

IN THE CITY COUNCIL OF THE CITY OF LIVERMORE

STATE OF CALIFORNIA

A RESOLUTION CERTIFYING THE OAKS BUSINESS PARK
FINAL ENVIRONMENTAL IMPACT REPORT

BE IT RESOLVED, that the City Council of the City of Livermore makes the following findings:

1. The City received an application for a Vesting Tentative Tract Map (7300), a zoning change to Planned Development District-Industrial (PD-I 01-003), Design Guidelines for the development of the business park, a Development Agreement and a Traffic Demand Management (TDM) program; and

2. The City determined the Project, including related future implementation actions, are subject to the California Environmental Quality Act (CEQA) and that an Environmental Impact Report (EIR) is required; and

3. On March 9, 2001, the City issued a Notice of Preparation (NOP) pursuant to CEQA to obtain comments on the proposed scope of the EIR for the project; and

4. On March 29, 2001 the City held a scoping meeting with interested parties to receive comments and recommendations on the proposed scope of the EIR for the project; and

5. On August 29, 2002, a Draft EIR was made available for review by members of the Planning Commission, the City Council, State Clearinghouse, state, regional and local agencies and special districts, property owners, and interested groups and individuals for a 45-day public comment period. A Notice of Completion of the Draft EIR, public comment period, and public hearing date was published in a newspaper of general circulation pursuant to CEQA; and

6. On October 1, 2002, the Planning Commission conducted a public hearing on the adequacy of the Draft EIR at which oral and written comments were presented to the Planning Commission; and

7. On October 14, 2002 at 5:00 p.m., the public comment period on the Draft EIR was closed; and

8. On March 21, 2003 the City issued a Notice of Preparation (NOP) for a Revised Draft EIR pursuant to CEQA to obtain comments on the proposed scope of a Revised Draft EIR for the project in order to better address public comments on the prior Draft EIR, a new drainage system option, and changes in circumstances; and

9. On September 27, 2003 a revised Draft EIR was recirculated and made available for review by members of the Planning Commission, the City Council, State Clearinghouse, state, regional and local agencies and special districts, property owners, and interested groups and individuals for a 45-day public comment period. A Notice of Completion of the Draft EIR, public comment period, and public hearing date was published in a newspaper of general circulation pursuant to CEQA; and

10. On October 21, 2003, the Planning Commission conducted a public hearing on the adequacy of the Revised Draft EIR at which oral and written comments were presented to the Planning Commission; and

11. On November 12, 2003, at 5:00 p.m., the public comment period on the Revised Draft EIR was closed; and

12. On January 13, 2003, a Final EIR was distributed consisting of copies of all written and oral comments, a list of commentors, all responses to oral and written comments and an appendix containing minor corrections to the Draft EIR. A notice of the Final EIR availability and certification recommendation hearing date was published in a newspaper of general circulation; and

13. Notice of all hearings on the EIR was given as required by law and the actions in preparing and recirculating the EIR were conducted pursuant to the CEQA Statute and State Guidelines Sections 15088, 15088.5, 15089, 15090, and local City CEQA requirements; and

14. All Interested Parties desiring to comment on the EIR were given the opportunity to submit oral and written comments on the adequacy of the EIR prior to this recommendation of certification; and

15. The Oaks Business Park Final EIR consists of the Revised Draft EIR and Technical Appendices incorporated by reference, and the Responses to Comments, which includes copies of all written or oral comments, a list of commenting agencies and individuals, all responses to oral and written comments, and proposed revisions to the Revised Draft EIR; and

16. All comments raised during the public comment period on the Revised Draft EIR and at the public hearing on the Revised Draft EIR conducted by the Planning Commission were responded to adequately; and

17. No new or substantial changes to the Proposed Project and/or the Revised Draft EIR are proposed as a result of the public comment process. The responses make only minor technical changes, clarification or amplifications to the Draft EIR. The minor changes, clarifications, and amplifications to the Draft EIR do not raise any new issues about the significant effects of the Proposed Project on the environment; and

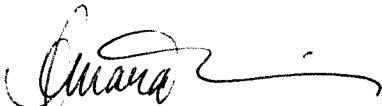
18. A Mitigation Monitoring and Reporting Program has been prepared for the project, pursuant to Public Resource Code (PRC) 21081.6, facilitating the implementation of all mitigation measures required through the CEQA process.

19. On January 20, 2004, the Planning Commission conducted a public hearing to consider recommendation to the City Council and certify the Final EIR and upon review and consideration of the information in the Final EIR and administrative record, recommended certification of the Final EIR to the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Livermore that the Final EIR has been completed in compliance with the intent and requirements of the CEQA Statute, CEQA Guidelines and the City's local CEQA requirements, including the Findings and Statement of Overriding Considerations Regarding the Environmental Impact Report, and the Mitigation Monitoring and Reporting Program, and the Final EIR reflects the independent judgment and analysis of the City Council of the City of Livermore.

BE IT FURTHER RESOLVED, based on the above findings, that the City Council hereby certifies that the Final EIR is adequate and complete for the purposes of making a decision on the proposed Oaks Business Park Project, and other related Project actions and has been completed in compliance with CEQA. The City Clerk is hereby directed to file a Notice of Determination with the Alameda County Clerk.

APPROVED AS TO FORM:



SENIOR ASSISTANT CITY ATTORNEY

On motion of Councilmember Beeman, seconded by Councilmember Reitter, the foregoing Resolution was passed and adopted this 23rd day of February, 2004, by the following vote:

AYES: COUNCILMEMBERS Beeman, Reitter, Mayor Kamena

NOES: COUNCILMEMBERS None

ABSENT: COUNCILMEMBERS Dietrich, Leider



MAYOR, CITY OF LIVERMORE, CALIFORNIA

ATTEST:



CITY CLERK

BB S:\AGENDA\03-01\Final EIR Cert.doc AM/PS

MITIGATION MONITORING & REPORTING PROGRAM

FOR THE

OAKS BUSINESS PARK

CITY OF LIVERMORE

STATE CLEARINGHOUSE NUMBER 2001032069

CITY OF LIVERMORE
PLANNING DIVISION
45 EL CAMINO REAL
LIVERMORE, CA 94550-4899
CONTACT: PAUL SPENCE (925) 960-4474

JANUARY, 2004

EXHIBIT B

CREEKBRIDGE-GIANOLINI ANNEXATION MITIGATION MONITORING PROGRAM

MITIGATION MONITORING & REPORTING PROGRAM

PROGRAM CONTENTS

This mitigation monitoring program includes a brief discussion of the legal basis and purpose of the mitigation monitoring program, a key to understanding the monitoring matrix and the mitigation monitoring matrix itself.

LEGAL BASIS AND PURPOSE OF THE MITIGATION MONITORING PROGRAM

Public Resource Code (PRC) 21081.6 requires public agencies to adopt mitigation monitoring or reporting programs whenever certifying an environmental impact report or mitigated negative declaration. This requirement facilitates implementation of all mitigation measures adopted through the California Environmental Quality Act (CEQA) process.

The Governor's Office of Planning and Research advisory publication, *Tracking CEQA Mitigation Measures*, provides local governments basic information and practical advice concerning compliance with mitigation monitoring and reporting programs. Correspondingly, this document incorporates the suggestions contained within the advisory publication and from research on similar monitoring programs.

MONITORING MATRIX

The following pages provide a series of tables identifying the mitigation measures proposed specifically for the project. These mitigation measures are derived from the January 2004 Final Environmental Impact Report, including all errata changes. The columns within the tables have the following meanings:

Mitigation Measure:	Provides the text of the Mitigation Measure identified in the Environmental Document.
Agency/ City Department Monitor(s)	Identifies any public agency or City department with whom coordination is required to satisfy the measure. The agency or department listed is responsible for monitoring and clearing the measure.
Party Responsible For Implementation	Identifies the party responsible for physically implementing the mitigation measure. Implementation

MITIGATION MONITORING & REPORTING PROGRAM

may include the City, applicant, applicant's consultants, or contractor.

Timing/Frequency: Identifies the point in time and/or frequency by which the measure will be completed.

Final Clearance Date These columns will be initialed and dated by the individual or agency representative designated to verify adherence to project specific mitigation.

Comments: This column is reserved for any additional explanation or notes, if necessary.

The Mitigation Measures in the matrix represent the final version of the measures certified by the City Council.

MITIGATION MONITORING & REPORTING PROGRAM

Mitigation Number	Mitigation Measure	Agency/City Department Monitor	Party Responsible for Implementation	Timing/Frequency	Final Clearance Date	Comments
Traffic And Circulation						
MM 3.3-1a	Traffic signals shall be installed at the intersection of Jack London Boulevard and Hagemann Drive.	Engineering Division	Applicant	Prior to occupancy of first building		
MM 3.3-1b	A second northbound left turn lane shall be striped at the intersection of Murrieta/Jack London/Pine Street, in accordance with Figure 3.3-5 of the RDEIR, to improve operations to v/c =0.85 (LOS D). This shall be accomplished by restriping the left-most northbound through lane to also permit left turn movements. This would require split-phasing of the north-south movements at the signalized intersection.	Engineering Division	Applicant	Prior to occupancy of the first building		

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Mitigation Number	Mitigation Measure	Agency/City Department Monitor	Party Responsible for Implementation	Timing/Frequency	Final Clearance Date	Comments
MM 3.3-1C	An overlap phase for the existing traffic signals for the northbound right turn movement of Isabel Avenue shall be implemented to reduce the v/c ratio from 0.86 to 0.84 (LOS D). Prior to occupancy of the first building, the project applicant shall be responsible for constructing the necessary traffic signal improvements. The northbound right turn shall be equipped with a right turn arrow that will occur with the westbound left turn arrow. Westbound u-turns shall be prohibited.	Engineering Division	Applicant	Prior to occupancy of the first building		
MM 3.3-2	Construct a traffic signal at the Isabel Access intersection. In addition, dual northbound left turn lanes shall be constructed at the signalized intersection.	Engineering Division	Applicant	Prior to occupancy of the first building		

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Mitigation Number	Mitigation Measure	Agency/City Department Monitor	Party Responsible for Implementation	Timing/Frequency	Final Clearance Date	Comments
MM 3.3-3	<p>The project applicant shall not construct more than 90 percent of the total project square footage until two northbound through lanes and two southbound through lanes have been constructed and opened for operation at the Isabel Avenue/Discovery Drive intersection. This development restriction shall be implemented by withholding 10 percent of the Average Daily Vehicle Trips allocated to the developer through the Planned Development Zoning for the site, until implementation of this mitigation measure is complete.</p>	<p>Engineering Division (traffic improvements) Planning Division (permit monitoring)</p>	<p>Applicant</p>	<p>Prior to reaching 90% construction completion</p>		
MM 3.3-4a	<p>An overlap phase for the existing traffic signals for the northbound right turn movement of Isabel Avenue shall be implemented to reduce the v/c ratio from 0.86 to 0.84 (LOS D). Prior to occupancy of the first building, the project applicant shall be responsible for constructing the necessary traffic signal improvements. The eastbound right turn shall be equipped with a right turn arrow that will occur with the northbound left turn arrow. Northbound u-turns shall be prohibited.</p>	<p>Engineering Division</p>	<p>Applicant</p>	<p>Prior to occupancy of the first building</p>		

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Mitigation Number	Mitigation Measure	Agency/City Department Monitor	Party Responsible for Implementation	Timing/Frequency	Final Clearance Date	Comments
MM 3.3-4b	The developer shall construct the needed traffic improvements described in MM 3.3-1b.	Engineering Division	Applicant	Prior to occupancy of first building		
MM 3.3-4c	An overlap phase for the northbound right turn movement shall be implemented by the project applicant to improve the volume to capacity ratio from 0.86 to 0.84 (LOS D). Prior to occupancy of the first building, the project applicant shall be responsible for constructing the necessary traffic signal improvements.	Engineering Division	Applicant	Prior to occupancy of first building		
MM 3.3-4d	An overlap phase for the westbound right turn lane of the Isabel Avenue/Stanley Boulevard Ramp intersection shall be implemented by the applicant to accommodate an acceptable volume-to-capacity ratio of 0.85 (LOS D). Prior to occupancy of the first building, the project applicant shall be responsible for constructing the necessary traffic signal improvements. This westbound right turn movement shall be equipped with a right turn arrow that will be displayed at the same time as the southbound left turn arrow. Southbound u-turns shall be	Engineering Division	Applicant	Prior to occupancy of first building		

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Mitigation Number	Mitigation Measure	Agency/City Department Monitor	Party Responsible for Implementation	Timing/Frequency	Final Clearance Date	Comments
MM 3.3-4e	<p>prohibited.</p> <p>The developer shall construct the needed traffic signals described in MM 3.3-1a.</p>	Engineering Division	Applicant	Prior to occupancy of first building		
MM 3.3-5a	<p>An additional southbound left turn, eastbound right turn and an overlap phase for the eastbound right turn shall be implemented to reduce the v/c ratio from 1.06 to 0.85 (LOS D). Prior to occupancy of the first building, the project applicant shall be responsible for constructing (or providing fair share funding for, if the intersection has not yet been built) the necessary traffic signal improvements. The eastbound right turn shall be equipped with a right turn arrow that will occur with the northbound left turn arrow. Northbound u-turns shall be prohibited.</p> <p>Also implement MM 3.3-1a and 3.3-1b.</p>	Engineering Division	Applicant	Prior to occupancy of first building		
MM 3.3-9	<p>The project applicant shall design the project to accommodate at least one curbside bus stop located at a central location within the proposed subdivision as well as one bus stop located on West Jack London</p>	Engineering Division LAVTA	Applicant	Concurrent with Final Map		

