-4.N-32.)

L. Alternatives

CEQA Guidelines section 15126(a) requires that an EIR describe a reasonable range of alternatives that would obtain most of the basic project objectives but would avoid or substantially lessen any of the significant environmental effects of the Project and that the EIR evaluate the comparative merits of the alternatives. Case law indicates that the lead agency has the discretion to determine how many alternatives constitute a reasonable range (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 56); and that an EIR need not present alternatives that are incompatible with fundamental project objectives (*Save San Francisco Bay Association v. San Francisco Bay Conservation & Development Commission* (1992) 10 Cal.App.4th 908). CEQA Guideline section 15126.6(f) states that the range of alternatives required in an EIR is governed by a “rule of reason” that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice.

Additionally, CEQA Guidelines section 15126.6(a) provides that an EIR need not consider alternatives that are infeasible. CEQA Guidelines section 15126.6(f)(1) provide that among the factors that may be taken into account when addressing the feasibility of alternative are “site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.”

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA. Although an EIR must evaluate this range of potentially feasible alternatives, an alternative may ultimately be deemed by the lead agency to be “infeasible” if it fails to fully promote the lead agency’s underlying goals and objectives with respect to the project.

Under CEQA Guidelines section 15126.6, the alternatives to be discussed in detail in an EIR should be able to “feasibly attain most of the basic objectives of the project[.]” For this reason, the Project Objectives described above provided the framework for defining

possible alternatives. Additionally, the City must meet the objectives outlined in the 2010 Settlement agreement, and the alternatives addressed in the SEIR meet those basic objectives.

The significant impacts of the proposed project are related to the residential development needed to meet identified objectives, both for the provision of housing to meet the needs of all economic segments of the community and to reduce vehicle miles travelled by improving the City's jobs/housing balance. Thus, project alternatives, except the required No Project Alternative, are various means of increasing local housing opportunities.

The City finds that that a good faith effort was made to evaluate all feasible alternatives in the EIR that are reasonable alternatives to the General Plan Amendment and rezoning project, and that could feasibly obtain the basic objectives of the project. As a result, the scope of alternatives analyzed in the EIR is not unduly limited or narrow. The City also finds that all reasonable alternatives were reviewed, analyzed, and discussed in the review process of the EIR.

No Project Alternative

The No Project Alternative would result in development consistent with the City's existing General Plan, and leave the City's previous Housing Element in place. That previous element does not address housing needs for the current 2007-2014 planning period. State law requires that the Housing Element be updated to address housing needs for all economic segments of the community for the current 2007-2014 planning period.

Although State law requires the City to adopt a Housing Element that responds to RHNA, the existing Housing element addressed in the No Project Alternative assumes buildout of no more than 2,157 units under the existing Housing Element. This includes the 319 housing units constructed between 2007 and 2010, 82 units currently under construction, 1,321 units with approvals, 158 potential units on residentially zoned land, and 870 that could be accommodated due to the Hacienda Rezoning. However, this alternative would not result in additional housing units beyond the 1,128 units that have already been constructed in the City before 2014.

Since the City must plan for its RHNA allocation and implement actions to comply with that allocation pursuant to the 2010 Settlement Agreement, it is not legally permissible to select the No Project Alternative, thus ignoring the proposed Housing Element and the need to rezone enough of the potential sites for rezoning to meet the RHNA mandated figure. Further, the No Project Alternative would not meet the requirements of the 2010 Settlement Agreement, which requires the City to adopt a Housing Element for the 2007-2014 planning period within 90-days of receiving comments from the Department of Housing and Community Development.

