

# \*ENVIRONMENTAL DECLARATION

(CALIFORNIA FISH AND GAME CODE SECTION 711.4)

## LEAD AGENCY NAME AND ADDRESS

City of Livermore  
Planning Division  
1052 South Livermore Avenue  
Livermore, CA 94550

## FOR COUNTY CLERK USE ONLY

**ENDORSED  
FILED  
ALAMEDA COUNTY**

MAR 26 2024

MELISSA WILK, County Clerk  
By Melissa Wilk Deputy

FILE NO: 24-100

## CLASSIFICATION OF ENVIRONMENTAL DOCUMENT: (PLEASE MARK ONLY ONE CLASSIFICATION)

### 1. NOTICE OF EXEMPTION / STATEMENT OF EXEMPTION

A - STATUTORILY OR CATEGORICALLY EXEMPT

\$ 50.00 - COUNTY CLERK HANDLING FEE

### 2. NOTICE OF DETERMINATION (NOD)

A - NEGATIVE DECLARATION (OR MITIGATED NEG. DEC.)

\$ 2,916.75 - STATE FILING FEE

\$ 50.00 - COUNTY CLERK HANDLING FEE

B - ENVIRONMENTAL IMPACT REPORT (EIR)

\$ 4,051.25 - STATE FILING FEE

\$ 50.00 - COUNTY CLERK HANDLING FEE

### 3. OTHER: \_\_\_\_\_

**\*\*\* A COPY OF THIS FORM MUST BE COMPLETED AND SUBMITTED WITH EACH COPY OF AN ENVIRONMENTAL DECLARATION BEING FILED WITH THE ALAMEDA COUNTY CLERK.\*\*\***

#### BY MAIL FILINGS:

PLEASE INCLUDE FIVE (5) COPIES OF ALL NECESSARY DOCUMENTS AND TWO (2) SELF-ADDRESSED ENVELOPES.

#### IN PERSON FILINGS:

PLEASE INCLUDE FIVE (5) COPIES OF ALL NECESSARY DOCUMENTS AND ONE (1) SELF-ADDRESSED ENVELOPE.

**ALL APPLICABLE FEES MUST BE PAID AT THE TIME OF FILING.**

FEES ARE EFFECTIVE JANUARY 1, 2024

MAKE CHECKS PAYABLE TO: ALAMEDA COUNTY CLERK

Notice of Determination

ENDORSED FILED ALAMEDA COUNTY

To: [X] Office of Planning and Research P.O. Box 3044 Sacramento, CA 95812-3044

From: City of Livermore Community Development Department 1052 South Livermore Avenue Livermore, CA 94550 Ashley Vera, Senior Planner (925) 960-4479

MAR 26 2024

MELISSA WILK, County Clerk By [Signature] Deputy

[X] County Clerk County of Alameda 1106 Madison Street Oakland, CA 94607

Subject: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code

State Clearinghouse Number (if submitted to State Clearinghouse): 2023010091 Project Title: SMP 39/SMP 40 Project (Annexation/Prezoning [APZ] 21-003, Pre-Annexation and Development Agreement [DA] 21-001, Pre-Annexation and Development Agreement [DA] 23-002, General Plan Amendment [GPA] 21-001, Zoning Map Amendment [ZMA] 21-002, Development Code Amendment [DCA] 21-005, Planned Development Industrial [PD-1] 22-001, Vesting Tentative Parcel Map [SUB] 21-008, Vesting Tentative Tract Map [SUB] 21-009, and Site Plan Design Review [SPDR] 21-008)

Project Applicant: Overton Moore Properties, 19700 S Vermont, Suite 101, Torrance, CA 90502: (310)354-2460

Project Location (include county): West Jack London and El Charro Road: Isabel Avenue and Stanley Boulevard: City of Livermore, Alameda County (APNs: 904-3-1-4, 904-10-2-2, -3, -5, -7, and -8)

Project Description: The approximately 105.34-acre project site consists of six separate parcels located in unincorporated Alameda County, adjacent to the existing Oaks Business Park, in the northwestern corner of the City of Livermore. The project site is generally located west of Isabel Avenue/State Route (SR) 84, north of Stanley Boulevard, south of West Jack London Boulevard, and east of El Charro Road. APN 904-3-1-4 is also known as SMP 39; and 904-10-2-2 is also known as SMP 40. The aforementioned SMP numbers are due to the Surface Mining Permit (SMP) numbers applicable to each site associated with the SMPs approved by Alameda County in 2004 to allow for the extraction of sand and gravel (i.e., aggregate); however, aggregate mining has not occurred within the sites. Four additional parcels (APNs 904-10-2-3, -5, -7, and -8) located east of SMP 40 are included in the overall project area.

For SMP 39, the proposed project would include development of a total of up to six light industrial buildings, consisting of up to approximately 755,500 square feet (sf) of new building space, and associated internal roadways and other improvements; for SMP 40, the proposed project would include development of two industrial buildings containing up to 759,275 sf of new building space with related internal roadways and other improvements. In addition, the project would include a new off-site trail connection to the existing Arroyo Mocho Trail, located on the east side of Isabel Avenue/SR 84. A number of approvals would be required for development of SMP 39 and SMP 40, including a Sphere of Influence (SOI) Amendment for SMP 39 only, General Plan Amendment, Pre-zoning and Annexation, Zoning Map Amendment/Planned Development, Development Code Amendment, Vesting Tentative Subdivision Maps, and Pre-Annexation and Development Agreements. A Site Plan Design Review entitlement is required for SMP 39 and SMP 40, which would include a review of the site plan, building, and landscape design; however, the entitlement is only proposed for SMP 40 at this time. A Site Plan Design Review entitlement will be required at a later date for the future development of SMP 39. In addition, the proposed project would include annexation of the Additional Annexation Only Parcels. Development of the Additional Annexation Only Parcels is not proposed as part of the proposed project.