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Mitigation Number	Mitigation Measure	Agency/City Department Monitor	Party Responsible for Implementation	Timing/Frequency	Final Clearance Date	Comments
	<p>Boulevard. The bus stops shall be constructed in locations where no parallel parking is permitted, with handicapped-accessible landing pads and sidewalks for passengers, one low maintenance/high longevity bench for each bus stop, marked as necessary with striping and a high visibility sign. The bus stops shall be constructed in accordance with all standards of the Livermore-Amador Valley Transit Authority.</p>					
MM 3.3-10	<p>Prior to the issuance of the first building permit, the project applicant shall obtain approval of a comprehensive Transportation Demand Management (TDM) program for the proposed development that reduces peak hour project traffic volumes by a minimum of five percent. The TDM program shall provide for such features as shuttle services to the Pleasanton/Dublin BART station, and incentives or subsidies to encourage the use of public transportation. On-site coordinators shall be established to provide information to employees and employers related to car pooling, bicycling to work, ride sharing and alternative transportation</p>	<p>Engineering Division Planning Division</p>	<p>Applicant</p>	<p>Prior to the issuance of the first building permit</p>		

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Mitigation Number	Mitigation Measure	Agency/City Department Monitor	Party Responsible for Implementation	Timing/Frequency	Final Clearance Date	Comments
Noise						
	information, and participation in guaranteed ride home programs. The TDM program shall include annual monitoring to demonstrate on-going compliance with this mitigation measure.					
MM 3.4-1	To reduce the effects of construction noise, the applicant shall require construction contractors to limit high noise-producing activities within 1,500 feet of a residential use to 7:00 am to 6:00 pm, Monday through Friday, with no work on weekends and City observed Holidays.	Building Division	Applicant/ Contractor	Concurrent with construction		
MM 3.4-3a	In the review of City permits for individual site users, future project development shall comply with standards and guidelines as identified in the City of Livermore Community General Plan Noise Element.	Planning Division	Applicant	Prior to individual use permit approvals		
MM 3.4-3b	All uses within the project shall be required to comply with standards as identified in the Planned Development Standards including the following: <ul style="list-style-type: none"> ▪ No use shall be permitted which creates an ambient noise level greater than 75 	Planning Division	Applicant	Prior Site Plan Approval or other permitting of individual uses		

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	<p>decibels beyond the boundaries of the project site, nor greater than 60 decibels at the boundary of an "R" district.</p> <ul style="list-style-type: none"> ▪ No use shall be permitted which creates vibrations, heat, glare, or electrical disturbances beyond the boundaries of the project site. 					
MM 3.4-3c	<p>Applicants for future on-site development projects shall have an acoustical analysis prepared for any land use that is determined by the City of Livermore to have the potential to generate significant on-site noise impacts. The acoustical analysis shall incorporate appropriate noise control mitigation measures to reduce project specific impacts to a less than significant level. The performance standard for such measures shall be those established by the General Plan. Such noise control measures may include, but are not limited to, use of noise barriers, site re-design, silencers, partial or complete enclosures of critical equipment, etc.</p>	Planning Division	Applicant(s) for future development	Prior Site Plan Approval of other permitting of individual uses		

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Visual Resources						
MM 3.5-3	On-site lighting shall be top-shielded to reduce nighttime glow and side-shielded to reduce spill over into adjacent land uses.	Planning Division	Applicant	Prior to individual use permit approvals		
Air Quality						
MM 3.6-1	<p>Basic Controls: the following controls shall be implemented in accordance with BAAQMD standards at all construction sites.</p> <ul style="list-style-type: none"> ▪ Water all active construction areas at least twice daily; ▪ Cover all trucks hauling soil, sand and other loose materials or require all trucks to maintain at least two feet of freeboard; ▪ Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites; ▪ Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites; ▪ Sweep streets daily (with water sweepers) if visible soil material 	Building Division	Applicant/ Contractor	During construction		

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MM 3.6-1 continued	<p>is carried onto adjacent public streets.</p> <p>Enhanced Controls: The following measures shall be implemented at construction sites greater than four acres in area:</p> <ul style="list-style-type: none"> ▪ All "Basic" control measures listed above; ▪ Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more); ▪ Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.) ▪ Limit traffic speeds on unpaved roads to 15 mph; ▪ Install sandbags or other erosion control measures to prevent silt runoff to public roadways; ▪ Replant vegetation in disturbed areas as quickly as possible. <p>Optional Control Measures: The following control measures are strongly encouraged at construction</p>					

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MM 3.6-1 continued	<p>sites that are large in area, located near sensitive receptors or which for any other reason may warrant additional emissions reductions.</p> <ul style="list-style-type: none"> ▪ Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site; ▪ Install wind breaks, or plant trees/vegetative wind breaks at windward side(s) of construction areas; ▪ Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph; ▪ Limit the area subject to excavation, grading and other construction activity at any one time. 					
MM 3.6-3	<p>Mitigation measure MM3.3-10 requires the applicant to obtain approval and implement a comprehensive Transportation Demand Management (TDM) program for the project that reduces peak hour project traffic volumes by a minimum of five percent, prior to the issuance of the first building permit. The TDM program would reduce trip generation and</p>	<p>Planning Division Engineering Division</p>	<p>Applicant</p>	<p>Prior to the issuance of the first building permit</p>		

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	resulting regional air pollutant emissions.					
Hydrology and Water Quality						
MM 3.7-2a	<p>Prior to the issuance of grading permits, or commencement of any clearing, grading, or excavation, the applicant shall provide evidence that a "Notice of Intent for National Pollutant Discharge Elimination System (NPDES) Coverage Under the General Permit" has been submitted to the State Water Resources Control Board.</p> <p>These requirements shall include preparation and submittal of a comprehensive Water Quality Control Plan for construction activities and operation of the project site. The Water Quality Control Plan shall describe measures to meet requirements for the prevention of erosion, siltation, and contamination of stormwater during construction. Such a plan shall be prepared in accordance with permit conditions and requirements of the general and construction activity stormwater permits under NPDES.</p> <p>The comprehensive plan shall</p>	Water Resources Division/ Engineering Division (After Consultation with Zone 7 for Option B)	Applicant	Prior to the issuance of grading permits		

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Mitigation Number	Mitigation Measure	Agency/City Department Monitor	Party Responsible for Implementation	Timing/Frequency	Final Clearance Date	Comments
MM 3.7-2a Continued	<p>include a Stormwater Pollution Prevention Plan (SWPPP), in accordance with Section 402(p) of the Federal Clean Water Act.</p> <p>The SWPPP shall include all appropriate Best Management Practices and applicable design recommendations of the City Water Resources Division and RWQCB for preventing and removing pollutants, specifying erosion control measures, including sedimentation basins, infiltration basins, revegetation of graded slopes and the proposed outfall structure on Arroyo Mocho. Construction water quality control measures shall include, but are not limited to, the following:</p> <ul style="list-style-type: none"> ▪ Existing vegetation shall be retained where possible. Grading activities will be limited to the immediate area required for construction. ▪ Erosion control measures such as silt fences, staked straw bales, and temporary revegetation shall be employed for disturbed areas to prevent soil, dirt and debris from 					

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MM 3.7-2a continued	<p>entering the storm drain system.</p> <ul style="list-style-type: none"> ▪ No disturbed surfaces shall be left without erosion control measures in place during the winter and spring months. ▪ Sediment shall be retained onsite by a system of sediment basins, traps, or other appropriate measures. ▪ Measures shall be taken to ensure proper collection and disposal of all pollutants handled or produced on the site during construction, including sanitary wastes, cement, and petroleum products. <p>All storm water conveyance and discharge facilities that will be the responsibility of the City shall be designed and constructed in accordance with City Standard Specifications and Details. Under Revised drainage Option "B" only, the stormwater outfall to the Arroyo Mocho will be designed and constructed in accordance with Zone 7 standard detail SF-605, and Zone 7 of the Alameda County Flood Control and Water Conservation</p>					

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Mitigation Number	Mitigation Measure	Agency/City Department Monitor	Party Responsible for Implementation	Timing/Frequency	Final Clearance Date	Comments
MM 3.7-2a continued	District shall accept the stormwater outfall to the Arroyo Mocho. The applicant shall meet and implement all other applicable City, State and Federal requirements for non-point source runoff. The SWPPP shall also outline and implement the Association of Bay Area Governments' "Manual of Standards for Erosion and Sediment Control Measures."					
MM 3.7-2b	All future development requiring grading or excavation shall be in accordance with the requirements of the NPDES General Permit in effect at the time. The discharger shall implement an SWPPP, eliminate non-storm water discharges to storm water systems and perform monitoring of discharges to storm water systems.	Building Division Engineering Division Water Resources Division	Applicants for individual lot development	Prior to the issuance of grading permits for future lot development		
MM 3.7-2c	A Clean Water Act Section 401 Water Quality Certification issued by the RWQCB is required in connection with Army Corps of Engineers Nationwide permit authorization for the proposed outfall structure, in the event that Revised drainage Option "B" is approved. RWQCB shall review storm water treatment prior to discharge into any regulated	Engineering Division RWQCB (review)	Applicant	Prior to discharge		

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MM 3.7-2d	<p>waters.</p> <p>If groundwater is encountered during construction activity, the project applicant shall comply with the provisions of the RWQCB's General Permit for Dewatering and Other Low Threat Discharges to Surface Waters. Compliance shall include preparation of a monitoring and reporting program and implementation of Best Management Practices associated with the dewatering activities.</p>	Engineering Division Water Resources	Applicant/ Contractor	During construction		
MM 3.7-2e	<p>Prior to approval of the Final Map(s) for the project, the project applicant shall be required to obtain any other permits, as necessary, including, but not limited to, CDFG 1603 Lake and Streambed Alteration Agreement for the proposed outfall structure to Arroyo Mochó.</p>	Engineering Division Planning Division	Applicant	Prior to final map approval		
MM 3.7-3	<p>The SWPPP, required as part of Mitigation Measure MM 3.7-2a, shall include operational water quality features incorporated into project development plans including erosion control and other Best Management Practices as outlined in the Erosion and Sediment Control Handbook and California Stormwater Best Management Practices Handbook.</p>	Engineering Division Water Resources Division	Applicant	Prior to final map approval		

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	<p>both published by the Association of Bay Area Governments, and the <i>Erosion and Sediment Control Field Manual</i>, published by the Regional Water Quality Control Board as well as compliance with all standard conditions of approval as identified in the Interoffice Memorandum from the Water Resources Division, dated March 7, 2001 and included in the Appendix of this document.</p>					
Geology, Soils and Seismicity						
MM 3.8-2a	<p>The applicant shall implement all engineering recommendations as detailed within the Geotechnical Investigation Report (Kleinfelder, 1998) prepared for the previously proposed project which address seismic environmental impacts, as relevant to the proposed project. The engineering recommendations addressing environmental issues shall be included as conditions of project approval, and include, but are not limited to, the following:</p> <ul style="list-style-type: none"> ▪ General Recommendations; ▪ Liquefaction; ▪ Site Coefficients; ▪ Near Fault Issues in Structural 	Engineering Division Building Division	Applicant	During project construction		

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MM 3.8-2b	<p>Design.</p> <p>Final grading plans shall be reviewed by a qualified geotechnical engineering consultant for conformance to the design recommendations detailed in the Geotechnical Investigation Report prior to construction bidding.</p>	Engineering Division Building Division	Applicant's engineer (as approved by the City)	Prior to the construction bidding		
MM 3.8-4	<p>The applicant and construction contractors shall implement all engineering recommendations as detailed within the Geotechnical Investigation Report (Kleinfelder, 1998) prepared for the previously proposed project which address site preparation, grading and installation of impervious surfaces as relevant to the proposed project. The engineering recommendations addressing these environmental issues shall be included as conditions of project approval and shall be reflected on grading plans prior to issuance of grading permits. These measures include, but are not limited to, the following:</p> <ul style="list-style-type: none"> ▪ On-site Paving; ▪ Foundations; ▪ Slabs-on-Grade; ▪ Concrete Floor Slabs; 	Engineering Division Building Division	Applicant and Contractors	Concurrent with Construction		

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	<ul style="list-style-type: none"> ▪ Utilities; ▪ Earthwork; ▪ Excavation and Shoring; ▪ Trenchless Construction; ▪ Pipe Bedding and Backfill; ▪ Corrosivity of Soils. <p>When construction of individual site improvements has started, all parking lots shall be completed prior to winter rains.</p>					
MM 3.8-5	<p>To the greatest extent possible, the project applicant shall conduct grading during dry months; however, in the event that grading is necessary during rainy months, the project applicant shall be required to obtain permission from the City Engineer prior to commencement of any grading of the project site between October 15th and April 15th. No lime or soil stabilization treatment of the soil of any kind shall be used to condition soils that are to be graded within the public right-of-way, or where any public utilities will be located.</p>	Building Division	Applicant/Contractor	Prior to grading		
Biological Resources						

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MM 3.9-1	<p>Pre-construction surveys, in accordance with USFWS and CDFG protocols, shall be conducted for the presence of western burrowing owl and any other special status birds that may be present on the site. The surveys shall be conducted no less than 14 days and no more than 30 days prior to grading activities. The surveys shall specifically identify burrowing owl habitat features and any potential burrows on the project site, evaluate site use by burrowing owls, monitor any identified burrows for burrowing owl activity, and assess the potential impact to the burrowing owl by the proposed activity. The status of all burrows shall be determined and mapped. The surveys shall also identify any habitat features or individuals of any other special status bird on-site and shall assess the potential impact to these species as well.</p> <p>Surveys shall be conducted no earlier than 45 days and no later than 20 days prior to commencement of grading or site preparation activities if construction is during the nesting/ breeding season which is from February 1 to August 31.</p>	<p>Planning Division (After consultation with USFWS, CDFG - if species are present)</p>	<p>Applicant / qualified biologist (as approved by the City).</p>	<p>Prior to grading</p>		