Under the No Project Alternative, the Draft CAP would not be adopted and its GHG reduction measures would not be implemented. For Pleasanton, this means that it would not meet the goals AB 32, of 15 percent below 2005 baseline by 2020 (306,311 MT CO₂e below base line). However, even under the No Project Alternative, the City would get credit from several high-impact state-wide measures including in the AB 32 Scoping Plan, which are

estimated to be 194,017 MT CO₂e. With the addition of projected impact of rising fuel prices on driving behavior described in the Draft CAP, which is estimated to translates to a equivalent to annual emissions reductions of 18,729 MT CO₂e, Pleasanton would left with the challenge of reducing city-wide emissions by an additional 93,585 MT CO₂e per year below business-as-usual by 2020 under the No Project Alternative.

Finding: The City Council finds that this alternative is infeasible in that it would not meet many of the objectives for the Housing Element and associated General Plan amendment and rezonings to increase the City's inventory of land available for the development of housing to ensure capacity for the development of new housing to meet the RNHA at all income levels. Further, the No Project Alternative would not meet the requirements of the 2010 Settlement Agreement, which requires that the City adopt a new Housing Element and all related General Plan amendments and rezonings and a Climate Action Plan by February 17, 2012.

Alternative 1, Large Properties

Alternative 1, Large Properties, would result in the development of a total of 2,232 housing units to fulfill 100 percent of the RHNA and improve Pleasanton's jobs/housing balance as a means of reducing greenhouse emissions. Like the proposed project, Alternative 1 would include rezoning to accommodate future residential growth. Alternative 1 would rezone 8 of the 17 potential sites, specifically the sites that could accommodate larger developments. The larger properties could more easily address neighborhood compatibility issues through site design, and also provide high quality open space as other amenities. Alternative 1 would permit residential development on:

- Site 1 BART Site with 300 units
- Site 3 Stoneridge Mall with 300 units
- Site 6 Irby-Kaplan-Zia with 180 units
- Site 7 Gateway with 279 units
- Site 8 Auf de Mar/ Rickenback with 345 units
- Site 10 CarrAmerica with 252 units
- Site 11 Kiewit with 300 units
- Site 14 Legacy Partners with 276 units

The same mixed use and single-family residential development assumptions, and acreage assumptions as shown in Table 3-3 of the SEIR apply to this Alternative.

Finding: The City Council finds that this alternative is infeasible in that it would provide no significant advantage from an environmental standpoint over the proposed project.

While Alternative 1 would satisfy all of the Project Objectives, impacts to cultural resources and transportation and traffic would remain significant and unavoidable with this alternative. Other environmental resources would result in less than significant impacts, similar to the proposed project.

Alternative 2, Transit Oriented

Alternative 2, Transit Oriented, would result in the development of a total of 2,324 housing units to fulfill 100 percent of the RHNA and improve Pleasanton's jobs/housing balance as a means of reducing greenhouse emissions. Like the proposed project, Alternative 2 would include rezoning to accommodate future residential growth. Rather than focusing on larger properties as in the Large Properties Alternative, the Transit Oriented Alternative would focus on sites in proximity to transit for rezoning to residential use. Alternative 2 would rezone 11 of the 17 potential sites, specifically the sites that are closest to the BART stations and the Route 10 transit corridor, a bus line with 15-minute headways. The Kiewit and Legacy sites (Sites 11 and 14) could also be served by a future ACE train station. Alternative 2 would allow residential development on:

- Site 1 BART Site with 249 units
- Site 2 Sheraton with 99 units
- Site 3 Stoneridge Mall with 300 units
- Site 4 Kaiser with 183 units
- Site 6 Irby-Kaplan-Zia with 138 units
- Site 8 Auf de Mar/ Rickenback with 345 units
- Site 9 Nearon with 168 units
- Site 10 CarrAmerica with 252 units
- Site 11 Kiewit with 300 units
- Site 14 Legacy Partners with 276 units
- Site 17 Axis Community Health with 14 units

The same mixed use and single-family residential development assumptions, and acreage assumptions as shown in Table 3-3 of the SEIR apply to this Alternative.

Finding: The City Council finds that this alternative is infeasible in that it would provide no significant advantage from an environmental standpoint over the proposed project. While Alternative 2 would satisfy all of the Project Objectives, impacts to cultural resources and transportation and traffic would remain significant and unavoidable with this alternative. Other

environmental resources would result in less than significant impacts, similar to the proposed project.

