

PERALTA COMMUNITY COLLEGE DISTRICT
Board of Trustees Agenda Report
For the Trustee Meeting Date of June 24, 2008

ITEM # 6

ITEM TITLE: *(Please define the subject; e.g., change order – Berkeley City College)*
Resolution No. 07/08-51 - Resolution Adopting CEQA Findings for Order to Dedicate (Stargell Extension Project) and to Exchange Real Property (Exchange Project)

SPECIFIC BOARD ACTION REQUESTED:

Consideration of and vote to adopt a resolution adopting California Environmental Quality Act ("CEQA") findings which (i) review the CEQA documentation prepared by the City for the Stargell Extension Project and Exchange Project, and (ii) consider the impacts of the District's possible decision to dedicate certain real property interests (the "Dedication") to the City of Alameda ("City") for the construction of the Stargell Extension Project and to exchange certain real property owned by the District to the City for 860 Atlantic Avenue (the "Exchange").

ITEM SUMMARY: *(PLEASE DISCUSS THIS ITEM)*

The City has proposed the improvement and widening of an existing segment of roadway named "Wilver 'Willie' Stargell Avenue" and its extension as an arterial four-lane roadway between Main Street and Webster Street ("Stargell Extension Project"). A portion of the proposed Stargell Extension Project is located on real property owned by the District, which the District may donate under the Resolution of Order to Dedicate ("College ROW Property"). The donation of the College ROW Property will sever approximately two acres of real property from the College of Alameda campus ("College"), creating a remainder parcel ("College Remainder Parcel"). The Community Improvement Commission of the City of Alameda ("CIC") has proposed an exchange with the District of the College Remainder Parcel for certain real property located at 860 Atlantic Avenue in the City, APN No. 074-1343-006. The City, as a Lead Agency under CEQA, prepared a 2001 Mitigated Negative Declaration and Initial Study Checklist and an Addendum thereto dated February 13, 2005 (collectively the "MND") and a Final Environmental Impact Report (a Supplement to the 2000 Catellus EIR) ("Supplemental EIR") as revised by the First Addendum to the Supplemental EIR (SCH #2006012091) and the Second Addendum to the Supplemental EIR (SCH #2006012091) (collectively, the "FSEIR"). The District is a Responsible Agency under the terms of CEQA and must take certain action in compliance with CEQA. The Board is required to (i) consider the environmental effects of the Dedication and Exchange as shown in the MND and FSEIR, (ii) make the findings required for each significant effect of the Dedication and Exchange, and (iii) if necessary, make the findings for a Statement of Overriding Considerations if any impacts cannot be mitigated. The District has reviewed the MND and the FSEIR and has found that, other than the impacts already identified in the MND and FSEIR, there are no new additional impacts and no new impacts that cannot be mitigated. The CEQA findings state these results and Resolution 07/08- 51 adopts the CEQA Findings.

BACKGROUND/ANALYSIS:

ALTERNATIVES/OPTIONS:

Disapprove the Resolution Adopting CEQA Findings for the Order to Dedicate and to Exchange Real Property, which would mean that the Board could not pass the Resolution of Order to Dedicate or Resolution to Exchange Real Property, in which case it is expected that the City would condemn the

required real property needed for the Right of Way from the College, and the District would continue to own the College Remainder Parcel.

EVALUATION AND RECOMMENDED ACTION:

The District has found no additional impacts other than those identified by the City in the MND and FSEIR. No new CEQA analysis needs to be performed. The recommended action by the Board of Trustees is to adopt the Resolution Adopting CEQA Findings for Order to Dedicate and to Exchange Real Property.

SOURCE OF FUNDS (AND FISCAL/BUDGETARY IMPACT):

No funds required.

OTHER DEPARTMENTS IMPACTED BY THIS ACTION (E.G. INFORMATION TECHNOLOGY):

YES _____ NO X

COMMENTS:

This Resolution must precede the Resolution of Order to Dedicate and the Resolution to Exchange Real Property.

WHO WILL BE PRESENTING THIS ITEM AT THE BOARD MEETING?

Thuy Thi Nguyen, General Counsel, District-wide Strategic Planning Manager for Peralta Community College District

DID A BOARD STANDING COMMITTEE APPROVE THE ITEM? YES _____ NO N/A

IF "YES", PLEASE INCLUDE THAT INFORMATION IN YOUR SUMMARY.