Oaks Business Park
Mitigation Monitoring Program
City of Livermore

MITIGATION MONITORING & REPORTING PROGRAM

Mitigation Number	Mitigation Measure	Agency/City Department Monitor	Party Responsible for Implementation	Timing/Frequency	Final Clearance Date	Comments
MM 3.9-1 (continue d)	If active owl burrows or evidence of features of any other special status birds are found, consultation with the USFWS and CDFG shall be initiated to determine measures (e.g. relocation, exclusion, devices, etc.) to mitigate for impacts prior to grading. If burrowing owls or other special status species are found onsite during pre-construction surveys, the project applicant shall compensate for the loss of occupied habitat, per CDFG mitigation guidelines.					
MM 3.9-3	Prior to grading activities, a pre-construction survey shall be conducted in accordance with USFWS and CDFG protocols, to determine whether individuals of the California tiger salamander species are present on the project site. A qualified biologist shall be consulted to determine proper mitigation measures, in accordance with current regulations, should any salamanders be encountered. If not present, no further mitigation is required.	Planning Division USFWS, CDFG (if species are present)	Applicant / qualified biologist (as approved by the City)	Prior to grading		
MM 3.9-4	A pre-construction survey, in accordance with USFWS and CDFG protocols, shall be conducted for the presence of the San Joaquin kit fox	Planning Division USFWS, CDFG (if species are present)	Applicant / qualified biologist (as approved by the City)	Prior to grading		

MITIGATION MONITORING & REPORTING PROGRAM

Mitigation Number	Mitigation Measure	Agency/City Department Monitor	Party Responsible for Implementation	Timing/Frequency	Final Clearance Date	Comments
MM 3.9-4 continued	<p>no less than 14 days and no more than 30 days prior to grading activities. The survey shall specifically identify kit fox habitat features and any potential dens on the project site, evaluate site use by kit fox, monitor any identified dens for kit fox activity, and assess the potential impact to the kit fox by the proposed activity. The status of all dens shall be determined and mapped.</p> <p>The applicant shall send the written results of this survey to the USFWS and CDFG within five days after survey completion and prior to the start of ground disturbance and/or construction activities. If the preconstruction survey reveals any natal/pupping den within the project area or within 200 feet (61 meters) of the project boundary, the USFWS and CDFG shall immediately be contacted to obtain the required take authorization/permit and to develop appropriate mitigation to be completed prior to grading activities.</p>					
MM 3.9-5a	<p>The following pre-construction measures shall be taken:</p> <ul style="list-style-type: none"> ▪ The contractor shall meet with 	Planning Division	Applicant/Contractor	Prior to construction		

MITIGATION MONITORING & REPORTING PROGRAM

Mitigation Number	Mitigation Measure	Agency/City Department Monitor	Party Responsible for Implementation	Timing/Frequency	Final Clearance Date	Comments
MM 3.9-5a continued	<p>the project manager on site to discuss tree protection, access and storage prior to beginning any work.</p> <ul style="list-style-type: none"> ▪ A tree protection zone shall be delineated and shown on construction plans and on grading plans and shall be maintained a minimum of 35 feet from the edge of the tree driplines; ▪ protective fencing shall be installed prior to commencement of any site preparation, grading or transportation of equipment to the project site. ▪ Dust control measures shall be implemented including washing down the tree leaves on a regular basis during the construction period, a minimum of once per month in the dry season. ▪ Any subsequent plans affecting the trees, including landscape and irrigation plans, shall be reviewed by the City arborist with regard to tree impacts. 					

MITIGATION MONITORING & REPORTING PROGRAM

Mitigation Number	Mitigation Measure	Agency/City Department Monitor	Party Responsible for Implementation	Timing/Frequency	Final Clearance Date	Comments
MM 3.9-5b	<p>The following post-construction measures shall be taken:</p> <ul style="list-style-type: none"> ▪ The health, stability, water requirements and irrigation of the trees shall be monitored periodically pursuant to approved landscape plans; and management for pests shall be ongoing and occasional pruning shall be performed. ▪ Fresh potable water only shall be used to irrigate the existing trees. Reclaimed water shall be avoided due to its relatively high pH and salt content. 	Planning Division	Applicant/ qualified arborist	After construction is completed (annual report)		
MM 3.9-6	<p>The project applicant shall arrange to have a qualified wetlands specialist conduct a field verification of the three square foot portion of the seasonal wetland in question, prior to the issuance of grading permits for the project. In the event that no change to the wetland area is observed, no new formal wetland delineation shall be required. The results of the field verification shall be made available to the U.S. Army Corps of Engineers.</p>	Planning Division	Applicant/ Qualified Wetlands Specialist	Prior to issuance of grading permits		

MITIGATION MONITORING & REPORTING PROGRAM

Mitigation Number	Mitigation Measure	Agency/City Department Monitor	Party Responsible for Implementation	Timing/Frequency	Final Clearance Date	Comments
<p>Cultural Resources</p> <p>MM 3.10-2a</p>	<p>Should any previously unidentified prehistoric or historic artifacts, or other indicators or examples of cultural resources be discovered during the course of site preparation, grading, excavation, construction or other development activities, all operations within 50 feet of the find shall cease until such time as a qualified archaeologist can be consulted to evaluate the finds and recommend appropriate action.</p> <p>Prehistoric materials can include flaked stone tools (e.g. projectile points, knives and choppers) or tool making debris of obsidian, chert, quartzite and other materials; culturally darkened soil (i.e. midden, which often contains heat affected rock, ash and charcoal, shellfish remains, and cultural materials); and stone milling equipment such as mortars, pestles and hand stones. Historic materials may include wood, stone, concrete or adobe footings, walls and other structural remains; debris filled wells or privies; and deposits of wood, metal, glass, ceramics and other refuse.</p>	<p>Planning Division</p>	<p>Applicant/ Contractor</p>	<p>During construction</p>		

MITIGATION MONITORING & REPORTING PROGRAM

Mitigation Number	Mitigation Measure	Agency/City Department Monitor	Party Responsible for Implementation	Timing/Frequency	Final Clearance Date	Comments
MM 3.10-2b	<p>In the event of discovery or recognition of any human remains on the project site, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of Alameda County has determined whether the remains are subject to the coroner's authority. This is in accordance with Section 7050.5 of the California Health and Safety Code. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission within 24 hours of identification. Pursuant to Section 5097.98 of the Public Resource Code, the Native American Heritage Commission will identify a "Native American Most Likely Descendent" to inspect the site and provide recommendations for the proper treatment of the remains and any associated grave goods.</p>	Planning Division	Applicant/ Contractor	During construction		

MITIGATION MONITORING & REPORTING PROGRAM

Mitigation Number	Mitigation Measure	Agency/City Department Monitor	Party Responsible for Implementation	Timing/Frequency	Final Clearance Date	Comments
Public Services and Utilities						
MM 3.11-3	Should the project be constructed in advance of the City's Capital Improvement Program timetable for wastewater system improvements needed to serve the project, the applicant shall be responsible for the necessary improvements to the wastewater system, including the relocation and expansion of the West Side Pump Station and installation of the planned force main on West Jack London Boulevard. Should the project be constructed in accordance with the CIP timetable for the relocated force main and the relocation and expansion of the West Side Pump Station to a site on West Jack London Boulevard, the applicant shall be required to pay the required impact fees, in accordance with City of Livermore policies.	Engineering Division	Applicant	Prior to building permits		
MM 3.11-9	Prior to Final Map(s) approval, the project applicant shall obtain and submit a "will-serve" letter from PG&E.	Planning Division	Applicant	Prior to final map approval		

FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING THE ENVIRONMENTAL IMPACT REPORT FOR THE OAKS BUSINESS PARK PROJECT (APPLICATION NUMBER(S): VESTING TENTATIVE TRACT MAP 7300 (SUBDIVISION 01-004); PLANNED DEVELOPMENT INDUSTRIAL 01-003; AND DEVELOPMENT AGREEMENT 02-002)

(SCH NO. 2001032069)

The following Findings, the mitigation measures specified herein, and the Mitigation Monitoring Program attached hereto are hereby adopted in accordance with California Environmental Quality Act (CEQA), Public Resources Code (PRC) Sections 21081, 21081.5 and 21081.6 and the CEQA Guidelines, Title 14, California Code of Regulations (CCR), Sections 15091 through 15093 for the Oaks Business Park Project (the "Project").

A. ENVIRONMENTAL REVIEW PROCESS

The Oaks Business Park Project (the "Project") includes the following City of Livermore ("City") approvals: Vesting Tentative Tract Map 7300 (Subdivision 01-004), Planned Development Industrial 01-003, Design Guidelines, a Transportation Demand Management Program and Development Agreement 02-002. The Project also includes related actions necessary to implement and carry out the Project.

On March 9, 2001, the City issued a Notice of Preparation (NOP) pursuant to CEQA to obtain comments on the proposed scope of the EIR for the project and on March 29, 2001 the City held a scoping meeting with interested parties to receive comments and recommendations on the proposed scope of the EIR for the project.

On August 29, 2002, a Draft EIR was made available for review by members of the Planning Commission, the City Council, State Clearinghouse, state, regional and local agencies and special districts, property owners, and interested groups and individuals for a 45-day public comment period. A Notice of Completion of the Draft EIR, public comment period, and public hearing date was published in a newspaper of general circulation pursuant to CEQA.

On October 1, 2002, the Planning Commission conducted a public hearing on the adequacy of the Draft EIR at which oral and written comments were presented to the Planning Commission. On October 14, 2002 at 5:00 p.m., the public comment period on the Draft EIR was closed.

On March 21, 2003 the City issued a Notice of Preparation (NOP) for a Revised Draft EIR (RDEIR) pursuant to CEQA (PRC Section 21080.4 and 14CCR Section 15082) to obtain comments on the proposed scope of a Revised Draft EIR for the project. The City prepared a Revised Draft EIR in order to better address public comments on the prior Draft EIR, a

EXHIBIT A

new drainage system option, and changes in circumstances, by virtue of the City Council's adoption of the North Livermore Urban Growth Boundary and its impact on traffic analysis,

On September 27, 2003 a Revised Draft EIR was distributed and made available for review by members of the Planning Commission, the City Council, State Clearinghouse, state, regional and local agencies and special districts, property owners, and interested groups and individuals for a 45-day public comment period. A Notice of Availability of the Draft EIR, public comment period, and public hearing date was published in a newspaper of general circulation pursuant to CEQA (PRC Section 21092 and 14CCR Section 15085 and 15087). On October 21, 2003, the Planning Commission conducted a public hearing on the adequacy of the Revised Draft EIR at which oral and written comments were presented to the Planning Commission. Members of the public and other interested parties were invited by formal public notice to testify on the adequacy of the Draft EIR at the public hearing. On November 12, 2003, at 5:00 p.m., the public comment period for the Revised Draft EIR was closed. In addition to oral comments received at the October 21, 2003 Planning Commission hearing, 15 public comment letters were received.

The Final EIR, consisting of the September Revised Draft EIR, copies of all written or oral comments, a list of commentors, all responses to oral and written comments, and proposed revisions to the Draft EIR was completed and distributed on January 13, 2004. The analysis and conclusions contained in the Final EIR reflect the independent judgment and analysis of the City of Livermore.

B. PROJECT DESCRIPTION

A detailed description of the Project is included in Chapter 2 of the Revised Draft Environmental Impact Report (RDEIR). The Project analysis includes some minor corrections and additions, as included in Chapter 3, Errata to the Revised Draft EIR, however, the project description has not been substantially changed.

The proposed project is for the subdivision of a 178 +/- acre site and the development of an office and light industrial business park. The project approvals consist of a Vesting Tentative Tract Map (7300), a zoning change to Planned Development District-Industrial (PD-I 01-003), Design Guidelines for the development of the business park, and a Development Agreement to implement project related amenities and a Traffic Demand Management (TDM) program. The proposed PD Zoning District will permit a mix of office and light industrial uses, including manufacturing, assembly, warehouse and distribution facilities, research and development, and professional and administrative office uses, as well as limited business supporting commercial uses. These uses are generally consistent with current light industrial zoning district standards. The proposed PD District would also establish specialized development standards for the build-out of the proposed business park. The Vesting Tentative Tract Map will permit the subdivision of the current 178± acre site into approximately 38 individual parcels, including one parcel for a 2.6-acre park and the rights-of-way and easements for all necessary roadway improvements and infrastructure systems. The project will also include off-site improvements, including area roadway improvements, storm drain, sewer, and water facilities, and improvements to power and

telecommunications infrastructure.

No buildings or definitive mix of uses, or their distribution or location, are proposed at this time. However, the project is expected to attract a mix of large- and small-scale business and industrial uses and create substantial new business park employment. Based on information provided by the applicant, the completed project will be occupied by approximately 60 percent office, research and development uses, and approximately 40 percent industrial uses.

Design Guidelines have also been proposed for the project to establish a consistent set of standards for the business park to regulate architecture, landscaping, signage, design quality, and detailed site planning for future building proposals. Since the Oaks Business Park will be built-out over a period of several years, and will consist of a number of individual development projects, the Design Guidelines are intended to ensure a high quality development consistent with the character of a professional business park.

C. SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS AND DISPOSITION OF RELATED MITIGATION MEASURES

The Final EIR identifies the following significant and unavoidable adverse impacts associated with the approval of the Project and identifies related mitigation measures. It is hereby determined that these significant unavoidable adverse impacts are acceptable for the reasons specified in Section I below.