Alternative 3, Excludes East Pleasanton

Alternative 3, Excludes East Pleasanton, would result in the development of a total of 2,200 housing units to fulfill 100 percent of the RHNA and improve Pleasanton's jobs/housing balance as a means of reducing greenhouse emissions. Like the proposed project, Alternative 3 would include rezoning to accommodate future residential growth, but excludes properties 11 and 14 which have been included in the plan area for the East Pleasanton Specific Plan, as well as Sites 2, 4, 18, 19, 20 and 21, which are smaller sites. Alternative 3 would rezone 9 of the 17 potential sites, specifically the sites that could accommodate larger developments and would include one downtown residential site to increase vitality in the downtown area.

Alternative 3 would allow residential development on:

- Site 1 BART Site with 300249 units
- Site 3 Stoneridge Mall with 300 units
- Site 6 Irby-Kaplan-Zia with 270 units
- Site 7 Gateway with 279 units
- Site 8 Auf de Mar/ Rickenback with 345 units
- Site 9 Nearon with 150 units
- Site 10 CarrAmerica with 252 units
- Site 13 CM Capital Properties with 290 units
- Site 17 Axis Community Health with 14 units

The same mixed use and single-family residential development assumptions, and acreage assumptions as shown in Table 3-3 of the SEIR apply to this Alternative.

Finding: The City Council finds that this alternative is infeasible in that it would provide no significant advantage from an environmental standpoint over the proposed project. While Alternative 3 would satisfy all of the Project Objectives, impacts to cultural resources and transportation and traffic would remain significant and unavoidable with this alternative. Other environmental resources would result in less than significant impacts, similar to the proposed project.

Alternative 4, Increased Density

Alternative 4, Increased Density, would result in the development of a total of 3,900 housing units to fulfill 100 percent of the RHNA and improve Pleasanton's jobs/housing

balance as a means of reducing greenhouse emissions. This alternative evaluates increased density on all the potential sites for rezoning, in the event that the City wishes to consider a higher density on one or more of the 17 sites.

The same mixed use and single-family residential development assumptions, and acreage assumptions as shown in Table 3-3 of the SEIR apply to this Alternative.

Finding: The City Council finds that this alternative is infeasible in that it would provide no significant advantage from an environmental standpoint and would not further attainment of all of the Project objectives. Specifically, because this alternative would allow maximum development on each of the potential sites for rezoning it would not meet the objectives related to sustainable growth, such as encouraging housing development where supported by existing or planned infrastructure while maintaining existing neighborhood character; it would not develop a plan for Pleasanton that supports sustainable local, regional, and state housing and environmental goals; and it would not provide new housing communities with substantial amenities to provide a high quality of life. Further, impacts to cultural resources and transportation and traffic would remain significant and unavoidable with this alternative. Other environmental resources would be less than significant impacted, similar to the proposed General Plan Amendment and rezonings.

Environmentally Superior Alternative

Alternative 2, Transit Oriented development, would be the environmentally superior alternative given its reduced residential development potential and associated environmental effects (as compared to development under the proposed development of all the potential sites for rezoning). Additionally, this alternative would not directly result in the significant and unavoidable impact on Site 21 related to demolition of a potentially significant cultural resource. The significant and unavoidable transportation impact on a regional roadway (Sunol Boulevard and Hopyard Road) for which the City would not be the Lead Agency for mitigation implementation would remain under this alternative. Further, the Transit Oriented Alternative meets all the key objectives and goals of the Housing Element and CAP, namely it would ensure capacity for the development of new housing to meet the RHNA at all income levels or present the California Department of Housing and Community Development a housing element that meets the requirements of the settlement agreement, as well as reduce GHG emissions from vehicle miles traveled (VMT) through strategic rezonings. For these reasons, Alternative 2 is determined to be the Environmentally Superior Alternative.