This is to advise that the City of Livermore ([X] Lead Agency or [ ] Responsible Agency) has approved the above-described project on March 25, 2024 and has made the following determination regarding the project:

- 1. The project [X] will [ ] will not] have a significant effect on the environment.
2. [X] An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA. [X] A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation Measures [X] were [ ] were not] made a condition of the approval of the project.
4. A mitigation reporting or monitoring plan [X] was [ ] was not] adopted for this project.
5. A Statement of Overriding Considerations [X] was [ ] was not] adopted for this project.
6. Findings [X] were [ ] were not] made pursuant to the provisions of CEQA.
7. California State Department of Fish and Wildlife Fees (SB 1535)
[ ] The project has been found to be exempt and not subject to the provisions of SB 1535.
[ ] \$50 for County processing fees (attach No Effect Determination Form)
[X] The project is not exempt and is, therefore, subject to the following fees:
[X] \$4,101.25 (\$4,051.25 Fish and Wildlife plus \$50 County recording fee) for review of an Environmental Impact Report
[ ] \$50 for County recording fees for a project previously approved and paid (attach DFW receipt)

This is to certify that the final EIR with comments and responses and record of project approval is available to the general public at: https://www.livermoreca.gov/departments/community-development/planning/environmental-documents

Signature (Public Agency): Ashley Vera Title: Senior Planner

Date: 3/26/2024 Date received for filing at OPR:



State of California - Department of Fish and Wildlife  
**2024 ENVIRONMENTAL DOCUMENT FILING FEE**  
**CASH RECEIPT**  
 DFW 753.5a (REV. 01/01/24) Previously DFG 753.5a

**Print** **Save**

**AC RECEIPT #: 3582209**

RECEIPT NUMBER:  
**01-03/26/2024-100**  
 STATE CLEARINGHOUSE NUMBER (if applicable)  
**2023010091**

**SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.**

LEAD AGENCY <b>CITY OF LIVERMORE PLANNING DIVISION</b>	LEAD AGENCY EMAIL	DATE <b>03/26/2024</b>
COUNTY/STATE AGENCY OF FILING <b>ALAMEDA</b>	DOCUMENT NUMBER <b>24 - 100</b>	

PROJECT TITLE  
**SMP 39/SMP 40 PROJECT (ANNEXATION/PREZONING [APZ] 21-003, PRE-ANNEXATION AND DEVELOPMENT AGREEMENT [DA] 21-001, PRE-ANNEXATION AND DEVELOPMENT...**

PROJECT APPLICANT NAME <b>ASHLEY VERA</b>	PROJECT APPLICANT EMAIL	PHONE NUMBER <b>(925) 960-4479</b>
PROJECT APPLICANT ADDRESS <b>1052 SOUTH LIVERMORE AVENUE</b>	CITY <b>LIVERMORE</b>	STATE <b>CA</b>
		ZIP CODE <b>94550</b>

PROJECT APPLICANT (Check appropriate box)

Local Public Agency     School District     Other Special District     State Agency     Private Entity


**CHECK APPLICABLE FEES:**

<input checked="" type="checkbox"/> Environmental Impact Report (EIR)	\$4,051.25	\$	<u>4,051.25</u>
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,916.75	\$	<u>0.00</u>
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,377.25	\$	<u>0.00</u>
<input type="checkbox"/> Exempt from fee			
<input type="checkbox"/> Notice of Exemption (attach)			
<input type="checkbox"/> CDFW No Effect Determination (attach)			
<input type="checkbox"/> Fee previously paid (attach previously issued cash receipt copy)			
<hr/>			
<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$	<u>0.00</u>
<input checked="" type="checkbox"/> County documentary handling fee		\$	<u>50.00</u>
<input type="checkbox"/> Other		\$	<u>          </u>

**PAYMENT METHOD:**

Cash     Credit     Check     Other

**TOTAL RECEIVED**    \$ 4,101.25

SIGNATURE <b>X</b> 	AGENCY OF FILING PRINTED NAME AND TITLE <b>MHUI, DEPUTY CLERK</b>
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**Summary Form for Electronic Document Submittal****Form F**

Lead agencies may include 15 hardcopies of this document when submitting electronic copies of Environmental Impact Reports, Negative Declarations, Mitigated Negative Declarations, or Notices of Preparation to the State Clearinghouse (SCH). The SCH also accepts other summaries, such as EIR Executive Summaries prepared pursuant to CEQA Guidelines Section 15123. Please include one copy of the Notice of Completion Form (NOC) with your submission and attach the summary to each electronic copy of the document.

SCH #: 2023010091

Project Title: SMP 38/SMP 39/SMP 40 Project

Lead Agency: City of Livermore

Contact Name: Ashley Vera, Associate Planner

Email: asvera@livermoreca.gov Phone Number: (925) 960-4479

Project Location: Livermore Alameda  
*City* *County*

Project Description (Proposed actions, location, and/or consequences).

The project site consists of nine parcels identified by Assessor's Parcel Numbers (APNs) 904-1-7-21; 904-1-2-12; 904-1-7-32; 904-3-1-4; 904-10-2-2, -3, -5, -7, and -8, totaling approximately 217.04 acres in unincorporated Alameda County. The project site is generally located west of Isabel Avenue/State Route (SR) 84, north of Stanley Boulevard, south of West Jack London Boulevard, and east of El Charro Road. On SMP 38, the proposed project includes an Sphere of Influence (SOI) Amendment. On SMP 39 the proposed project includes development of six industrial buildings consisting of approximately 755,500 sf of new building space, and associated improvements. On SMP 40, the project includes development of two industrial buildings consisting of up to 759,275 sf of new building space and associated improvements. A number of approvals would be required for development of SMP 39 and SMP 40, including a SOI Amendment for SMP 39, General Plan Amendment, Pre-zoning and Annexation, Zoning Map Amendment/Planned Development, Vesting Tentative Subdivision Maps, a Pre-Annexation Agreement, and Development Agreement. A Site Plan Design Review entitlement is required for SMP 39 and SMP 40, which would include a review of the site plan, building, and landscape design; however, the entitlement is only proposed for SMP 40 at this time. A Site Plan Design Review entitlement will be required at a later date for the future development of SMP 39. In addition, the proposed project would include annexation of four additional parcels (APNs 904-10-2-3, -5, -7, and -8) located east of SMP 40. Development of SMP 38 and additional annexation parcels is not proposed.