The impacts and related mitigation measures identified below are presented in summary form. For a detailed description of impacts and mitigation measures, see the appropriate text in the Final EIR.

Traffic and Circulation:

1. Impact 3.3-6: With all improvements identified, the Year 2025 Cumulative condition will result in significant and unavoidable impacts predicted at some locations (Isabel/Jack London; Isabel/Stanley Boulevard connector; Isabel/Concannon; and a segment of Stanley Boulevard west of Isabel). These residual effects, as identified by the Tri-Valley model, are considered significant and unavoidable cumulative effects to which the project will contribute.

At three intersections along Isabel Avenue and one MTS roadway segment, significant and unavoidable impacts cannot be mitigated. These locations are:

- Isabel Avenue at Jack London Boulevard
- Isabel Avenue at Stanley Boulevard Connector
- Isabel Avenue at Concannon
- Stanley Boulevard west of Isabel Avenue

In addition, the Isabel Avenue/Stanley Boulevard ramp is expected to operate at unacceptable levels of service with or without the project. The future design for the

Stanley/Isabel interchange consists of an intersection on Stanley Boulevard with a connector ramp on the east side of Isabel Avenue, and an intersection on Stanley Boulevard with a connector ramp on the west side of Isabel Avenue. This design allows right turns to and from northbound and southbound Isabel Avenue and divides traffic between two intersections on Stanley Boulevard. This alternate design is being considered for the future improvements of Isabel Avenue. However, the improvement is not funded at this time and so is not included in the traffic modeling for the project. Therefore it is not included as feasible mitigation. Implementation of Mitigation Measure 3.3-10, which requires the applicant to obtain approval of a comprehensive Transportation Demand Management (TDM) program for the proposed development that reduces peak hour project traffic volumes by a minimum of five percent, which is hereby adopted and made a condition of project approval, will help to relieve cumulative traffic, but not to a level of insignificance.

2. Impact 3.3-7: With the addition of project traffic and cumulative growth, three study intersections would operate unacceptably as identified by the City traffic model. These are significant and unavoidable cumulative impacts that cannot be mitigated.

As identified by the City's traffic model developed as part of the General Plan Update process, a series of intersections would be impacted for which there is no feasible mitigation. These intersections are:

- Airway Boulevard and I-580 Eastbound ramps
- Isabel Avenue and Airway Boulevard
- Isabel Avenue and Jack London Boulevard

Compared to the Tri-Valley model, the City traffic model identifies two additional impacted intersections (Airway Boulevard/I-580 eastbound ramps and Isabel/Airway Boulevard). Regarding the Isabel Avenue/Airway Boulevard intersection, the results from the Tri-Valley model indicate that the impacts to this intersection can be fully mitigated. Using the City model, it cannot. For this reason, and to provide a conservative analysis, the City considers the cumulative effects on the Isabel/Airway Boulevard to be a significant and unavoidable impact, as predicted by the model. The traffic signal improvements identified within MM 3.3-5a, which is hereby adopted and made a condition of project approval, are still required.

Implementation of MM 3.3-10, which requires the applicant to obtain approval of a comprehensive Transportation Demand Management (TDM) program for the proposed development that reduces peak hour project traffic volumes by a minimum of five percent, which is hereby adopted and made a condition of project approval, will also help to relieve cumulative traffic at all impacted intersections, but not to a level of insignificance.

It should be noted that the impacted intersections identified within the City Model are the results of the city-wide traffic analysis conducted for the General Plan Update, which incorporates the proposed project's development assumptions into the traffic model. In contrast, the Tri-Valley model adds the proposed project to the existing model. As such, the City Model acknowledges the project as a cumulative

contributor to city-wide impacts. The value of the city-wide model as presented in this EIR is to acknowledge the unavoidable impacts at intersections within the project's study area as identified by the General Plan and General Plan EIR.

The project, as with all projects developed subsequent to the General Plan Update, will be responsible for fair-share funding of city-wide improvements through the City's development impact fees and capital improvement programs. No other project-specific mitigation is feasible.

Visual Resources:

3. Impact 3.5-5: The cumulative loss of open space due to cumulative construction would result in the loss of rural character and scenic resources in the region. This is a significant and unavoidable cumulative impact.

The project itself is located in a relatively flat area predominately used for agricultural purposes. However, development of the project would contribute to the general trend of urbanization in the semi-rural setting of the Livermore-Amador Valley region. Because the project would contribute to an overall change in rural character in the Valley area, cumulative impacts to the rural character of the project vicinity are considered significant and unavoidable.

Air Quality:

4. Impact 3.6-3: Trips to and from the project site would result in new air pollutant emissions within the air basin. This is a cumulatively significant and unavoidable impact.

To evaluate emissions associated with the project, the URBEMIS2002 computer program was employed. The daily increase in regional emissions from auto travel is shown in RDEIR Table 3.6-4 for reactive organic gases (hydrocarbons) and oxides of nitrogen (two precursors of ozone), carbon monoxide and PM10 (particulate matter, 10 micron). Also shown are the emissions for vehicle trips associated with existing uses that would be eliminated, as well as the net change in emissions. The URBEMIS2002 model and the conditions assumed in its use are described in the Air Quality Study included in the Technical Appendix.

Guidelines for the evaluation for project impacts issued by the Bay Area Air Quality Management District consider emission increases to be significant if they exceed 80 lbs per day for regional pollutants (ROG, NOX and PM10/PM2.5). The net increase in emissions resulting from the project, measured in lbs per day, would be 149.7 for ROG, 147.3 for NOX and 181.8 for PM10/PM2.5, which exceeds the established criteria for all three pollutants. Therefore, the project would have a significant impact on regional air quality.

Mitigation Measure 3.6-3: Implementation of Mitigation Measure 3.3-10, which is hereby adopted and made a condition of project approval, requires the applicant to obtain approval and implement a comprehensive Transportation Demand

Management (TDM) program for the project that reduces peak hour project traffic volumes by a minimum of five percent, prior to the issuance of the first building permit. The TDM program would reduce trip generation and resulting regional air pollutant emissions. If successful, the TDM program could reduce trips by as much as 10-15 percent. This would not provide the minimum 80 percent reduction in emissions needed to reduce the project impact to a less than significant level. Therefore, project impacts would remain significant and unavoidable after implementation of mitigation measures.

Biological Resources:

5. Impact 3.9-7: Cumulative development would result in the cumulative loss of species habitat. This impact is considered cumulatively significant and unavoidable.

The project, in conjunction with other future regional development projects, may cause an impact to special status species including northern harrier, white tailed kite, loggerhead shrike, western burrowing owl, San Joaquin kit fox, California tiger salamander, western spadefoot toad, and California horned lark. The San Joaquin kit fox is listed as endangered on the Federal Endangered Species List. Cumulative development would contribute to the ongoing loss of species habitat types and result in a decline of some biological resources and species diversity. Cumulative development would also result in increased traffic and human disturbance in the project vicinity in proximity to wildlife habitat. Implementation of mitigation measures MM 3.9-1, 3.9-3 and 3.9-4, which require pre-construction surveys in accordance with USFWS and CDFG protocols for the western burrowing owl and any other special status birds (MM 3.9-1), the California tiger salamander (MM 3.9-3), and the San Joaquin kit fox (MM 3.9-4), which are hereby adopted and made a condition of project approval, will reduce the impact to biological resources in the immediate area to a less than significant level; however, the size of the project (177+/- acres), in combination with other past, present and reasonably foreseeable development, is cumulatively considerable. There is no feasible method to mitigate the cumulative impacts of habitat loss as changes in land use occur in this portion of the City. This cumulative impact is therefore considered significant and unavoidable.

D. SIGNIFICANT IMPACTS IDENTIFIED IN THE EIR THAT ARE REDUCED TO A LEVEL OF "LESS THAN SIGNIFICANT" BY MITIGATION MEASURES INCORPORATED INTO THE PROJECT

The Final EIR identifies the following significant or potentially significant impacts associated with the Project, which are reduced to a level of less than significant by mitigation measures identified in the Final EIR. It is hereby determined that the significant or potentially significant environmental impacts which these mitigation measures address will be mitigated to a less than significant level or avoided by incorporation of the mitigation measures into the Project. Impacts and related mitigation measures identified below are presented in summary form. For a detailed description of impacts and mitigation measures, see the appropriate text in the Final EIR.

Land Use:

1. Impact 3.1-1: The project is located adjacent to a developed portion of the City in close proximity to an established residential area.

Construction related noise impacts will be reduced to less than significant levels through the incorporation of MM 3.4-1 and 3.6-1, which are hereby adopted and made a condition of project approval. MM3.4-1 requires noise producing activities within 1,500 feet of a residential use to be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday, with no work on weekends and City observed Holidays, and MM3.6-1, requires the implementation of construction dust control measures, which are hereby adopted and made a condition of project approval.

Operational noise impacts will be reduced to less than significant levels through the incorporation of Mitigation Measures MM3.4-3a, which requires compliance with the General Plan Noise Element, MM3.4-3b, which requires compliance with Planned Development 01-003 zoning standards, including provisions precluding the creation of ambient noise levels greater than 75 decibels beyond the boundaries of the project site and 60 decibels at the boundary of an "R" district and precluding the creation of vibrations, heat, glare or electrical disturbances beyond the boundaries of the project site, and MM3.4-3c, which requires applicants for future on-site development projects to have an acoustical analysis prepared for any land use determined by the City to have the potential to generate significant on-site noise impacts, with the acoustical analysis incorporating appropriate noise control mitigation measures to reduce project specific impacts to a less than significant level, which are hereby adopted and made a condition of project approval, and which will reduce the noise impacts to residences in the nearby neighborhoods to a less than significant level.

Operational impacts to existing plus project level of service traffic operations at Jack London Boulevard/Hagemann Drive intersection, the Murrieta Boulevard/Jack London Boulevard/Pine Street intersection and the Isabel Ramp/Stanley Boulevard intersection will be reduced to less than significant level through the implementation of MM 3.3-1a, which requires traffic signals be installed at the intersection of Jack London Boulevard and Hagemann Drive, 3.3-1b, which requires a second northbound left turn lane be striped at the intersection of Murrieta/Jack London/Pine Street, in accordance with RDEIR Figure 3.3-5, and 3.3-1c, which requires an overlap phase for the existing traffic signals nor the northbound right turn movement of Isabel Avenue, equipping the northbound right turn with a right turn arrow and prohibiting westbound u-turns, which are hereby adopted and made a condition of project approval.

Operational impacts to project site access (Impact 3.3-2) and project site access level of service at Isabel Avenue/Discovery Drive until Isabel is widened to four lanes in this vicinity (Impact 3.3-3) will be reduced to a less than significant level through the implementation of MM 3.3-2 and 3.3-3, which require the construction of a traffic signal at the Isabel Access intersection and dual northbound left turn lanes at the signalized intersection (MM 3.3-2), and limit project development to not more than 90 percent of the total project square footage until two northbound through lanes and

two southbound through lanes have been constructed and opened for operation at the Isabel Avenue/Discovery Drive intersection, which are hereby adopted and made a condition of project approval.

Operational impacts to Year 2010 levels of service at five intersections (Isabel Avenue/Jack London Boulevard, Murrieta Boulevard/Jack London Boulevard/Pine Street, Isabel Ramp/Stanley Boulevard, Isabel Avenue/Stanley Ramp and Jack London Boulevard/Hagemann Drive) will be reduced to a less than significant level through the implementation of MM 3.3-4a-e, which are hereby adopted and made a condition of project approval. MM 3.3-4a requires an overlap phase for the existing traffic signals for the northbound right turn movement of Isabel Avenue. MM 3.3-4b requires the developer to construct the needed traffic improvements described above in MM 3.3-1b. MM 3.3-4c requires an overlap phase for the northbound right turn movement at Isabel Ramp/Stanley Boulevard Ramp intersection. MM 3.3-4d requires an overlap phase for the westbound right turn at the intersection of Isabel Avenue/Stanley Boulevard Ramp Intersection. The westbound right turn movement will be required to be equipped with a right turn arrow that will be displayed at the same time as the southbound left turn arrow. Southbound u-turns will be prohibited.

Operational impacts to Year 2025 Cumulative LOS (Tri-Valley Model) traffic operations at the following six study intersections: Isabel Avenue/Airway Boulevard, Isabel Avenue/Jack London Boulevard, Murrieta Boulevard/Jack London Boulevard/Pine Street, Isabel Avenue/Stanley ramp, Isabel Avenue/Concannon Boulevard, and the Jack London Boulevard/Hagemann drive intersection (Impact 3.3-5), will be reduced to a less than significant level through the implementation of MM 3.3-5a, which requires an additional southbound left turn, eastbound right turn and overlap phase for the eastbound right turn at the Isabel Avenue/Airway Boulevard intersection, with the eastbound right turn equipped with a right turn arrow that will occur with the northbound left turn arrow and northbound u-turns prohibited, and MM 3.3-1a and 3.3-1b, as described above. MM 3.3-5a, 3.3-1a and 3.3-1b are hereby adopted and made a condition of project approval.

Operational Impacts to public transportation (Impact 3.3-9) would be reduced to a less than significant level through implementation of MM3.3-9, which requires the project to accommodate at least one curbside bus stop at a central location within the subdivision as well as one bus stop located on West jack London Boulevard, which is hereby adopted and made a condition of project approval, will reduce impacts to the residential neighborhood to the east to a less than significant level.

Traffic and Circulation:

2. Impact 3.3-1: With the addition of project traffic, the Jack London Boulevard/Hagemann Drive intersection, the Murrieta Boulevard/Jack London Boulevard/Pine Street intersection and the Isabel Ramp /Stanley Boulevard intersection are expected to operate at unacceptable levels.