PLEASE ACQUIRE SIGNATURES IN THIS ORDER:

DOCUMENT PREPARED BY:

Prepared by: Luce Forward Hamilton & Scripps, LLP for Thuy Thi Nguyen, General Counsel for Peralta Community College District Date May 13, 2008

□

DOCUMENT PRESENTED BY:

Prepared by: _____
Thuy Thi Nguyen, General Counsel Date May 13, 2008

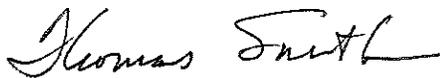
FINANCE DEPARTMENT REVIEW

Finance review required Finance review *not* required

If Finance review is required, determination is: Approved Not Approved

If not approved, please give reason: _____

Signature: _____



Date: 6.3.08

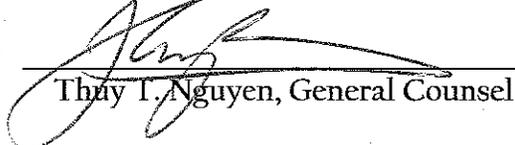
Thomas Smith, Vice Chancellor for Finance and Administration

GENERAL COUNSEL (Legality and Format/adherence to Education Codes):

Legal review required Legal review *not* required

If Legal review is required, determination is: Approved Not Approved

Signature: _____

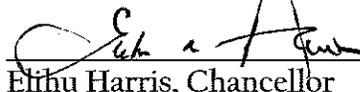

Thuy T. Nguyen, General Counsel

Date: 6/4/08

CHANCELLOR'S OFFICE APPROVAL

Approved, and Place on Agenda Not Approved, but Place on Agenda

Signature: _____


Elihu Harris, Chancellor

Date: _____

**PERALTA COMMUNITY COLLEGE DISTRICT
RESOLUTION NO. 07/08-51**

**ADOPTION OF CEQA FINDINGS FOR
ORDER TO DEDICATE AND TO EXCHANGE REAL PROPERTY**

WHEREAS, the City of Alameda ("City") has requested that the Peralta Community College District ("District") dedicate to the City, for the implementation of the Tinker/Stargell Extension Project, the following real property interests ("Real Property Interests"): (1) fee title to the real property for right of way which is part of the College of Alameda campus ("College") and owned by the District ("College Stargell ROW Property"), (2) a landscaping easement over certain real property owned by the District, (3) a temporary construction easement over certain real property owned by the District, and (4) a right of entry over certain real property owned by the District; and

WHEREAS, the donation of the College ROW Property will sever approximately two acres of real property from the College creating a remainder parcel ("College Remainder Parcel"); and

WHEREAS, the Community Improvement Commission of the City of Alameda ("CIC") has proposed an exchange of the College Remainder Parcel with the District ("Proposed Exchange") for certain real property located at 860 Atlantic Avenue in the City, APN No. 074-1343-006 ("Property"); and

WHEREAS, the District is considering the proposal to dedicate to the City the Real Property Interests and the Proposed Exchange; and

WHEREAS, the City, in its General Plan, has added Tinker Avenue (which has been renamed as "Wilver 'Wille' Stargell Avenue") as a Major Street from Main Street to Webster Street and prepared and adopted Mitigated Negative Declaration and Initial Study, IS-01-01 ("Original MND") reviewing the environmental impacts of the Tinker/Stargell Extension Project, and an addendum to the Original MND on February 13, 2006 (the "Addendum" and collectively with the Original MND, the "MND") in compliance with the California Environmental Quality Act, Public Resources Code, Division 13, Sections 21000 et seq. ("CEQA"); and

WHEREAS, the City certified a 2006 Final Supplemental Environmental Impact Report to the 2000 Catellus Mixed Use Development Environmental Impact Report (SCH #2006012091) ("Alameda Landing EIR"), a First Addendum to the Alameda Landing EIR, and the Second Addendum to the Alameda Landing EIR which re-evaluated the impacts of the Stargell Extension Project on noise, air and traffic and circulation and the Proposed Exchange (collectively the "FSEIR"); and

WHEREAS, decisions whether to pass a resolution of order to dedicate real property owned by the District and to exchange real property are discretionary actions of the Board under

California Education Code Sections 81311 and 81313 requiring a vote of the Board of Trustees; and

WHEREAS, because the Board's decisions to dedicate the Real Property Interests and/or to order the Proposed Exchange are discretionary actions, such actions are considered a "Project" under the terms of CEQA and therefore subject to CEQA review; and

WHEREAS, under the terms of CEQA Sections 21104, 21153 and 21069, the District is a Responsible Agency with respect to the CEQA review of the Tinker/Stargell Extension Project and the Proposed Exchange ("Proposed Project") and must therefore review the City's CEQA documentation for the Proposed Project and make findings concerning its review (and adopt mitigation measures and a Statement of Overriding Considerations if necessary) in conjunction with its decision concerning the Proposed Project; and

WHEREAS, the Board hereby adopts the CEQA Guidelines at California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15000-15387 and adopts the following traffic criteria: if a project or mitigation measure does not worsen the existing level of service or delay, then the project or mitigation measure does not result in a significant impact; and

WHEREAS, the District has examined the MND and the FSEIR, pertinent maps, drawings, and documents, and the record ("CEQA Documentation"); and

WHEREAS, the District has examined the Proposed Project in light of the CEQA Documentation and the Board finds that (1) there have been no changes in the Proposed Project since the adoption of the MND and the certification of the FSEIR, (2) that there are no proposed changes to the Proposed Project, and (3) that, based on these facts, no subsequent or supplemental EIR or negative declaration is required for the Proposed Project; and

WHEREAS, the Board makes the findings attached hereto as Attachment A; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees hereby adopts this Resolution and the Findings attached as Attachment "A" hereto.