Identify the project's significant or potentially significant effects and briefly describe any proposed mitigation measures that would reduce or avoid that effect.

The Initial Study prepared for the proposed project identified a number of impacts as less than significant with implementation of mitigation measures, less than significant, or no impact including in the following issue areas: Aesthetics; Geology and Soils; Hazards and Hazardous Materials; Land Use and Planning; Mineral Resources; Population and Housing; Public Services; Recreation; and Wildfire. Implementation of the mitigation measures set forth in the Initial Study would be sufficient to reduce impacts to less-than-significant levels.

The Draft EIR provides an evaluation of the potential environmental impacts of the proposed project related to Agricultural Resources; Air Quality, Greenhouse Gas Emissions, and Energy; Biological Resources; Cultural and Tribal Cultural Resources; Hydrology and Water Quality; Noise; Public Services, Utilities, and Service Systems; and Transportation, and recommends mitigation measures to reduce impacts. As described in the Draft EIR, some impacts related to Agricultural Resources have been determined to remain significant and unavoidable, even with implementation of the mitigation measures set forth in the Draft EIR.

If applicable, describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

The areas of known controversy for the proposed project relate to the following:

- The inclusion of solar arrays.
- Compliance with applicable laws governing tribal notifications, including Assembly Bill 52 and Senate Bill 18.
- Effects to the Metropolitan Transportation System (MTS) roadway network, including Interstate 580 in Livermore and Pleasanton, SR 84 (Isabel Avenue and Vallecitos Road), and East and West Jack London Boulevard, Airway Boulevard, El Charro Road, and Stanley Boulevard.
- Effects to the MTS transit operators (Bay Area Rapid Transit [BART], Livermore Amador Valley Transit Authority [LAVTA]).
- Potential increase in roadway maintenance needs.
- Effects of vehicle traffic on cyclist and pedestrian safety.
- Vehicle miles traveled (VMT) mitigation measures.
- Compliance with applicable Caltrans standards and permits.
- Effects on Pleasanton roadways and intersections from project-related traffic.
- Use of site as a quarry.
- Potential allowed land use and zoning for SMP 38 in the future.
- Potential increase in noise levels associated with project operations.

Provide a list of the responsible or trustee agencies for the project.

Alameda County LAFCo;  
Alameda County Airport Land Use Commission (ALUC);  
City of Pleasanton;  
Pacific Gas and Electricity (PG&E);  
Federal Aviation Administration (FAA);  
Federal Emergency Management Agency (FEMA);  
Bay Area Air Quality Management District (BAAQMD);  
California State Water Resources Control Board (SWRCB);  
San Francisco Regional Water Quality Control Board (RWQCB);  
Zone 7 Water Agency;  
Caltrans;  
California Department of Fish and Wildlife (CDFW); and  
U.S. Army Corps of Engineers (USACE).

# SMP 38/SMP 39/SMP 40 Project

## Summary

<b>SCH Number</b>	2023010091
<b>Lead Agency</b>	City of Livermore
<b>Document Title</b>	SMP 38/SMP 39/SMP 40 Project
<b>Document Type</b>	EIR - Draft EIR
<b>Received</b>	8/30/2023
<b>Present Land Use</b>	<p>The project site consists of nine parcels identified by Assessor's Parcel Numbers (APNs) 904-1-7-21; 904-1-2-12; 904-1-7-32; 904-3-1-4; 904-10-2-2, -3, -5, -7, and -8, totaling approximately 217.04 acres in unincorporated Alameda County. The project site is generally located west of Isabel Avenue/State Route (SR) 84, north of Stanley Boulevard, south of West Jack London Boulevard, and east of El Charro Road. The parcels are currently undeveloped, with the exception of several structures related to a former horse ranch located in the northwest corner of SMP 38, and a few structures located on the Additional Annexation Only Parcels.</p>
<b>Document Description</b>	<p>On SMP 38, the proposed project includes a Sphere of Influence (SOI) Amendment to include SMP 38 within the City of Livermore SOI and remove it from City of Pleasanton's SOI. The City of Livermore General Plan land use designation for SMP 38 would remain Limited Agriculture and Open Space/Sand and Gravel and the Alameda County zoning designation would remain Agriculture. Development of SMP 38 is not proposed.</p> <p>For SMP 39, the proposed project would include development of a total of up to six light industrial buildings, consisting of up to approximately 755,500 square feet (sf) of new building space, and associated internal roadways and other improvements; for SMP 40, the proposed project would include development of two industrial buildings containing up to 759,275 sf of new building space with related internal roadways and other improvements. A number of approvals would be required for development of SMP 39 and SMP 40, including a SOI Amendment for SMP 39, General Plan Amendment, Pre-zoning and Annexation, Zoning Map Amendment/Planned Development, Vesting Tentative Subdivision Maps, a Pre-Annexation Agreement, and Development Agreement. A Site Plan Design Review entitlement is required for SMP 39 and SMP 40, which would include a review of the site plan, building, and landscape design; however, the entitlement is only proposed for SMP 40 at this time. A Site Plan Design Review entitlement will be required at a later date for the future development of SMP 39. In addition, the proposed project would include annexation of four additional parcels (APNs 904-10-2-3, -5, -7, and -8) located east of SMP 40. Development is not proposed on the additional parcels as part of the proposed project.</p>

## Contact Information

<b>Name</b>	Ashley Vera
<b>Agency Name</b>	City of Livermore, Community Development Department
<b>Job Title</b>	Associate Planner
<b>Contact Types</b>	Lead/Public Agency
<b>Address</b>	1052 S. Livermore Avenue Livermore, CA 94550
<b>Phone</b>	(925) 960-4479
<b>Email</b>	asvera@livermoreca.gov