Jack London Boulevard / Hagemann Drive: MM 3.3-1a, which is hereby adopted and made a condition of project approval, will reduce this impact to a less than significant

level by requiring that traffic signals shall be installed at the intersection of Jack London Boulevard and Hagemann Drive. Prior to the occupancy of the first building, the project applicant shall install the traffic signal.

Murrieta Boulevard / Jack London Boulevard/Pine Street Intersection: MM 3.3-1b, which is hereby adopted and made a condition of project approval, will reduce this impact to a less than significant level by requiring that a second northbound left turn lane shall be striped at the intersection of Murrieta/Jack London/Pine Street, in accordance with Figure 3.3-5, to improve operations to $v/c = 0.85$ (LOS D). This shall be accomplished by restriping the left-most northbound through lane to permit left turn movements. This would require split-phasing of the north-south movements at the signalized intersection. Prior to the occupancy of the first building, the project applicant shall install these striping and signal improvements.

Isabel Ramp / Stanley Boulevard Intersection: MM 3.3-1c, which is hereby adopted and made a condition of project approval, will reduce this impact to a less than significant level by requiring that an overlap phase for the existing traffic signals for the northbound right turn movement of Isabel Avenue shall be implemented to reduce the v/c ratio from 0.86 to 0.84 (LOS D). Prior to occupancy of the first building, the project applicant shall be responsible for constructing the necessary traffic signal improvements. The northbound right turn shall be equipped with a right turn arrow that will occur with the westbound left turn arrow. Westbound u-turns shall be prohibited.

3. Impact 3.3-2: Development of project ingress/egress will result in off-site impacts to the roadway system and intersections in the vicinity of the project site.

MM 3.3-2: Mitigation Measure 3.3-2, which is hereby adopted and made a condition of project approval, will reduce this impact to a less than significant level by requiring that prior to occupancy the project applicant shall construct a traffic signal at the Isabel Access intersection. In addition, dual northbound left turn lanes shall be constructed at the signalized intersection.

4. Impact 3.3-3: Development of the project will result in unacceptable levels of service ($v/c = 0.89$, LOS D) at the project Isabel Avenue/Discovery Drive until Isabel is widened to four lanes in this vicinity.

MM 3.3-3: Mitigation Measure 3.3-3, which is hereby adopted and made a condition of project approval, will reduce this impact to a less than significant level by requiring that the project applicant shall not construct more than 90 percent of the total project square footage until two northbound through lanes and two southbound through lanes have been constructed and opened for operation at the Isabel Avenue/Discovery Drive intersection. This development restriction shall be implemented by withholding 10 percent of the Average Daily Vehicle Trips allocated to the developer through the Planned Development Zoning for the site until implementation of this mitigation measure is complete.

5. Impact 3.3-4: With the addition of project traffic in Year 2010, five intersections are

expected to operate at unacceptable levels of service. These intersections are: Isabel Avenue/Jack London Boulevard, Murrieta Boulevard/Jack London Boulevard/Pine Street, Isabel Ramp/Stanley Boulevard, Isabel Avenue/Stanley Ramp and Jack London Boulevard/Hagemann Drive.

Isabel Avenue / Jack London Boulevard Intersection: MM 3.3-4a, which is hereby adopted and made a condition of project approval, will reduce this impact to a less than significant level by requiring that an overlap phase for the existing traffic signals for the northbound right turn movement of Isabel Avenue shall be implemented to reduce the v/c ratio from 0.86 to 0.84 (LOS D). Prior to occupancy of the first building, the project applicant shall be responsible for constructing the necessary traffic signal improvements. The eastbound right turn shall be equipped with a right turn arrow that will occur with the northbound left turn arrow. Northbound u-turns shall be prohibited.

Murrieta Boulevard / Jack London Boulevard / Pine Street Intersection: MM 3.3-4b, which is hereby adopted and made a condition of project approval, will reduce this impact to a less than significant level by requiring that the developer shall construct the needed traffic improvements described in MM 3.3-1b.

Isabel Ramp/Stanley Boulevard Ramp Intersection: MM 3.3-4c, which is hereby adopted and made a condition of project approval, will reduce this impact to a less than significant level by requiring that an overlap phase for the northbound right turn movement shall be implemented by the project applicant to improve the volume to capacity ratio from 0.86 to 0.84 (LOS D). Prior to occupancy of the first building, the project applicant shall be responsible for constructing the necessary traffic signal improvements.

Isabel Avenue/Stanley Boulevard Ramp Intersection: MM 3.3-4d, which is hereby adopted and made a condition of project approval, will reduce this impact to a less than significant level by requiring that an overlap phase for the westbound right turn lane of this intersection shall be implemented by the applicant to accommodate an acceptable volume-to-capacity ratio of 0.85 (LOS D). Prior to occupancy of the first building, the project applicant shall be responsible for constructing the necessary traffic signal improvements. This westbound right turn movement shall be equipped with a right turn arrow that will be displayed at the same time as the southbound left turn arrow. Southbound u-turns shall be prohibited.

Jack London Boulevard/Hagemann Drive Intersection: MM 3.3-4e, which is hereby adopted and made a condition of project approval, will reduce this impact to a less than significant level by requiring that the developer shall construct the needed traffic signals described in MM 3.3-1a.

6. Impact 3.3-5: With the addition of project traffic and cumulative growth in Year 2025, based on the Tri-Valley Traffic Model six study intersections would operate unacceptably. These intersections are: Isabel Avenue/Airway Boulevard, Isabel Avenue/Jack London Boulevard, Murrieta Boulevard/Jack London Boulevard/Pine Street, Isabel Avenue/Stanley ramp, Isabel Avenue/Concannon Boulevard, and the Jack London Boulevard/Hagemann Drive intersection.

MM 3.3-5a: Mitigation Measure 3.3-5a, which is hereby adopted and made a condition of project approval, will reduce this impact to a less than significant level by requiring that an additional southbound left turn, eastbound right turn and an overlap phase for the eastbound right turn shall be implemented to reduce the v/c ratio from 1.06 to 0.85 (LOS D). Prior to occupancy of the first building, the project applicant shall be responsible for constructing (or providing fair share funding for, if the intersection has not yet been built) the necessary traffic signal improvements. The eastbound right turn shall be equipped with a right turn arrow that will occur with the northbound left turn arrow. Northbound u-turns shall be prohibited. Also, MM 3.3-1a and 3.3-1b are hereby adopted and made a condition of project approval.

7. Impact 3.3-9: Development of the project would generate additional demand for service from the regional transit authority.

MM 3.3-9: Mitigation Measure 3.3-9, which is hereby adopted and made a condition of project approval, will reduce this impact to a less than significant level by requiring that the project applicant shall design the project to accommodate at least one curbside bus stop located at a central location within the proposed subdivision as well as one bus stop located on West Jack London Boulevard. The bus stops shall be constructed in locations where no parallel parking is permitted, with handicapped-accessible landing pads and sidewalks for passengers, and one low maintenance/high longevity bench for each bus stop, marked as necessary with striping and a high visibility sign. The bus stops shall be constructed in accordance with all standards of the Livermore-Amador Valley Transit Authority.

8. Impact 3.3-10: Development of the project will incrementally increase the need for additional measures, plans and programs to reduce regional traffic impacts, such as encouraging ride sharing and promoting other features that reduce the reliance on single-occupant vehicles during peak periods.

MM 3.3-10: Mitigation Measure 3.3-10, which is hereby adopted and made a condition of project approval, will reduce this impact to a less than significant level by requiring that prior to the issuance of the first building permit, the project applicant shall obtain approval of a comprehensive Transportation Demand Management (TDM) program for the proposed development that reduces peak hour project traffic volumes by a minimum of five percent. The TDM program shall provide for such features as shuttle service to the Pleasanton/Dublin BART station, and incentives or subsidies to encourage the use of public transportation. On-site coordinators shall be established to provide information to employees and employers related to car pooling, bicycling to work, ride sharing, alternative transportation information, and participation in guaranteed ride home programs. The TDM program shall include annual monitoring to demonstrate on-going compliance with this mitigation measure.

Noise:

9. Impact 3.4-1: Activities associated with construction will result in elevated noise levels.

MM 3.4-1: Mitigation Measure 3.4-1, which is hereby adopted and made a condition of project approval, will reduce this impact to a less than significant level by requiring that the applicant shall require construction contractors to limit high noise-producing activities within 1,500 feet of a residential use to 7:00 am to 6:00 pm, Monday through Friday, with no work on weekends and City observed Holidays.

10. Impact 3.4-3: Potential future land uses may generate noise impacts at existing noise sensitive land uses on the east side of Isabel Avenue.

MM 3.4-3a: Mitigation Measure 3.4-3a, which is hereby adopted and made a condition of project approval, will reduce this impact to a less than significant level by requiring that in the review of City permits for individual site users, future project development shall comply with standards and guidelines as identified in the City of Livermore Community General Plan Noise Element.

MM 3.4-3b: Mitigation Measure 3.4-3b, which is hereby adopted and made a condition of project approval, will reduce this impact to a less than significant level by requiring that all uses within the project shall be required to comply with standards as identified in the Planned Development Standards including the following:

- No use shall be permitted which creates an ambient noise level greater than 75 decibels beyond the boundaries of the project site, nor greater than 60 decibels at the boundary of an "R" district.
- No use shall be permitted which creates vibrations, heat, glare, or electrical disturbances beyond the boundaries of the project site.

MM 3.4-3c: Mitigation Measure 3.4-3c, which is hereby adopted and made a condition of project approval, will reduce this impact to a less than significant level by requiring that applicants for future on-site development projects shall have an acoustical analysis prepared for any land use that is determined by the City of Livermore to have the potential to generate significant on-site noise impacts. The acoustical analysis shall incorporate appropriate noise control mitigation measures to reduce project specific impacts to a less than significant level. The performance standard for such measures shall be those established by the General Plan. Such noise control measures may include, but are not limited to, use of noise barriers, site re-design, silencers, partial or complete enclosures of critical equipment, etc.

Visual Resources:

11. Impact 3.5-3: Development of the project would introduce new sources of lighting within the project area that could adversely affect adjacent residential uses.

MM 3.5-3: Mitigation Measure 3.5-3, which is hereby adopted and made a condition of project approval, will reduce this impact to a less than significant level by requiring that on-site lighting shall be top-shielded to reduce nighttime glow and side-shielded to reduce spill over into adjacent land uses.

Air Quality:

12. Impact 3.6-1: Construction activities would generate exhaust emissions and fugitive particulate matter emissions that would temporarily affect local air quality for adjacent land uses.

MM 3.6-1: Mitigation Measure 3.6-1, which is hereby adopted and made a condition of project approval, will reduce this impact to a less than significant level by requiring that the following construction dust control measures shall be implemented, in accordance with BAAQMD standards:

Basic Control Measures – the following controls shall be implemented at all construction sites.

- Water all active construction areas at least twice daily;
- Cover all trucks hauling soil, sand and other loose materials or require all trucks to maintain at least two feet of freeboard;
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites;
- Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites;
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.
- Enhanced Control Measures – The following measures shall be implemented at construction sites greater than four acres in area.
- All “Basic” control measures listed above;
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more);
- Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.);
- Limit traffic speeds on unpaved roads to 15 mph;
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways;
- Replant vegetation in disturbed areas as quickly as possible.

Optional Control Measures – The following control measures are strongly encouraged at construction sites that are large in area, located near sensitive receptors or which for any other reason may warrant additional emissions reductions.

- Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site;
- Install wind breaks, or plant trees/vegetative wind breaks at windward side(s) of construction areas;
- Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph;

- Limit the area subject to excavation, grading and other construction activity at any one time.

Hydrology and Water Quality:

13. Impact 3.7-2: Slope and soil disturbance associated with grading, site preparation and construction activities may cause water quality impacts.

MM 3.7-2a: Mitigation Measure 3.7-2a, which is hereby adopted and made a condition of project approval, will reduce this impact to a less than significant level by requiring that prior to the issuance of grading permits, or commencement of any clearing, grading, or excavation, the applicant shall provide evidence that a "Notice of Intent for National Pollutant Discharge Elimination System (NPDES) Coverage Under the General Permit" has been submitted to the State Water Resources Control Board.

These requirements shall include preparation and submittal of a comprehensive Water Quality Control Plan for construction activities and operation of the project site. The Water Quality Control Plan shall describe measures to meet requirements for the prevention of erosion, siltation, and contamination of stormwater during construction. Such a plan shall be prepared in accordance with permit conditions and requirements of the general and construction activity storm water permits under NPDES.

The comprehensive plan shall include a Stormwater Pollution Prevention Plan (SWPPP), in accordance with Section 402(p) of the Federal Clean Water Act.

The SWPPP shall include all appropriate Best Management Practices and applicable design recommendations of the City Water Resources Division and RWQCB for preventing and removing pollutants, specifying erosion control measures, including sedimentation basins, infiltration basins, revegetation of graded slopes and, in the event that Revised Option "B" is approved, the proposed outfall structure on Arroyo Mocho. Construction water quality control measures shall include, but are not limited to, the following: Existing vegetation shall be retained where possible; Grading activities will be limited to the immediate area required for construction; Erosion control measures such as silt fences, staked straw bales, and temporary re-vegetation shall be employed for disturbed areas to prevent soil, dirt and debris from entering the storm drain system; No disturbed surfaces shall be left without erosion control measures in place during the winter and spring months; Sediment shall be retained onsite by a system of sediment basins, traps, or other appropriate measures; Measures shall be taken to ensure proper collection and disposal of all pollutants handled or produced on the site during construction, including sanitary wastes, cement, and petroleum products; All storm water conveyance and discharge facilities that will be the responsibility of the City shall be designed and constructed in accordance with City Standard Specifications and Details. Under Revised Option "B" only, Zone 7 of the Alameda County Flood Control and Water Conservation District shall accept the stormwater outfall to the Arroyo Mocho. The applicant shall meet and implement all other applicable City, State and Federal requirements for non-point

source runoff. The SWPPP shall also outline and implement the Association of Bay Area Governments' "Manual of Standards for Erosion and Sediment Control Measures."