PASSED AND ADOPTED at a regular meeting of the Board of Trustees of the Peralta Community College District held on this 24th day of June, 2008, by the following called vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Secretary of the Board of Trustees
Peralta Community College District
Alameda County, State of California

ATTACHMENT "A"

SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE PROPOSED PROJECT, FINDINGS WITH RESPECT TO SAID EFFECTS, AND STATEMENTS OF FACTS IN SUPPORT THEREOF, ALL WITH RESPECT TO THE PROPOSED PROPERTY DEDICATION FOR THE TINKER/STARGELL EXTENSION AND PROPOSED EXCHANGE OF REAL PROPERTY IN THE CITY OF ALAMEDA, CA.

HAVING CONSIDERED THE FOLLOWING INFORMATION, THE BOARD OF TRUSTEES ("BOARD") FOR THE PERALTA COMMUNITY COLLEGE DISTRICT ("DISTRICT") HEREBY FINDS, DETERMINES, AND DECLARES AS FOLLOWS:

I. INTRODUCTION

The City of Alameda ("City") is the Lead Agency with respect to the Tinker/Stargell Extension Project pursuant to State CEQA Guidelines Section 15367. The Board is a Responsible Agency with respect to the Tinker/Stargell Extension Project and the exchange of real property owned by the District for 860 Atlantic Avenue ("Proposed Exchange, and collectively with the Tinker/Stargell Extension Project the "Proposed Project") pursuant to State CEQA Guidelines Section 15381.

The California Environmental Quality Act ("CEQA") Guidelines Section 15096(f) provides that:

Prior to reaching a decision on the project, the responsible agency must consider the environmental effects of the project as shown in the EIR or the Negative Declaration. A subsequent or supplemental EIR can be prepared only as provided in Sections 15162 or 15163.

Section 15096(g) of the State CEQA Guidelines further stipulates that:

(g) Adoption of Alternatives or Mitigation Measures.

(1) When considering alternatives and mitigation measures, a Responsible Agency is more limited than a Lead Agency. A Responsible Agency has responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it decides to carry out, finance, or approve.

(2) When an EIR has been prepared for a project, the Responsible Agency shall not approve the project as proposed if the agency finds any feasible alternative or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the project would have on the environment.

Section 15096(h) of the State CEQA Guidelines further stipulates that:

(h) Findings. The Responsible Agency shall make the findings required by Section 15091 for each significant effect of the project and shall make the findings in Section 15093 if necessary.

II. DESCRIPTION OF THE PROJECT FOR APPROVAL

The "Tinker/Stargell Extension Project" provides for the improvement and widening of an existing segment of Tinker/Stargell Avenue, and its extension as an arterial four-lane roadway between 5th Street and Webster Street. Tinker Avenue will be, or has been, renamed as "Wilver 'Willie' Stargell Avenue" ("Tinker/Stargell Avenue"). The proposed at-grade Tinker/Stargell Extension would use an existing 75-foot wide and 387.18-foot long public access easement outside the former Fleet Industrial Supply Center

("FISC") area and is currently known as "Tinker Avenue", and some additional right-of-way to be acquired from the College of Alameda.

Tinker/Stargell Avenue would be approximately 1,900 long, generally within a 75-foot wide right-of-way east of 5th Street to the Webster Street right-of-way, and along the College of Alameda northern property. It would serve the western half of Alameda, providing new east-west access across the former FISC and western Alameda, especially to relieve traffic congestion on Atlantic Avenue. Atlantic Avenue is currently used by most vehicles traveling from outside the region on the regional freeway system (I-880) and from central Alameda and Alameda Point (the western and largest portion of the former Alameda Naval Air Station). Tinker/Stargell Avenue would also serve the new residential and commercial uses associated with the Bayport residential project and the approved Alameda Landing Mixed Use Project.