## Location

<b>Coordinates</b>	37°41'20"N 121°49'28.9"W
<b>Cities</b>	Livermore
<b>Counties</b>	Alameda
<b>Regions</b>	Citywide, Countywide
<b>Cross Streets</b>	West Jack London and El Charro Road; Isabel Avenue and Stanley Boulevard
<b>Zip</b>	94550
<b>Total Acres</b>	217.04
<b>Parcel #</b>	904-1-7-21; 904-1-2-12; 904-1-7-32; 904-3-1-4; 904-10-2-2, -3, -5, -7, and -8
<b>State Highways</b>	I-580
<b>Railways</b>	SPRR
<b>Airports</b>	Livermore Municipal Airport
<b>Schools</b>	Mohr Elementary, Rancho Las Positas Elementary, etc.
<b>Waterways</b>	Arroyo Mocho, Arroyo Las Positas, Cottonwood Creek
<b>Township</b>	3S
<b>Range</b>	1E
<b>Section</b>	11
<b>Base</b>	MDBM

## Notice of Completion

<b>State Review Period Start</b>	8/30/2023
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<b>State Review Period End</b>	10/13/2023
<b>State Reviewing Agencies</b>	California Air Resources Board (ARB), California Department of Conservation (DOC), California Department of Fish and Wildlife, Bay Delta Region 3 (CDFW), California Department of Parks and Recreation, California Department of Toxic Substances Control (DTSC), California Department of Transportation, District 4 (DOT), California Department of Transportation, Division of Transportation Planning (DOT), California Department of Water Resources (DWR), California Governor's Office of Emergency Services (OES), California Highway Patrol (CHP), California Native American Heritage Commission (NAHC), California Natural Resources Agency, California Public Utilities Commission (CPUC), Office of Historic Preservation, State Water Resources Control Board, Division of Drinking Water, State Water Resources Control Board, Division of Drinking Water, District 4, California Regional Water Quality Control Board, San Francisco Bay Region 2 (RWQCB), California Department of Transportation, Division of Aeronautics (DOT)
<b>State Reviewing Agency Comments</b>	California Regional Water Quality Control Board, San Francisco Bay Region 2 (RWQCB), California Department of Transportation, Division of Aeronautics (DOT)
<b>Development Types</b>	Industrial (Sq. Ft. 1514775, Acres 92.4, Employees 1)
<b>Local Actions</b>	General Plan Amendment, Site Plan, Prezone, Land Division (Subdivision, etc.), Annexation, Zoning Map Amendment, Development Agreement, Pre-Annexation Agreement, and Design Review
<b>Project Issues</b>	Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Cumulative Effects, Drainage/Absorption, Flood Plain/Flooding, Greenhouse Gas Emissions, Hydrology/Water Quality, Land Use/Planning, Noise, Public Services, Sewer Capacity, Solid Waste, Transportation, Tribal Cultural Resources, Vegetation, Wetland/Riparian

## Attachments

**Draft Environmental Document [Draft IS, NOI\_NOA\_Public notices, OPR Summary Form, Appx,]**

SMP 38, 39, & 40 Project\_DEIR (with Appendices) **PDF** **446467 K**    SMPs NOA **PDF** **169 K**

Summary Form\_SMP 38, 39, 40 **PDF** **199 K**

**Notice of Completion [NOC] Transmittal form**

NOC\_SMP 38, 39, 40 **PDF** **1270 K**

**State Comment Letters [Comments from state reviewing agencies]**

2023010091\_Aero Comments **PDF** **511 K**    2023010091\_RWQCB Comment **PDF** **452 K**

**Disclaimer:** The Governor's Office of Planning and Research (OPR) accepts no responsibility for the content or accessibility of these documents. To obtain an attachment in a different format, please contact the lead agency at the contact information listed above. You may also contact the OPR via email at [state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov) or via phone at [\(916\) 445-0613](tel:9164450613). For more information, please visit [OPR's Accessibility Site](#).

FINDINGS, FACTS IN SUPPORT OF FINDINGS AND STATEMENT OF OVERRIDING  
CONSIDERATIONS REGARDING THE ENVIRONMENTAL IMPACT REPORT FOR  
THE  
SMP 39/SMP 40 PROJECT  
(SCH NO. 2023010091)

The following Findings, the mitigation measures specified herein, and the Mitigation Monitoring and Reporting Program attached hereto are hereby adopted by the Livermore City Council in accordance with California Environmental Quality Act (“CEQA”), Public Resources Code Section 21081, 21081.5 and 21081.6, and the CEQA Guidelines, Title 14, California Code of Regulations, Sections 15091 through 15093 for the SMP 39/SMP 40 Project (“Project”).

A. ENVIRONMENTAL REVIEW PROCESS

On January 6, 2023, the City issued a Notice of Preparation pursuant to CEQA to obtain comments on the proposed scope of the Environmental Impact Report (EIR) for the Project. The City released the Draft EIR on August 30, 2023, for a 45-day public comment period. The City made available the Draft EIR to the Planning Commission, the City Council, State Clearinghouse, state, regional and local agencies and special districts, and interested groups and individuals. On October 3, 2023, the Planning Commission conducted a public hearing on the Draft EIR. Members of the public and other interested parties were invited by formal public notice to provide comments on the scope and content of the Draft EIR at the public hearing. On October 13, 2023, at 5:00 PM, the public comment period on the Draft EIR closed. Nine written and oral comments were received during the public comment period.

The City released the Final EIR for public review on January 16, 2024. Subsequent to the Final EIR, a number of additional comment letters were received from the public regarding the Project. While CEQA does not require that written responses be provided for letters received after the close of the Draft EIR public review period, the comments were acknowledged by the City, and the City chose to prepare written responses to the comments and associated errata for the decision-makers consideration in making an informed decision. The Final EIR consists of copies of all written or oral comments received on the Draft EIR, a list of commenters, all responses to written and oral comments, and proposed revisions to the Draft EIR. The Final EIR, Draft EIR, Mitigation Monitoring and Reporting Program (MMRP), and the written responses to comments and associated errata prepared subsequent to the Final EIR that were included with the Planning Commission and City Council staff reports together comprise the EIR for the Project. The analysis and conclusions contained in the EIR reflect the independent judgment of the City.

B. PROJECT DESCRIPTION

Chapter 3 of the Draft EIR includes a detailed description of the Project. The Project, as described in the Draft EIR, has been revised as described in the Final EIR. The revisions make only minor technical changes, clarifications or additions to the Draft EIR.