MM 3.7-2b: Mitigation Measure 3.7-2b, which is hereby adopted and made a condition of project approval, will reduce this impact to a less than significant level by requiring that all future development requiring grading or excavation shall be in accordance with the requirements of the NPDES General Permit in effect at the time. The discharger shall implement an SWPPP, eliminate non-storm water discharges to storm water systems and perform monitoring of discharges to storm water systems.

MM 3.7-2c: Mitigation Measure 3.7-2c, which is hereby adopted and made a condition of project approval, will reduce this impact to a less than significant level by requiring that a Clean Water Act Section 401 Water Quality Certification waiver issued by the RWQCB is required in connection with Army Corps of Engineers Nationwide permit authorization for the proposed outfall structure, in the event that Revised Option "B" is approved. RWQCB shall review storm water treatment prior to discharge into any regulated waters.

MM 3.7-2d: Mitigation Measure 3.7-2d, which is hereby adopted and made a condition of project approval, will reduce this impact to a less than significant level by requiring that if groundwater is encountered during construction activity, the project applicant shall comply with the provisions of the RWQCB's General Permit for Dewatering and Other Low Threat Discharges to Surface Waters. Compliance shall include preparation of a monitoring and reporting program and implementation of Best Management Practices associated with the dewatering activities.

MM 3.7-2e: Mitigation Measure 3.7-2e, which is hereby adopted and made a condition of project approval, will reduce this impact to a less than significant level by requiring that prior to approval of the Final Map(s) for the project, the project applicant shall be required to obtain any other permits, as necessary, including, but not limited to, CDFG Lake and Streambed Alteration Agreement for the proposed outfall structure to Arroyo Mocho, in the event that Revised Option "B" is approved.

14. Impact 3.7-3: Constituents found in urban runoff may degrade water quality within the Arroyo Mocho.

MM 3.7-3: Mitigation Measure 3.7-3, which is hereby adopted and made a condition of project approval, will reduce this impact to a less than significant level by requiring that the SWPPP, required as part of Mitigation Measure MM 3.7-2a, shall include operational water quality features incorporated into project development plans including erosion control and other Best Management Practices as outlined in the Erosion and Sediment Control Handbook and California Stormwater Best Management Practices Handbook, both published by the Association of Bay Area Governments, and the Erosion and Sediment Control Field Manual, published by the Regional Water Quality Control Board, as well as compliance with all standard conditions of approval as identified in the Interoffice Memorandum from the Water

Resources Division, dated March 7, 2001 and included in Appendix A of the RDEIR.

15. Impact 3.7-5: New development would contribute to increased surface runoff and greater runoff contamination in an area that historically has not been developed. This cumulative impact is considered potentially significant.

Implementation of the project would contribute to cumulative drainage flows and surface water quality impacts from regional growth and development. The principal uses considered for the project are consistent with the Low-Intensity Industrial General Plan Land Use Designation and the current light industrial I-2 zoning designation. Furthermore, implementation of mitigation measures MM 3.7-2a through MM 3.7-2g and MM 3.7-3a, which are hereby adopted and made a condition of project approval, would reduce the project's contribution to these impacts to a less than significant level.

Geology, Soils and Seismicity:

16. Impact 3.8-2: A number of faults in the San Francisco Bay Area are capable of producing earthquakes that can generate strong seismic shaking on the project site.

MM 3.8-2a: Mitigation Measure 3.8-2a, which is hereby adopted and made a condition of project approval, will reduce this impact to a less than significant level by requiring that the applicant shall implement all engineering recommendations as detailed within the Geotechnical Investigation Report (Kleinfelder, 1998), which address seismic environmental impacts relevant to the proposed project. The engineering recommendations addressing environmental issues shall be included as conditions of project approval, and include, but are not limited to, the following:

- General Recommendations;
- Liquefaction;
- Site Coefficients;
- Near Fault Issues in Structural Design.

MM 3.8-2b: Mitigation Measure 3.8-2b, which is hereby adopted and made a condition of project approval, will reduce this impact to a less than significant level by requiring that final grading plans shall be reviewed a qualified geotechnical engineering consultant, for conformance to the design recommendations detailed in the Geotechnical Investigation Report (Kleinfelder, 1998), prior to construction bidding.

17. Impact 3.8-4: Site preparation, grading and installation of impervious surfaces increases the risk of soil erosion and loss of topsoil.

MM 3.8-4: Mitigation Measure 3.8-4, which is hereby adopted and made a condition of project approval, will reduce this impact to a less than significant level by requiring that the applicant and construction contractors shall implement all engineering recommendations as detailed within the Geotechnical Investigation Report (Kleinfelder, 1998), which address site preparation, grading and installation of

impervious surfaces relevant to the proposed project. The engineering recommendations addressing these environmental issues shall be included as conditions of project approval and shall be reflected on grading plans prior to issuance of grading permits. These measures include, but are not limited to, the following:

- On-site Paving;
- Foundations;
- Slabs-on-Grade;
- Concrete Floor Slabs;
- Utilities;
- Earthwork;
- Excavation and Shoring;
- Trenchless Construction;
- Pipe Bedding and Backfill;
- Corrosivity of Soils

When construction of individual site improvements has started, all parking lots shall be completed prior to winter rains.

18. Impact 3.8-5: Near surface silty soils on the project site are sensitive to excess moisture. When wet, the soils become difficult to compact and can pump under normal to heavy construction equipment.

MM 3.8-5: Mitigation Measure 3.8-5, which is hereby adopted and made a condition of project approval, will reduce this impact to a less than significant level by requiring that to the greatest extent possible, the project applicant shall conduct grading activities during dry months; however, in the event that grading is necessary during rainy months, the project applicant shall be required to obtain permission from the City Engineer prior to commencement of any grading of the project site between October 15th and April 15th. No lime or soil stabilization treatment of the soil of any kind shall be used to condition soils that are to be graded within the public right-of-way, or where any public utilities will be located.

Biological Resources:

19. Impact 3.9-1: Development may potentially disrupt nesting and foraging activities of western burrowing owls or other protected and special status bird species.

MM 3.9-1: Mitigation Measure 3.9-1, which is hereby adopted and made a condition of project approval, will reduce this impact to a less than significant level by requiring that pre-construction surveys, in accordance with USFWS and CDFG protocols, shall be conducted for the presence of western burrowing owl and any other special status birds that may be present on the site. The surveys shall be conducted no less than 14 days and no more than 30 days prior to grading activities. The surveys shall specifically identify burrowing owl habitat features and any potential burrows on the project site, evaluate site use by burrowing owls, monitor any identified burrows for burrowing owl activity, and assess the potential impact to the burrowing owl by the

proposed activity. The status of all burrows shall be determined and mapped. The surveys shall also identify any habitat features or individuals of any other special status bird on-site and shall assess the potential impact to these species as well. Surveys shall be conducted no earlier than 45 days and no later than 20 days prior to commencement of grading or site preparation activities if construction is during the nesting/breeding season which is from February 1 to August 31.

If active owl burrows or evidence or features of any other special status birds are found, consultation with the USFWS and CDFG shall be initiated to determine measures (e.g. relocation, exclusion, devices, etc.) to mitigate for impacts prior to grading. If burrowing owls or other special status species are found onsite during pre-construction surveys, the project applicant shall compensate for the loss of occupied habitat, per CDFG mitigation guidelines.

20. Impact 3.9-3: Construction activities will remove potential upland refugia for the California tiger salamander.

MM 3.9-3: Mitigation Measure 3.9-3, which is hereby adopted and made a condition of project approval, will reduce this impact to a less than significant level by requiring that prior to grading activities, a pre-construction survey shall be conducted in accordance with USFWS and CDFG protocols, to determine whether individuals of the California tiger salamander species are present on the project site. A qualified biologist shall be consulted to determine proper mitigation measures, in accordance with current regulations, should any salamanders be encountered. If California tiger salamanders are not present, no further mitigation is required.

21. Impact 3.9-4: Development of the project site would result in the removal of potential San Joaquin kit fox habitat.

MM 3.9-4: Mitigation Measure 3.9-4, which is hereby adopted and made a condition of project approval, will reduce this impact to a less than significant level by requiring that a pre-construction survey, in accordance with USFWS and CDFG protocols, shall be conducted for the presence of the San Joaquin kit fox no less than 14 days and no more than 30 days prior to grading activities. The survey shall specifically identify kit fox habitat features and any potential dens on the project site, evaluate site use by kit fox, monitor any identified dens for kit fox activity, and assess the potential impact to the kit fox by the proposed activity. The status of all dens shall be determined and mapped.

The applicant shall send the written results of this survey to the USFWS and CDFG within five days after survey completion and prior to the start of ground disturbance and/or construction activities. If the preconstruction survey reveals any natal/pupping den within the project area or within 200 feet (61 meters) of the project boundary, the USFWS and CDFG shall immediately be contacted to obtain the required take authorization/permit and to develop appropriate mitigation to be completed prior to grading activities.

22. Impact 3.9-5: Development of the proposed project may result in the disturbance of

locally important oak and sycamore trees.

MM 3.9-5a: Mitigation Measure 3.9-5a, which is hereby adopted and made a condition of project approval, will reduce this impact to a less than significant level by requiring that the following pre-construction measures shall be taken:

- The contractor shall meet with the project manager on site to discuss tree protection, access and storage prior to beginning any work.
- A tree protection zone shall be delineated and shown on construction plans and on grading plans and shall be maintained a minimum of 35 feet from the edge of the tree driplines; protective fencing shall be installed prior to commencement of any site preparation, grading or transportation of equipment to the project site.
- Dust control measures shall be implemented including washing down the tree leaves on a regular basis during the construction period, a minimum of once per month in the dry season.
- Any subsequent plans affecting the trees, including landscape and irrigation plans, shall be reviewed by the City arborist with regard to tree impacts.

MM 3.9-5b: Mitigation Measure 3.9-5b, which is hereby adopted and made a condition of project approval, will reduce this impact to a less than significant level by requiring that the following post-construction measures shall be taken:

- The health, stability, water requirements and irrigation of the trees shall be monitored periodically pursuant to approved landscape plans; and management for pests shall be ongoing and occasional pruning shall be performed.
- Fresh potable water only shall be used to irrigate the existing trees. Reclaimed water shall be avoided due to its relatively high pH and salt content.

23. Impact 3.9-6: Project construction may disturb or degrade waters of the United States or wetlands.

MM 3.9-6: Mitigation Measure 3.9-6, which is hereby adopted and made a condition of project approval, will reduce this impact to a less than significant level by requiring that the project applicant shall arrange to have a qualified wetlands specialist conduct a field verification of the three square foot portion of the seasonal wetland in question, prior to the issuance of grading permits for the project. In the event that no change to the wetland area is observed, no new formal wetland delineation shall be required. The results of the field verification shall be made available to the U.S. Army Corps of Engineers.

Cultural Resources:

24. Impact 3.10-2: Additional prehistoric, historic or cultural artifacts may be discovered on site.

MM 3.10-2a: Mitigation Measure 3.10-2a, which is hereby adopted and made a condition of project approval, will reduce this impact to a less than significant level by requiring that should any previously unidentified prehistoric or historic artifacts, or other indicators or examples of cultural resources, be discovered during the course of site preparation, grading, excavation, construction or other development activities, all operations within 50 feet of the find shall cease until such time as a qualified archaeologist can be consulted to evaluate the finds and recommend appropriate action.

Prehistoric materials can include flaked stone tools (e.g. projectile points, knives and choppers) or tool making debris of obsidian, chert, quartzite and other materials; culturally darkened soil (i.e. midden, which often contains heat affected rock, ash and charcoal, shellfish remains, and cultural materials); and stone milling equipment such as mortars, pestles and hand stones. Historic materials may include wood, stone, concrete or adobe footings, walls and other structural remains; debris filled wells or privies; and deposits of wood, metal, glass, ceramics and other refuse.

MM 3.10-2b: Mitigation Measure 3.10-2b, which is hereby adopted and made a condition of project approval, will reduce this impact to a less than significant level by requiring that in the event of discovery or recognition of any human remains on the project site, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of Alameda County has determined whether the remains are subject to the coroner's authority. This is in accordance with Section 7050.5 of the California Health and Safety Code. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission within 24 hours of identification. Pursuant to Section 5097.98 of the Public Resource Code, the Native American Heritage Commission will identify a "Native American Most Likely Descendent" to inspect the site and provide recommendations for the proper treatment of the remains and any associated grave goods.

25. Impact 3.10-3: Implementation of the proposed project, in combination with cumulative development activity in the region, would increase the potential to disturb or contribute to the loss of known and undiscovered cultural resources.

Implementation of mitigation measures MM 3.10-2a and MM 3.10-2b, which are hereby adopted and made a condition of project approval, would ensure the project's contribution to this cumulative impact remains at a less than significant level.

Public Services and Utilities:

26. Impact 3.11-3: The project has the potential to require the construction of planned City wastewater system improvements in advance of the Capital Improvement Program.