M. Growth-Inducing Effects

A project may be growth-inducing if it directly or indirectly fosters economic or population growth or additional housing, removes obstacles to growth, taxes community service facilities, or encourages or facilitates other activities that cause significant environmental effects. (CEQA Guidelines Section 15126(g).)

Under CEQA, induced growth is not considered necessarily detrimental or beneficial. Induced growth is considered a significant impact only if it directly or indirectly

affects the ability of agencies to provide needed public services, or if it can be demonstrated that the potential growth could significantly affect the environment in some other way.

Chapter 6, Section A of the EIR provides an analysis of growth inducement effects of the proposed project, as required by CEQA Guidelines section 15126.2(d). By its very nature, a Housing Element is intended to be growth inducing. Based on Government Code section 65300, a Housing Element is intended to provide plans and programs to meet identified housing needs, including facilitating new residential development to meet the City's share of projected regional housing needs for all economic segments of the community. While a Housing Element does not propose any specific residential development projects, it does facilitate future population growth of the city that would result in indirect growth-inducing effects. By adopting a Housing Element, a city is setting the ground rules for future residential growth and development within its jurisdiction.

Accordingly, the City Council finds that the Project, specifically the Housing Element component thereof, would indirectly facilitate population growth in relation to the future residential development of the proposed rezoning sites, but that all but two of the Project's potentially significant adverse environmental impacts will be reduced to levels of insignificance through the imposition of the mitigation measures discussed above and listed in the MMRP, and that the Project's benefits substantially outweigh the two significant and unavoidable impacts as demonstrated below in the Statement of Overriding Considerations.

II. **STATEMENT OF OVERRIDING CONSIDERATIONS**

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15093, the City Council has balanced the economic, legal, social, technological, and other benefits of the Project against the Project's two significant and unavoidable impacts and has adopted all feasible mitigation measures. The City Council has also examined potentially feasible alternatives to the Project, none of which are feasible in that they would provide no significant advantage from an environmental standpoint over the proposed project. The City Council hereby adopts and makes the following Statement of Overriding Considerations regarding the significant and unavoidable impacts of the Project and the anticipated economic, legal, social, technological, and other benefits of the Project.

A. Significant and Unavoidable Impacts

Based on information contained in the record and in the SEIR, the City Council has determined that the Project would result in significant and unavoidable impacts to (1) cultural resources due to the possibility of adverse changes to potentially historical resources associated with rezoning sites 6 (ice house and farmhouse) and 21 (residence); and (2) transportation due to the possibility of significant increases in traffic to the regional roadway network under cumulative plus Project conditions. (Draft SEIR, pp. 4.D-15 to 4.D-16; 4.N-30 to 4.N-32.)

B. Finding

The City Council has considered all potentially feasible mitigation measures to substantially lessen or avoid the Project's significant and unavoidable impacts. Where feasible, mitigation measures have been adopted as part of or imposed upon the Project. The imposition of these measures will reduce the identified impacts, but not to a less-than-significant level. The City Council finds that it is not feasible to fully mitigate these Project impacts.

The City Council has also considered all potentially feasible alternatives to the Project. The City Council finds that there are no feasible alternatives that would reduce the above significant and unavoidable impacts to a less-than-significant level.

The Project's impacts discussed above therefore remain significant and unavoidable.

C. Overriding Considerations

After review of the entire administrative record, including, but not limited to, the Final SEIR, the staff report, and the oral and written testimony and evidence presented at public hearings, the City Council finds that specific economic, legal, social, technological and other anticipated benefits of the Project outweigh the significant and unavoidable impacts, and therefore justify the approval of this Project notwithstanding the identified significant and unavoidable impacts. (Pub. Resources Code, § 21081; CEQA Guidelines, § 15093.) The benefits are addressed in detail in Section II.D below.