The approximately 105.34-acre project site consists of six separate parcels identified by Assessor’s Parcel Numbers (APNs) 904-3-1-4; 904-10-2-2, -3, -5, -7, and -8 located in

unincorporated Alameda County. The Project site is located adjacent to the existing Oaks Business Park, which consists of eight light industrial warehouse buildings, in the northwestern corner of the City of Livermore. The parcels are currently undeveloped, with the exception of a few structures located on the Additional Annexation Only Parcels. The Project site is generally located west of Isabel Avenue/State Route (SR) 84, north of Stanley Boulevard, south of West Jack London Boulevard, and east of El Charro Road. APN 904-3-1-4 is also known as SMP 39; and 904-10-2-2 is also known as SMP 40. The aforementioned SMP numbers are due to the Surface Mining Permit (SMP) numbers applicable to each site. The Surface Mining Permits for each of the sites were approved by Alameda County in 2004 to allow for the extraction of sand and gravel (i.e., aggregate) within the sites; however, aggregate mining has not occurred within any of the sites. Four additional parcels (APNs 904-10-2-3, -5, -7, and -8) located east of SMP 40 are included in the overall Project area.

SMP 39, SMP 40, and the Additional Annexation Only Parcels are within the City of Livermore South Livermore Urban Growth Boundary (UGB); however, SMP 39 is also within the City of Pleasanton's Sphere of Influence (SOI). Accordingly, an SOI Amendment for SMP 39 is proposed in order to modify City of Pleasanton SOI, align the SOI and South Livermore UGB boundaries to be consistent with one another, and provide a contiguous division of land between the cities of Livermore and Pleasanton. It should be noted that the likelihood for any future development on the Additional Annexation Only Parcels is low due to physical constraints to development present on the parcels and their small size. Thus, the analysis of the Draft EIR assumed that any development on the Additional Annexation Only Parcels would be limited to cooperating with the Project applicant regarding development of the proposed trail and trail connection.

On the SMP 39 site, the Project would include development of a total of up to six light industrial buildings, consisting of up to approximately 755,500 square feet (sf) total of new building space, and associated internal roadways, parking, landscaping, utilities, and other improvements. On the SMP 40 site, the Project would include development of two industrial buildings containing up to approximately 759,275 sf of new building space with related internal roadways, parking, landscaping, utilities, and other improvements. The Project would include frontage improvements along SMP 39 and right-of-way dedication for the ultimate buildout of West Jack London Boulevard, which would include an at-grade, paved shared-use path along the Project frontage, consistent with the City's Active Transportation Plan (ATP). Similarly, a paved at-grade, on-site trail would be provided along the boundaries of the SMP 40 site, consistent with the City's ATP. The proposed on-site trails would provide connection between SMP 39 to the existing path along the western boundary of the Oaks Business Park, SMP 40, and eventually to the Arroyo Mocho Trail, as the Project would include a new off-site trail connection to the existing Arroyo Mocho Trail, located on the east side of Isabel Avenue/SR 84. Three alternatives for the proposed off-site trail crossing to the existing Arroyo Mocho Trail are being considered and evaluated in the Draft EIR, including an at-grade crossing at Discovery Drive, an undercrossing at the existing Isabel Bridge, and an overcrossing of Isabel Avenue/SR 84 just north of the existing railroad tracks and associated crossing (north of Stanley Boulevard).

A detailed description of the Project's entitlements can be found in Chapter 3 of the Draft EIR. Overall, the Project includes approval of the following entitlements and agreements by the City of Livermore and Responsible Agencies, including Alameda County and the City of Pleasanton:

SMP 39

- Resolution authorizing submittal of an annexation and SOI Amendment application to the Alameda LAFCo;
  - Property tax exchange agreement between Alameda County and the City of Livermore;
- General Plan Amendment to modify the City’s land use designation for SMP 39 from Open Space/Sand and Gravel to Low Intensity Industrial (LII);
  - Pre-zone the site as Planned Development-Industrial (PDI-22-001);
  - Zoning Map Amendment;
  - Vesting Tentative Subdivision Map;
  - Development Agreement; and
  - Pre-Annexation Agreement.

SMP 40

- Resolution authorizing submittal of an annexation application to the Alameda LAFCo;
  - Property tax exchange agreement between Alameda County and the City of Livermore;
- General Plan Amendment to modify the City’s land use designation for SMP 40 from Open Space/Sand and Gravel to LII;
  - Pre-zone the site as PDI-22-001;
  - Zoning Map Amendment;
  - Vesting Tentative Subdivision Map;
  - Site Plan and Design Review;
  - Development Agreement; and
  - Pre-Annexation Agreement.

Additional Annexation Only Parcels (APNs 904-10-2-3, -5, -7, and -8)

- Resolution authorizing submittal of an annexation application to the Alameda LAFCo;
  - Property tax exchange agreement between Alameda County and the City of Livermore;
- General Plan Amendment to modify the City’s land use designation from Open Space/Sand and Gravel to Parks, Trailways and Recreation Areas (OSP); and
  - Pre-zone the sites to Open Space Flood Plain (OS-F).

A number of other agencies, such as Alameda LAFCo, would serve as Responsible and Trustee Agencies, pursuant to CEQA Guidelines Section 15381 and Section 15386, respectively. The Draft EIR provided environmental information, which may be required to grant approvals or coordinate with other agencies, to the agencies as part of Project implementation. These agencies could include, but may not be limited to, the following:

- Alameda LAFCo;
- Alameda County Airport Land Use Commission (ALUC);
- Alameda County;
- City of Pleasanton;
- Pacific Gas and Electric Company (PG&E);
- Federal Aviation Administration (FAA);

- Federal Emergency Management Agency (FEMA);
- Bay Area Air Quality Management District (BAAQMD);
- California State Water Resources Control Board (SWRCB);
- San Francisco Regional Water Quality Control Board (RWQCB);
- Zone 7 Water Agency;
- Caltrans;
- California Department of Fish and Wildlife (CDFW); and
- U.S. Army Corps of Engineers (USACE).

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 J 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 MMRP in the Final EIR.