MM 3.11-3: Mitigation Measure 3.11-3, which is hereby adopted and made a condition of project approval, will reduce this impact to a less than significant level by

requiring that should the project be constructed in advance of the City's Capital Improvement Program timetable for wastewater system improvements needed to serve the project, the applicant shall be responsible for the necessary improvements to the wastewater system, including the relocation and expansion of the West Side Pump Station and installation of the planned force main on West Jack London Boulevard. Should the project be constructed in accordance with the CIP timetable for the relocated force main and the relocation and expansion of the West Side Pump Station to a site on West Jack London Boulevard, the applicant shall be required to pay the required impact fees, in accordance with City of Livermore policies.

27. Impact 3.11-9: The project would increase the demand for electric, natural gas, telephone and cable services.

MM 3.11-9: Mitigation Measure 3.11-9, which is hereby adopted and made a condition of project approval, will reduce this impact to a less than significant level by requiring that prior to Final Map(s) approval, the project applicant shall obtain and submit a "will-serve" letter from PG&E.

E. LESS THAN SIGNIFICANT IMPACTS IDENTIFIED IN THIS EIR

The Final EIR also analyzes additional potential impacts, which were found to be less than significant impacts; therefore, no mitigation is required. The less than significant impacts are briefly summarized below. For a detailed description of the less than significant impacts and an analysis of the less than significant determination, see the appropriate text in the Final EIR.

Land Use:

1. Impacts 3.1-2, 3.1-3, and 3.1-4: These impacts related to surrounding land uses, consistency with adopted plans and policies, and conversion of land from agricultural to industrial uses, are all found to be less than significant, with no mitigation required.
2. Impact 3.1-5: The project would convert approximately 177 acres of land previously used for dry land crop production to industrial and commercial uses. The cumulative impact is considered less than significant.

As discussed in the RDEIR, the project site had previously been classified as "Prime Farmland", but was re-classified as grazing land by the FMMP on the Important Farmland Map for Alameda County for 2000. This classification is the result of intermittent use of the land for non-irrigated safflower production alternating with non-use of the land, indicating poor soil quality suitable only for dry land crops. Further, the change in land use is an anticipated result of the City of Livermore Community General Plan. Therefore, the project would result in a less than significant impact to statewide agricultural resources.

Health Hazards/Risk of Upset:

3. Impacts 3.2-1, 3.2-2, 3.2-3 and 3.2-4: These impacts related to exposure of people, property or the environment to various health hazards or risks are all found to be less than significant, with no mitigation required.

Health Hazards/Risk of Upset impacts would be site-specific and are generally not affected by cumulative development in the region. As described in this section, implementation of the project would not contribute to an increase in the potential for soil or groundwater contamination or the potential risk of upset as a result of current or past land use. Therefore, the project itself is not anticipated to contribute to a health or hazard-related impact that would cumulatively affect the environment.

Traffic and Circulation:

4. Impacts 3.3-8, 3.3-11, 3.3-12 and 3.3-13: These impacts related to provision of bicycle and pedestrian facilities, traffic near Rancho Las Positas School, construction impacts to local traffic operations and emergency access are all found to be less than significant, with no mitigation required.

Noise:

5. Impacts 3.4-2 and 3.4-4: These impacts related to traffic noise impacts on existing roadways and contributions to cumulative traffic on the roadway network are found to be less than significant, with no mitigation required.

A substantial increase in traffic noise levels is defined as 5 dB. The project's contribution to cumulative traffic noise levels is predicted to range from -0.5 to 2.1 dB Ldn on project area roadways as indicated in Table 3.4-6 in the RDEIR. Therefore, this impact is considered less than significant, with no mitigation required.

Visual Resources:

6. Impacts 3.5-1 and 3.5-2: These impacts related to alterations to the aesthetic character of the site, scenic corridor resources and increases in nighttime light and glare are found to be less than significant, with no mitigation required.
7. Impact 3.5-4: Nighttime ambient light and glare could be increased by new development on the project site. This impact is considered less than significant.

Cumulative impacts associated with the increase in nighttime ambient light and glare resulting from urbanization are expected to be less than cumulatively considerable. These impacts would be minor in nature and site-specific. In addition, mitigation measure MM 3.5-3a, which is hereby adopted and made a condition of project approval, will further reduce this impact to a less than significant level by further reducing the effects of nighttime ambient light and glare. Thus, the project's contribution to cumulative light and glare impacts is considered to be less than significant, as the environmental condition with or without the project would be essentially the same.

Air Quality:

8. Impact 3.6-2: This impact related to carbon monoxide concentrations at land uses near roadways and intersections is found to be less than significant, with no mitigation required.

Hydrology and Water Quality:

9. Impacts 3.7-1 and 3.7-4: These impacts related to alterations to drainage patterns, increases in impervious surfaces, increases in surface water runoff and water wells are found to be less than significant, with no mitigation required.

Geology, Soils and Seismicity:

10. Impacts 3.8-1, 3.8-3 and 3.8-6: These impacts related to proximity to Special Fault Study Zones, seismic activity, liquefaction, soil shrinkage and swelling, and loss of availability of known mineral resources are found to be less than significant, with no mitigation required.

Geotechnical and seismic impacts are localized and site specific in nature. Cumulative development would not result in a combined impact greater than the individual projects themselves. Therefore, no significant cumulative impacts are predicted relative to geology or geologic hazards. Cumulative geologic effects are therefore less than significant.

Biological Resources:

11. Impact 3.9-2: This impact related to removal of habitat for regionally abundant resident and migratory wildlife currently utilizing the project site is found to be less than significant, with no mitigation required.

Cultural Resources:

12. Impact 3.10-1: This impact related to destruction or disturbance of registered California Historic Site CA-ALA-518H is found to be less than significant, with no mitigation required.

Public Services and Utilities:

13. Impacts 3.11-1, 3.11-2, 3.11-4, 3.11-5, 3.11-6, 3.11-7, 3.11-8 and 3.11-10: These impacts related to increase in demand for water resources, water pressure for effective fire suppression, solid waste generation, demand for police and fire protection services, job increases, demand for parks and recreational opportunities, and increase in demand for water supply and overall demand for water in Zone 7 are found to be less than significant, with no mitigation required.

Development of the project site, in combination with cumulative area development, would increase the current demand for water supply and the overall demand for water in Zone 7. This impact is considered less than significant.

Implementation of the proposed project, in combination with future area growth, would increase the current demand for water supply. However, the expected increase can be accommodated by the City's existing supply and infrastructure as identified in The Annual Review of the Sustainable Water Supply for Zone 7 which states that Zone 7 has sufficient sustainable supplies to provide for all treated water demands through build-out within its service area through 2020. This project is not expected to exceed water allocations for the build-out of Zone 7's service area. Therefore, the impact is less than significant, with no mitigation required.

F. CEQA REQUIRED ASSESSMENTS

The following sections provide a summary of the applicable portions of the EIR prepared for this project.

1. Growth Inducing Impacts:

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 services facilities, or encourages or facilitates other activities that cause significant environmental effects (CEQA Guidelines Section 15126.2(d)).

The analysis of potential growth-inducing impacts includes a determination of whether a project would remove physical obstacles to population growth. This often occurs with the extension of infrastructure facilities to outlying areas that can provide service to new development from those extended facilities. Indirect growth-inducing impacts result from projects that serve as catalysts for future unrelated development in an area, such as the extension of a backbone sewer line or expansion of a treatment plant.

Approval of the proposed project would result in the conversion of approximately 151 acres of vacant land into industrial uses within the City and the ultimate urbanization of the area, in accordance with the land use and zoning identified in the City of Livermore Community General Plan and Planning and Zoning Code. The proposed Tentative Map would provide for approximately 38 platted lots, which would be developed into approximately 2.59 to 2.9 million square feet of buildings. The project would also be required to provide internal road improvements, the dedication of a 2.6+/-3-acre park, connection to the City's wastewater collection and treatment system, domestic water services and storm drainage facilities.

As mentioned, at full build-out, the project would comprise a maximum of 2.9 million square feet of planned light industrial and office-related uses generating additional jobs that would directly result from the occupancy of the buildings in the project as well as secondary jobs associated with the light industrial and office uses created. Depending on the mix of uses

and tenants, the project could generate up to 8,700 new employees in the area. This estimate is based upon a ratio of three employees per each 1,000 square feet of light industrial space, which is generally representative of the research and development and light manufacturing/industrial sectors. The creation of such jobs will increase housing demand within the Livermore Commute region. For the purposes of describing growth represented by the proposed project, an estimate of 9,000 employees is used in the EIR analysis of Growth Inducing Impacts.

The direct employment growth proposed by the project, and the associated secondary job growth and housing demand, represent a portion of the job and housing growth that is planned for the Livermore Commute region. The Livermore General Plan Update Preferred Alternative indicates a total of approximately 47,600 new jobs will be created within the City of Livermore by 2025. The project's estimated 9,000 employees represents approximately 20 percent of the total job growth expected to occur in Livermore. Based on ABAG projections, the number of jobs in the Livermore Commute region over the same period will increase by 700,360, of which the project's employees represent 1.3 percent.

One of the growth-inducing effects of the project will be increased demand for housing. Assuming a projection of 1.7 employed persons/household in Livermore, the project demand for housing units to serve 9,000 new employees would be 5,300 units. Assuming 2.81 persons per household (2000 U.S. Census), the 5,300 new units resulting from the project would result in a direct population increase of 14,893 persons. Although ABAG estimates the ratio of primary to secondary employment to be 1:2 jobs, resulting in approximately 18,000 secondary jobs, this estimate is highly speculative. In addition, such secondary job opportunities would likely draw employees from the local area more heavily than primary sector jobs because the majority would be service-related rather than career-oriented jobs.

The jobs generated by the Oaks Business Park project are predicted to result in additional housing demands and demand for residential acreage both within and outside the City of Livermore, as detailed in the Final Environmental Impact Report. This is the primary growth-inducing effect of the project.

The growth induced directly and indirectly by the project (as a result of additional housing demands) would contribute to a number of environmental impacts. With a large proportion of employees assumed to be living outside the City, primary impacts of new housing would be felt in the areas of regional traffic congestion and air quality deterioration as a byproduct of employee commute patterns. Internal to the City, demands for housing (and the assumed pressure to provide new housing) could result in loss of agricultural lands, loss of open space, vegetation and wildlife impacts, as well as an increased demand for utilities and services, such as fire and police protection.

According to the planned land uses of the Draft General Plan Update and the City's Housing Implementation Plan (HIP), the City anticipates and is planning for additional residential and non-residential growth, including more compact development patterns and higher residential densities to accommodate a full range of income levels. By the year 2025, a potential total of 11,860 new housing units could be constructed. As the jobs generated by the project

are accommodated by city-wide housing growth, the potential growth inducing effect of the proposal is rendered less than significant by the provision of additional housing stock. The analysis of the significant environmental effects of providing housing to accommodate the Oaks Business Park employees (as well as the employees of all other non-residential land uses within the City) is being undertaken as part of the General Plan EIR at a city-wide level.

The project would contribute to utility impacts as mentioned in Section 3.11, which would require infrastructure improvements. For example, with the planned relocation and expansion of the municipal wastewater system for the area, implementation of the project may directly or indirectly create additional pressure to develop lands adjacent to the project site. The extension of the wastewater system anticipated to serve the site would facilitate the provision of an adequate wastewater system to future development in the vicinity of West Jack London Boulevard. These improvements may serve to remove physical obstacles to growth adjacent to the project area. However, no further development in the vicinity will be feasible until such time as West Jack London Boulevard is extended west beyond the adjacent PGC parcel to the west of the project site.

Additional facilities would be required to provide adequate electric power, sanitary sewer capacity, flood control and drainage, and water. The secondary growth generated by the project's estimated 9,000 employees (and 5,300 housing units) would also require new facilities to adequately increase utility and public service capacity. The environmental impacts resulting from these new facilities could be significant depending on their location and characteristics. However, as discussed previously, the City's General Plan update anticipates city-wide growth and the infrastructure systems to accommodate that growth through the year 2025.

Cumulative Growth Inducing Impacts:

The Oaks Business Park project represents a single project contributing to regional job growth. The project represents 20% of the assumed new job growth for the City of Livermore through the year 2025, but only 1.3% of the job growth for the Commute Region. Indirect and induced employment and population growth would contribute to increased traffic on the roadway system in the Livermore Commute region and the Tri-Valley area of Alameda County in general. The project, together with other job-generating uses within the region, would contribute to additional residential development pressure as the City and surrounding communities strive to balance residential and non-residential land uses. Residential development pressure at a cumulative scale could further contribute to environmental impacts as vacant land is converted to urban uses for housing and infrastructure to support increased employee housing needs.

The only mitigation available to the City of Livermore and surrounding jurisdictions to address residential growth inducement from job-generating land uses is planned growth through each community's General Plan, the implementation of policies to support a better jobs/housing balance, and interjurisdictional cooperation to plan at a regional level. Theoretically, a better balance between housing and jobs in the region will reduce commute times between communities and reduce the pressure for new residential growth near job

centers.

2. Significant Irreversible Changes:

Public Resources Code Section 21100(b)(2)(B) requires an EIR to include a detailed statement describing any significant effects on the environment that would be irreversible if a project is implemented. Examples of irreversible environmental changes, as set forth in CEQA Guidelines Section 15126.2(c) include three distinct categories of significant irreversible changes: 1) changes in land use which would commit future generations; 2) irreversible changes from environmental actions; and 3) consumption of non-renewable resources.

Development of the Oaks Business Park project would result in an increased intensity of development, with conversion of currently vacant land to industrial, business park, research and development and ancillary commercial uses. A variety of nonrenewable and limited resources would be irretrievably committed for project construction and maintenance, including, but not limited to, oil, natural gas, gasoline, lumber, sand and gravel, asphalt, steel, water, land, energy, construction materials and human resources. In addition, the project would result in an increase in demand on public services and utilities.