The City Council specifically adopts and makes this Statement of Overriding Considerations that this Project has eliminated or substantially lessened all significant effects on the environment where feasible (including the incorporation of feasible mitigation measures), and finds that the remaining significant unavoidable impacts of the Project, which are described above in Section II.A, are acceptable because the benefits of the Project set forth below in Section II.D outweigh them. The City Council finds that each of the overriding considerations expressed as benefits and set forth below in Section II.D constitutes a separate and independent ground for such a finding. Any one of the reasons for approval cited below is sufficient to justify approval of the Project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the City Council will stand by its determination that each individual reason is sufficient by itself. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this Section II, and in the documents found in the Record of Proceedings, as defined in Section I.D.

D. Benefits of the Project

The City Council has considered the SEIR, the public record of proceedings on the proposed Project and other written materials presented to and prepared by the City, as well as oral and written testimony received, and does hereby determine that implementation of the Project as specifically provided in the Project documents would result in the following substantial public benefits:

1. *The Project Would Enable the City to Meet its Regional Housing Needs Obligation*

The Housing Element and its associated General Plan amendments and rezonings provide sites that can be developed for a minimum of 2,088 residential units at a minimum density of 30 units per acre, the density at which the State of California considers to be appropriate for providing housing affordable to households with very low and low incomes. When combined with the 350 units associated with the previously approved Windstar project and the 1028 existing units facilitated by existing undeveloped residentially zoned land, these 2,088 new units will accommodate the 3277 housing units that represent Pleasanton's fair share of the Regional Housing Need as determined by the Association of Bay Area Governments.

2. *The Project Would Improve the Local Jobs/Housing Balance as a Means of Reducing Vehicle Miles Traveled Associated with GHG Emissions*

In 2010, the City of Pleasanton contained 25,962 housing units and approximately 55,770 jobs resulting in .47 housing units per job. Rezoning to facilitate approximately 2088 additional housing units would improve that number to .50 housing units per job. Vehicle miles traveled per day as a result of this additional housing supply proximate to Pleasanton jobs is estimated to be reduced by approximately 15,700 miles per day, resulting in a significant reduction of GHG emissions.

3. *The Project Would Enable the City to Comply with the 2010 Settlement Agreement Concerning the Urban Habitat and General Plan/CEQA Litigations*

Adoption of the Housing Element and its associated General Plan amendments and rezonings to accommodate the City's fair share of Regional Housing Need are required by the terms of Section 6 of the 2010 Settlement Agreement between Urban Habitat, the State of California, and the City of Pleasanton. Section 8 of the 2010 Settlement Agreement also requires the City to adopt a Climate Action Plan by February 17, 2012. Failure to timely comply with the terms of the agreement could result in the court mandating the suspension of the City's land use and permitting authority or the approval of various land use actions pursuant to Government Code section 65755, as occurred previously in the Urban Habitat Litigation where the court suspended the City's permitting authority over all non-residential building permits.

E. Determination and Adoption of Statement of Overriding Considerations

The City Council has weighed the economic, legal, social, technological, and other benefits of the proposed Project, as set forth above in Section II.D, against the significant unavoidable impacts of the Project identified in the SEIR (and discussed above in Section II.A).

The City Council hereby determines that those benefits outweigh the risks and adverse environmental impacts of the Project, and further determines that the Project's significant unavoidable impacts are acceptable.

Accordingly, the City Council adopts the Statement of Overriding Considerations, recognizing that significant unavoidable impacts will result from implementation of the Project. Having (i) adopted all feasible mitigation measures, as stated herein and discussed in the SEIR; (ii) rejected alternatives to the Project, as stated herein and discussed in the SEIR; and (iii) recognized the significant unavoidable impacts of the Project, the City Council hereby finds that each of the separate benefits of the proposed Project, as stated herein, is determined to be unto itself an overriding consideration, independent of other benefits, that warrants approval of the Project and outweighs and overrides its significant unavoidable impacts, and thereby justifies the approval of the Housing Element (and its associated General Plan amendments and rezonings) and Draft Climate Action Plan.