1. Agricultural Resources Impact 4.1-2: Implementation of the Project would involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.

Buildout of the Project has the potential to result in impacts to agricultural resources, specifically the conversion of farmland to non-agricultural uses. SMP 39 and SMP 40 have on-site soils that result in the land being considered prime agricultural land by Alameda LAFCo.

According to the Alameda LAFCo's General Proposal Policies, the LAFCo shall discourage City annexations of prime agricultural land, as defined by Government Code Section 56064, if such areas are not needed for urbanization within five years. The City has identified a need for additional industrial uses within the City of Livermore, and vacant land that would be viable for development of industrial uses similar to the Project does not exist within current Livermore city limits. Further, given the existing surrounding land uses, the project site is generally a suitable location for the Project, and a reasonable assumption can be made that other properties within the City may not be as well suited for the Project as the project site. Therefore, urbanization of the project site within the next five years would be needed to allow for the development of additional light industrial uses within the City. It should be noted, however, that annexation is ultimately subject to approval by Alameda LAFCo.

Potential mitigation for impacts analyzed in the Draft EIR related to the conversion of prime agricultural land to non-agricultural uses included purchasing agricultural conservation easements outside the Project area. However, this mitigation would not create new agricultural land; rather, the mitigation would preserve existing agricultural land elsewhere. Feasible mitigation measures do not exist to reduce the above impact to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

2. Agricultural Resources Impact 4.1-3: Implementation of the proposed Project would result in impacts related to the cumulative loss of agricultural land.

As discussed above, SMP 39 and SMP 40 have on-site soils that are considered prime agricultural land by Alameda LAFCo. Therefore, implementation of the Project would convert prime agricultural land to non-agricultural uses, which would conflict with Alameda LAFCo policies related to prime agricultural land. Accordingly, the Project would prevent further use of the site for agricultural uses, and the Project-specific impact would be considered significant and unavoidable. Feasible mitigation measures do not exist to reduce the impact to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

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

The Final EIR identifies the following significant impacts associated with the Project that are reduced to a level of less than significant by mitigation measures identified in the Draft EIR. It is hereby determined that the following environmental impacts will be mitigated to a less-than-significant level or avoided by incorporation of the mitigation measures into the Project (for a detailed description of impacts and mitigation measures, see the appropriate text in the EIR):

1. Air Quality Impact 4.2-1: Implementation of the proposed Project would not conflict with or obstruct implementation of the applicable air quality plan during Project construction, with incorporation of the following mitigation measures: MM 4.2-1(a) and MM 4.2-1(b).
2. Air Quality Impact 4.2-2: Implementation of the proposed Project would not conflict with or obstruct implementation of the applicable air quality plan during Project operation, with incorporation of MM 4.2-2.
3. Biological Resources Impact 4.3-2: Implementation of the proposed Project would not have a substantial adverse effect, either directly or through habitat modifications, on special-status wildlife species, with incorporation of the following mitigation measures: MM 4.3-2(a), MM 4.3-2(b), MM 4.3-2(c), and MM 4.3-2(d).
4. Biological Resources Impact 4.3-3: Implementation of the proposed Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or the U.S. Fish and Wildlife Service (USFWS), or State or Federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means, with incorporation of the following mitigation measures: MM 4.3-3(a), MM 4.3-3(b), MM 4.3-3(c), MM 4.3-3(d), and MM 4.3-3(e).
5. Cultural and Tribal Cultural Resources Impact 4.4-2: Implementation of the proposed Project would not cause a substantial adverse change in the significance of a unique archeological resource pursuant to CEQA Guidelines, Section 15064.5, with implementation of MM 4.4-2.

6. Cultural and Tribal Cultural Resources Impact 4.4-3: Implementation of the proposed Project would not disturb any human remains, including those interred outside of dedicated cemeteries, with incorporation of MM 4.4-3.
7. Cultural and Tribal Cultural Resources Impact 4.4-4: Implementation of the proposed Project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074, with incorporation of MM 4.4-4.
8. Hydrology and Water Quality Impact 4.5-1: Implementation of the proposed Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade water quality during construction, with incorporation of MM 4.5-1.
9. Hydrology and Water Quality Impact 4.5-2: Implementation of the proposed Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade water quality during operations, with incorporation of the following mitigation measures: MM 4.5-2(a) and MM 4.5-2(b).
10. Hydrology and Water Quality Impact 4.5-4: Implementation of the proposed Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or result in substantial erosion or siltation on- or off-site, with incorporation of MM 4.5-4.
11. Hydrology and Water Quality Impact 4.5-5: Implementation of the proposed Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows, or in flood hazard, tsunami, or seiche zone, risk release of pollutants due to Project inundation, with incorporation of MM 4.5-5.
12. Noise Impact 4.6-1: Implementation of the proposed Project would not result in the generation of a substantial temporary increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies, with incorporation of MM 4.6-1(a) and MM 4.6-1(b).
13. Public Services, Utilities, and Service Systems Impact 4.7-8: Implementation of the proposed Project would not result in an increase in demand for utilities and service systems associated with the proposed Project, in combination with future buildout of the Livermore General Plan, with incorporation of the following mitigation measures: MM 4.7-8(a) and MM 4.7-8(b).
14. Transportation Impact 4.8-1: Implementation of the proposed Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system during construction activities, with incorporation of MM 4.8-1.

15. Transportation Impact 4.8-3: Implementation of the proposed Project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b), with incorporation of MM 4.8-3.