An increase in the intensity of land uses on the site would result in an increase in regional electric energy consumption to satisfy additional electricity demands from the project. These energy resource demands relate to initial project construction, transport of people and goods, and lighting, heating and cooling of buildings.

Development of the site to support urban uses may be regarded as a permanent and irreversible change. Although the site is currently vacant, it was used historically for agriculture (dry farming). Site development would essentially eliminate agricultural production on the site. Grading, utility extensions, drainage improvements, new and improved roadways, and construction of buildings would permanently alter the character of the site to one that is more urbanized. The project would generally commit future generations to similar urban uses on the site once it is constructed.

3. Cumulative Impacts

CEQA defines cumulative impacts as "two or more individual effects, which, when considered together, are considerable, or which can compound or increase other environmental impacts." Section 15130 of the CEQA Guidelines requires that an EIR evaluate potential environmental impacts that are individually limited but cumulatively significant. These impacts can result from the proposed project alone, or together with other projects. The CEQA Guidelines state: "The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects." Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

Based on project conditions, assessment of the project's contribution to cumulative impacts

were discussed for each of the topic areas addressed in Section 3.0 of the RDEIR, Environmental Setting, Impacts, and Mitigation Measures. Using an assumed regional growth rate of two percent per year, as identified in the City of Livermore Community General Plan, the impacts associated with that growth were projected. The geographic scope of the cumulative impact analysis is generally the same geographic area defined by the Roadway Network Analysis within the traffic impact analysis and Section 3.3 of this EIR. For each section, the discussion of cumulative impacts follows direct project impacts and mitigation measures. Throughout the cumulative analysis presented in the RDEIR, the appropriate cumulative context is described and considered in light of the types of impacts created by the project. Cumulative impacts are summarized below. These cumulative impact discussions are also presented in each of the Environmental Analysis Subsections of the RDEIR (see Sections 3.1 through 3.11) and are summarized in Sections C, D, and E above.

4. Effects Found Not to Be Significant

A significant effect on the environment is generally defined as a substantial or potentially substantial adverse change in the physical environment (CEQA Guidelines Section 15358). The term “environment”, as used in this definition, means the physical conditions that exist within the area that will be affected by a proposed project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. The area involved shall be the area in which significant effects would occur either directly or indirectly as a result of the project. The “environment” includes both natural and man-made conditions (CEQA Guidelines Section 15360).

A description of the environmental topics found not to be significant is provided below, based upon the scope of prior environmental documentation for this site, significance criteria contained within the CEQA Guidelines, and responses to the Notice of Preparation.

Population and Housing

Population and housing impacts may be considered significant if the project would:

- a) Induce substantial population growth in an area, either directly or indirectly;
- b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere;
- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

The project may indirectly or directly result in an increase in demand for housing and population as a result of the creation of between 5,000 and 10,000 jobs at the research and industrial park. As mentioned above, Public Resources Code Section 21100(a)(5) requires that the growth-inducing impacts of a project be addressed in the EIR. 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 services facilities, or encourages or

facilitates other activities that cause significant environmental effects (CEQA Guidelines Section 15126(g)).

The majority of new residential demand is anticipated to occur within the City of Livermore, which has a supply of housing in a range of affordable categories. Other housing demand may be absorbed by future housing growth in the south Livermore area and other areas of the City as well as housing that will be provided by the Ruby Hills single-family residential development in the City of Pleasanton, west of Livermore. The Ruby Hills development is expected to add approximately 800 housing units to the regional supply. Other housing demands outside the City are expected to be minimal.

Infrastructure and service improvements may serve to remove physical obstacles to growth adjacent to the project area. However, no further development in the vicinity will be feasible until such time as West Jack London Boulevard is extended west beyond the adjacent PGC parcel to the west of the project site.

Wildland Fire

Wildland fire impacts may be considered significant if the project would expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. However, the project site is not located in an area prone to wildland fire or excessive fuel loading.

Agriculture Resources

Agriculture resource impacts may be considered significant if the project would:

- a) Result in conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance;
- b) Conflict with existing zoning for agricultural use, or a Williamson Act contract;
- c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Prime, Unique or Farmland of Statewide Importance, to non-agricultural use.

Although the site has historically been used for agriculture, the site does not contain any Prime, Unique or Farmlands of Statewide Importance nor are any Williamson Act contracts active on the property. Impacts to open space are discussed as part of Section 3.1, Land Use, in which the conversion of agricultural land is identified as a less than significant impact.

G. MITIGATION MONITORING AND REPORTING PROGRAM

When making findings, the lead agency must adopt a reporting or monitoring program for

the mitigation measures it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment. The mitigation measures identified in the EIR to reduce significant impacts and adopted and incorporated into the Project will be monitored pursuant to this monitoring program.

H. ALTERNATIVES

The Final EIR evaluated four alternatives to the proposed Project. The City Council has reviewed the significant impacts associated with each alternative as compared with the Project, and has also considered each alternative's feasibility, taking into account a range of economic, environmental, social, technological and legal factors. Overall, the City Council concludes that each of the four alternatives to the Project is infeasible. The City Council's analysis and conclusions are described below.

1. No Project (No Development) Alternative

CEQA Guidelines §15126 requires that a "No Project" alternative be evaluated as part of an EIR. The "No Development" alternative is one of two "No Project" options evaluated in the RDEIR. This alternative compares the environmental effects of the property remaining in its existing undeveloped agricultural state to the environmental effects that would occur if the project were approved and built.

Implementation of Alternative 1 would not have certain environmental impacts associated with the project in the areas of traffic and circulation, visual resources, air quality, and biological resources. However, the No Project Alternative is infeasible because it would not achieve any of the City's goals for the project site, as identified in the City's Low Intensity Industrial General Plan land use designation for the site. Nor would the project generate the jobs, park amenities and other benefits provided as part of the project.

2. No Project (Maximum Intensity and Density Under Existing Zoning)

As a second approach to the "No Project" requirement, this alternative considers the potential environmental consequences of site buildout in accordance with the maximum density and land use intensity allowed in the existing I-2 Light Industrial base zoning classification. Under the existing zoning (§2-61-020), principal permitted uses include: manufacturing, assembling, processing, storage or packaging of products, except those involving chemicals, petroleum, and heavy agricultural products or other hazardous materials, which are permitted with a conditional use permit. Wholesale certified recycling and other recycling processing uses are also permitted "by-right." Fuel stations are permitted as accessory uses (§2-61-030). Motels, fast-food businesses, banks, personal services, or goods "reasonably required for the convenience and support of occupants of uses in the surrounding I districts" are permitted with a conditional use permit. Contractors' storage yards, truck terminals and other storage uses are permitted with conditional use permits as well (§2-61-040).

In addition, the maximum lot coverage is identified as 45 percent (§2-61-070). The

proposed project has an anticipated floor area ratio of .40 to .45. This would indicate that one-story buildings are assumed in future proposed plans. However, the Planning and Zoning Code indicates that height may be increased to a maximum of 40 feet, in accordance with the City of Livermore Airport Ordinance. Therefore, the “No Project – Maximum Buildout” project scenario would result in a development yielding more intense land use impacts than the currently proposed project, assuming the full range of allowable uses.

Implementation of Alternative 2 would result in an increase in environmental impacts in the areas of land use; health hazards/risk of upset; traffic, circulation and parking; noise; air quality; and hydrology and water quality. In other areas, environmental impacts would be similar to those of the proposed Project. This alternative is not a feasible alternative to the Project because it would result in an increase in significant environmental impacts. Furthermore, the project would not include a number of beneficial components of the proposed project resulting from the proposed Planned Development zoning, including Design Guidelines ensuring a coordinated business park project and on-site amenities such as a park and increased street frontage landscape setbacks on Isabel Avenue and West Jack London Boulevard.

3. Reduced Density Alternative

This alternative is a reduction of the current project’s overall square footage by 30 percent. The Oaks Business Park project proposes a maximum build-out of 2.9 million square feet. A total of 2.1 million square feet under Alternative 3 would require fewer resources to operate, have a lesser impact on noise and traffic, and reduce the total lot coverage of the site.

Implementation of Alternative 3 would not have certain environmental impacts associated with the project in the areas of traffic and circulation, visual resources, air quality, and biological resources. However, the Alternative 3 is infeasible because it would not achieve the City’s goals for the project site. Alternative 3 would result in development density substantially below that permitted through the City’s existing Light Industrial (I-2) zoning of the site. As a result, the project would result in a reduction in jobs, and other benefits associated with the project. A substantial reduction in the density of the project would also reduce the feasibility of the project site being developed, since many of the costs associated with development (land, infrastructure, and permitting fees) would be similar, while the value of the land, and thus the profitability of the site, would be substantially reduced as a result of a reduction in density. It is also unlikely the project would be able to afford on-site amenities such as the proposed 2.6-acre park.

4. Reduced Intensity Alternative

This alternative is a reduction of the proposed project’s land use intensity. The Oaks Business Park project proposes that a variety of industrial and ancillary commercial land uses be constructed. Under this alternative, the principal use of the site would be light

industrial warehousing and distribution facilities, allowed as a principal permitted use in accordance with Section 2-61-020 of the Planning and Zoning Code. This use would not require the ancillary uses that would be needed to support research and development facilities and professional offices. Overall, many of the impacts would be reduced; however impacts associated with truck traffic and traffic-related noise issues would be similar or greater.

Implementation of Alternative 4 would not have certain environmental impacts associated with the project in the area of traffic and circulation. Significant unavoidable impacts in the areas of visual resources, biological resources and air quality would be similar to the impacts analyzed under the proposed Project. However, Alternative 4 is infeasible because it would not achieve the City's goals for the project site. This alternative would not achieve the goal of providing the high wage, high skill jobs typically associated with research and development and office land uses. Alternative 4 is also inconsistent with the existing Light Industrial (I-2) zoning of the site, which implements the Low Intensity Industrial General Plan land use designation for the site, and allows a range of office and light industrial uses. Restrictions on the land uses permitted on the site would also reduce the feasibility of the project site being developed, since the applicant intends to build out the Project site with approximately 60 percent R&D/Office uses and 40 percent light industrial uses.

I. STATEMENT OF OVERRIDING CONSIDERATIONS

As set forth above, there are significant adverse environmental impacts which are identified in the Final EIR, but which cannot be mitigated to a less than significant level. CEQA requires the decision-makers to balance the benefits of the proposed project against its unavoidable environmental risks in determining to approve the Project. The City of Livermore finds that the benefits of the proposed Oaks Business Park Project, described below, are overriding concerns which outweigh the unavoidable adverse environmental impacts as identified above, and that the adverse environmental impacts of the Project are, therefore, considered acceptable and that social, economic, and other benefits of the Project described below constitute overriding considerations justifying approval.

1. The project provides a suitable environment for economic growth and improves the well-being of citizens and businesses in the City.
2. The project provides additional employment opportunities within the City, including potentially high wage and highly trained office and research and development employment opportunities.
3. The project provides for development compatible with and sensitive to nearby residential land uses. The project provides Design Guidelines and landscaping in excess of minimum requirements to buffer the development from residential land uses located to the east across Isabel Avenue.
4. The project is compatible with surrounding quarry, agricultural and airport operations

and is consistent with the provisions of the City's General Plan and the Alameda County Airport Land Use Commission Plan.

5. The project implements the goals and policies for the project area as set forth in both the existing General Plan and the proposed General Plan update, including promoting light industrial development that will help reduce commuting and improve the City's economic base; providing necessary off-site and on-site improvements to the area roadway system, public works, power and telecommunications infrastructure consistent with planned infrastructure systems; and providing jobs with competitive salaries in a manner consistent with the City's General Plan and vision for this area of the City.
6. The project provides an environment for the development of professional and administrative facilities, offices, research, and manufacturing operations within a master planned business park, which ensures consistent and compatible development throughout the site through Planned Development Industrial Zoning standards and Design Guidelines.
7. The project includes a 2.6-acre park on-site, which provides an additional recreational resource for the residents of Livermore on the west side of the City.
8. The project will provide additional trail segments along the northern and western edges of the project site.
9. The preferred drainage option for the project will help to complete part of a future region-wide drainage system, which will help to reduce potential downstream flooding created by the Arroyo Mocho.

J. RECIRCULATION NOT REQUIRED

No new or substantial changes to the EIR were proposed as a result of the public comment process. The Final EIR responds to comments and makes only minor technical changes, clarifications or additions to the EIR. The minor changes, clarifications, and additions to the EIR do not identify any new significant impacts or substantial increase in the severity of any environmental impacts. Therefore, recirculation of the EIR is not required.

K. INCORPORATION BY REFERENCE

The Final EIR is hereby incorporated into these Findings in its entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the Project in site of the potential for associated significant unavoidable adverse impacts.

L. RECORD OF PROCEEDINGS

Various documents and other materials constitute the record of proceedings upon which the City Council bases its findings and decisions contained herein. Documents related to this Project are located in the Livermore Community Development Department, Planning Division, 1052 South Livermore Avenue, Livermore, CA.

M. SUMMARY

Based on the foregoing Findings and the information contained in the record, the City has made one or more of the following findings with respect to each of the significant effects of the Project:

- a. Changes or alterations have been required in, or incorporated into, the Project, which mitigate or avoid the significant effects on the environment (CEQA Guidelines Section 15091(1)).
- b. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that agency (CEQA Guidelines Section 15091(2)).
- c. Specific economic, legal, social, technological, economic or other considerations made infeasible the mitigation measures or alternatives identified in the Final EIR (CEQA Guidelines Section 15091(3)).

Based on the foregoing Findings and the information contained in the record, it is determined that:

- a. All significant effects on the environment due to the approval of the proposed Project have been eliminated or substantially lessened where feasible.
- b. Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the statement of Overriding Considerations in Section I, above.