E. LESS THAN SIGNIFICANT IMPACTS IDENTIFIED IN THE EIR

The Draft EIR identified the following less-than-significant impacts (for a detailed description of the less-than-significant impacts, see the appropriate text in the Draft EIR):

1. Agricultural Resources Impact 4.1-1: Implementation of the proposed Project would not conflict with existing zoning for agricultural use, or a Williamson Act contract.
2. Air Quality Impact 4.2-3: Implementation of the proposed Project would not expose sensitive receptors to substantial pollutant concentrations.
3. Air Quality Impact 4.2-4: Implementation of the proposed Project would not result in other emissions (such as those leading to odors) affecting a substantial number of people.
4. Air Quality Impact 4.2-5: Implementation of the proposed Project would not result in the inefficient or wasteful use of energy or conflict with a State or local plan for renewable energy or energy efficiency.
5. Air Quality Impact 4.2-6: Implementation of the proposed Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).
6. Air Quality Impact 4.2-7: Implementation of the proposed Project would not generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment, or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.
7. Air Quality Impact 4.2-8: Implementation of the proposed Project would not result in a cumulatively considerable inefficient or wasteful use of energy or conflict with a State or local plan for renewable energy or energy efficiency.
8. Biological Resources Impact 4.3-1: Implementation of the proposed Project would not have a substantial adverse effect, either directly or through habitat modifications, on special-status plant species.
9. Biological Resources Impact 4.3-4: Implementation of the proposed Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
10. Biological Resources Impact 4.3-5: Implementation of the proposed Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

11. Biological Resources Impact 4.3-6: Implementation of the proposed Project would not conflict with the provisions of an adopted Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other approved local, regional, or State habitat conservation plan.
12. Biological Resources Impact 4.3-7: Implementation of the proposed Project would not cause cumulative loss of habitat for special-status species.
13. Cultural and Tribal Cultural Resources Impact 4.4-1: Implementation of the proposed Project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines, Section 15064.5.
14. Cultural and Tribal Cultural Resources Impact 4.4-5: Implementation of the proposed Project would not cause a cumulative loss of cultural and tribal cultural resources.
15. Hydrology and Water Quality Impact 4.5-3: Implementation of the proposed Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.
16. Hydrology and Water Quality Impact 4.5-6: Implementation of the proposed Project would not result in cumulative impacts related to the violation of water quality standards or waste discharge requirements, and impacts resulting from the alteration of existing drainage patterns.
17. Noise Impact 4.6-2: Implementation of the proposed Project would not result in the generation of a substantial permanent increase in ambient noise levels in the vicinity of the Project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.
18. Noise Impact 4.6-3: Implementation of the proposed Project would not result in the exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.
19. Noise Impact 4.6-4: Implementation of the proposed Project would not, for a Project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, expose persons residing or working in the project area to excessive noise levels.
20. Noise Impact 4.6-5: Implementation of the proposed Project would not result in the generation of a substantial permanent increase in ambient noise levels associated with development of the proposed Project in combination with buildout of the City of Livermore General Plan.
21. Public Services, Utilities, and Service Systems Impact 4.7-1: Implementation of the proposed Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental services and/or facilities, the construction of which could cause significant environmental impacts, in order to maintain

acceptable service ratios, response times, or other performance objectives for fire protection services.

22. Public Services, Utilities, and Service Systems Impact 4.7-2: Implementation of the proposed Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental services and/or facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police protection services.
23. Public Services, Utilities, and Service Systems Impact 4.7-3: Implementation of the proposed Project would not require or result in the relocation or construction of new or expanded water, wastewater treatment, or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.
24. Public Services, Utilities, and Service Systems Impact 4.7-4: Implementation of the proposed Project would continue to have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years.
25. Public Services, Utilities, and Service Systems Impact 4.7-5: Implementation of the proposed Project would not result in a determination by the wastewater treatment provider which serves or may serve the Project that it does not have adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments.
26. Public Services, Utilities, and Service Systems Impact 4.7-6: Implementation of the proposed Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals, or conflict with federal, State, and local management and reduction statutes and regulations related to solid waste.
27. Public Services, Utilities, and Service Systems Impact 4.7-7: Implementation of the proposed Project would not result in cumulative impacts to public services.
28. Transportation Impact 4.8-2: Implementation of the proposed Project would not conflict with a program, plan, ordinance or policy addressing the circulation system during operations.
29. Transportation Impact 4.8-4: Implementation of the proposed Project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment), or result in inadequate emergency access.

**F. SIGNIFICANT IMPACTS IDENTIFIED IN THE INITIAL STUDY THAT ARE REDUCED TO A LEVEL OF "LESS THAN SIGNIFICANT" BY THE MITIGATION MEASURES INCORPORATED INTO THE PROJECT**

The mitigation measures contained in the Initial Study are designed to avoid or mitigate significant environmental impacts whenever possible. Implementation of the mitigation measures contained in the Initial Study will result the following less-than-significant impacts (for a detailed description of the less than significant impacts, see the appropriate text in the Initial Study):

1. Aesthetics Impacts I-a and I-b: The proposed Project would not have a substantial adverse effect on a scenic vista and would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway, with incorporation of MM I-1.
2. Geology and Soils Impacts VII-a-iii and -iv, VII-c, and VII-d: The proposed Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: seismic-related ground failure, including liquefaction, or landslides; be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse; or be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property, with incorporation of MMs VII-1 and VII-2.
3. Geology and Soils Impact VII-f: The proposed Project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, with incorporation of MM VII-3.
4. Hazards and Hazardous Materials Impact IX-b: The proposed Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment, with incorporation of MM IX-1 and IX-2.

**G. LESS THAN SIGNIFICANT IMPACTS IDENTIFIED IN THE INITIAL STUDY**

The Initial Study identified the following impacts at a level of less than significant or no impact (for a detailed description of the impacts, see the appropriate text in the Initial Study):

1. Aesthetics Impacts I-c and I-d.
2. Agriculture and Forest Resources Impacts II-a, II-c, and II-d.
3. Geology and Soils Impacts VII-a-i and -ii, as well as VII-e.
4. Hazards and Hazardous Materials Impacts IX-a, IX-c, IX-d, IX-e, IX-f, and IX-g.
5. Land Use and Planning Impact XI-a.
6. Mineral Resources Impacts XII-a and XII-b.

7. Population and Housing Impacts XIV-a and XIV-b.
8. Public Services Impacts XV-c, XV-d, and XV-e.
9. Recreation Impacts XVI-a and XVI-b.
10. Wildfire Impacts XX-a, XX-b, XX-c, and XX-d.

#### H. 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 City hereby adopts the MMRP for the Project, included as Exhibit A to these findings. The mitigation measures identified in the EIR to reduce significant impacts and adopted and incorporated into the Project will be monitored pursuant to the MMRP.

#### I. ALTERNATIVES

The Draft EIR evaluated three alternatives to the proposed Project. The City Council has reviewed the significant unavoidable impacts associated with each alternative as compared with the proposed Project, and has also considered each alternative's feasibility, considering a range of economic, environmental, social, and legal factors. Overall, the City Council concludes that each of the three alternatives to the proposed Project is infeasible and less desirable than the proposed Project. The City Council's analysis and conclusions are described below.

1. No Project (No Build) Alternative: The No Project (No Build) Alternative does not involve changes to the current conditions of the Project site would remain, and the site would not be developed. The significant and unavoidable impact associated with agricultural resources would not occur as part of the Alternative. Because the alternative fails to meet multiple Project objectives and failure to meet even a single objective would be sufficient for rejection of the alternative, the alternative is considered infeasible and undesirable.
2. No Project (Maximum Allowable Operations) Alternative: The No Project (Maximum Allowable Operations) Alternative assumes SMP 39 and SMP 40 would be mined as allowed under the current surface mining permits previously approved for the sites by Alameda County, though not on the Additional Annexation Only Parcels. The significant and unavoidable impact associated with agricultural resources would not occur as part of the Alternative. The Alternative would not meet any of the objectives for the Project, as the sites would not be annexed into the City, industrial uses would not be developed on the sites, and off-site improvements, such as the widening of West Jack London Boulevard and the construction of an off-site trail connection, would not occur.
3. Reduced Intensity Alternative: The Reduced Intensity Alternative would involve development of the Project at a reduced scale. The overall building square footage would be reduced from a total of 1,514,775 sf to a total of approximately 1,226,025 sf. The eastern building on SMP 40 would not be developed, so the disturbance area would be reduced by 16.93 acres. All other aspects of the Project, including building heights, vehicle access,

required entitlements, and the off-site improvements, would be similar under the Alternative.

While the eastern building on SMP 40 would not be developed under the Reduced Intensity Alternative, the Alternative would generally meet all the objectives of the Project. For instance, the project objectives refer to developing industrial uses on-site, to the annexation of the sites into the City, and to the development of off-site improvements that would occur under both the Project and the Alternative, including dedicating, widening, and improving West Jack London Boulevard and the construction of off-site trail improvements.

However, under the Reduced Intensity Alternative, the significant and unavoidable impact related to agricultural resources, which was identified for the Project, would still occur. As such, the number of significant and unavoidable impacts under the Reduced Intensity Alternative would be the same as the Project. Therefore, the alternative is considered undesirable and is rejected.

#### J. STATEMENT OF OVERRIDING CONSIDERATIONS

As set forth above, there is a significant adverse environmental impact to agricultural resources, which was identified in the Final EIR, but is not mitigated to a less-than-significant level. CEQA requires the decision-makers to balance the benefits of the Project against its unavoidable environmental risks in determining to approve the Project. Entirely avoiding many of the significant unavoidable impacts would require undermining key Project objectives (see Section 3.4 of the Draft EIR for the list of Project objectives). Therefore, the City of Livermore finds that the benefits of the Project described below outweigh the unavoidable adverse environmental impact as identified above, and that the adverse environmental impact of the Project is, therefore, considered acceptable. These social, economic, and other benefits constitute overriding considerations justifying Project approval:

1. Approval of the Project advances key Project objectives to revitalize underutilized lands that are appropriate for infill development in which workers can enjoy an environment comprised of modern professional and administrative facilities, research institutions, manufacturing operations, warehouse and distribution facilities, experimental and testing laboratory and related uses compatible with surrounding land uses in the area, the City's General Plan, and the Alameda County Airport Land Use Compatibility Plan (Objectives 2 and 5).
2. Approval of the Project supports the key Project objective to promote industrial development consistent with the goals, policies, and objectives set forth in both the existing City of Livermore General Plan and General Plan update, including facilities with high-quality architectural design, landscaping, and signage that are consistent with the City's design standards and guidelines. Such facilities would provide jobs with competitive salaries, reduce vehicle miles traveled, and provide necessary off-site and on-site improvements to the area roadway system, public works, power, and telecommunications infrastructure consistent with planned infrastructure systems (Objectives 1 and 3).
3. Approval of the Project advances key Citywide goals (Objectives 4, 6, and 8). The proposed project would create logical and future City boundaries in cooperation with the City of Pleasanton and Alameda County that align with the City of Livermore's General Plan and

Urban Growth Boundary (UBG). In addition, as envisioned by the City, the Project would dedicate, widen, and improve West Jack London Boulevard and construct on- and off-site trail improvements and connections to the existing trail network.

4. Approval of the Project would generate long-term sustainable property tax and sales tax revenue for the City of Livermore by way of the annexation of SMP 39 and SMP 40 (Objective 7). The proposed project would also generate funding for local school services through payment of the City's School Impact Mitigation Development Fees.

K. RECIRCULATION NOT REQUIRED

New or substantial changes to the Draft EIR were not proposed as a result of the public comment process. The Final EIR and the responses to comments memoranda and errata prepared as part of the Planning Commission and City Council staff reports responds to comments and makes only minor technical changes, clarifications, or additions to the Draft EIR. The minor revisions to the Draft EIR do not identify any new significant impacts or substantial increase in the severity of any environmental impacts. The revisions are for clarification purposes only and do not change the conclusions of the Draft EIR. Therefore, recirculation of the Draft EIR is not required.

L. RECORD OF PROCEEDINGS

Various documents and other materials constitute the record of proceedings upon which the City Council base their 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

1. Based on the foregoing Findings and the information contained in the record, the City has made one or more other following findings with respect to each of the significant effects of the Project:
  - Changes or alternations have been required in, or incorporated into, the Project, which mitigate or avoid the significant effects on the environment.
  - 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.
  - Specific economic, legal, social, technological, economic or other considerations made infeasible the mitigation measures or alternatives identified in the Final EIR.

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

- All significant effects on the environmental due to the approval of the SMP 39/SMP 40 Project have been eliminated or substantially lessened where feasible.
- 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 J, above.