The Tinker/Stargell Extension Project would provide a four-way signalized intersection with the 5th Street Extension (a north-south roadway adjacent to the College of Alameda), a three-way signalized intersection at Tinker/Stargell Avenue and Mariner Square Loop, and a three-way signalized intersection where eastbound traffic from Tinker/Stargell Avenue would cross Webster Street then turn left (northbound) heading toward the Posey Tube entrance, with a pedestrian crossing at grade providing a link between Tinker/Stargell Avenue and Neptune Park across Webster Street. The realignment of Mariner Square Loop is a component of the Tinker/Stargell Extension Project.

The new three-way signalized intersection at Mariner Square Loop and Tinker/Stargell Avenue would also provide access to the College of Alameda if reconfigured as a four-way signalized intersection if and when the College of Alameda connects an internal road to the intersection. The Tinker/Stargell Extension will also provide additional pedestrian access, lighting and landscaping.

From 5th Street to Mariner Square Loop along the proposed Tinker/Stargell alignment, a five foot-wide bicycle lane would parallel the vehicular travel lanes in each direction. From Mariner Square Loop to Webster, there will be a five-foot bike lane on the south side only. On that portion of the alignment between the 5th Street intersection and the Webster Street intersection, a Class I, two-way bike/pedestrian path would be built parallel to the southern edge of the roadway. A new crosswalk, sidewalk and bike lane would also be built on the realigned portion of Mariner Square Loop, adjacent to the Athletic Club.

The portion of the Tinker/Stargell Extension Project which requires action by the Board is the dedication of certain real property interests as follows ("Real Property Interests"): (1) fee title to an approximately three (3) acre, 600 foot long, portion of the proposed Tinker/Stargell Extension currently located on land owned by the College of Alameda ("College Stargell ROW Property"), (2) an easement on real property owned by the College of Alameda along the west side of Webster Street and adjacent to the College Stargell ROW Property ("College Landscaping Easement Property") for the purposes of street lighting, drainage and landscaping for Webster Street; (3) a temporary construction easement for the construction of the Tinker/Stargell Extension Project over certain real property owned by the College of Alameda located adjacent to the College Stargell ROW Property ("College TCE Property"); (4) and a right of entry to repair and/or relocate utilities, landscaping, irrigation and lighting and to conduct surveys and related activities in connection with the construction of the Tinker/Stargell Extension Project over certain real property owned by the College of Alameda located adjacent to the College Stargell ROW Property ("College ROE Property"). The City must acquire the Real Property Interests from the District in order to implement the Tinker/Stargell Extension Project.

The dedication of the College ROW Property will sever approximately two acres of real property from the College of Alameda campus ("College"), creating a remainder parcel ("College Remainder Parcel"). The Community Improvement Commission of the City of Alameda ("CIC") has proposed an exchange of the College Remainder Parcel with the District for certain real property located at 860 Atlantic Avenue in the City, APN No. 074-1343-006. The property located at 860 Atlantic Avenue is improved with a laboratory which the District would use for classroom instruction.

The Board is considering the Proposed Exchange and the dedication of the Real Property Interests, to the City which, if approved, will permit the realignment of Tinker/Stargell Avenue as studied

under the City's Mitigated Negative Declaration and Initial Study Checklist ("Original MND"), as revised by an Addendum to the Original MND (the "MND Addendum" and collectively, the "MND"), and the Final Environmental Impact Report (a Supplement to the 2000 Catellus EIR) ("Supplemental EIR") as revised by the First Addendum to the Supplemental EIR (SCH #2006012091) and the Second Addendum to the Supplemental EIR (SCH #2006012091) (collectively, the "FSEIR").

III. PROJECT HISTORY

1. Original CEQA Review of Tinker/Stargell Extension Project- City General Plan Amendment.

In 2001, the City proposed the improvement, widening and extension of Stargell Avenue (then called Tinker Avenue) and prepared the Original MND studying the environmental effects of the Stargell Extension Project. On May 21, 2002, the City amended the City General Plan's to include "Tinker Avenue" as a Major Street and adopted the Original MND and a Mitigation Monitoring and Reporting Program. On February 13, 2006, the City prepared an addendum to the Original MND, which concluded that the realignment of the Stargell Extension Project approximately 120 feet to the south of the previously proposed location was a minor revision which would not result in substantial changes in new significant environmental effects, nor would it result in a substantial increase in the severity of previously identified significant effects. As such, pursuant to CEQA Guidelines Section 15162, the City found that no subsequent or additional environmental review necessary to comply with CEQA and issued the MND Addendum.

2. Original Catellus Mixed Use Development – 2000 Catellus EIR.

The Tinker/Stargell Extension Project is a mitigation measure of the 2006 FSEIR reviewing the environmental effects of changes to the previously approved Catellus Mixed Use Development project ("Catellus Mixed Use Development Project"). On May 31, 2000, the City certified the Catellus Mixed Use Development Environmental Impact Report ("2000 Catellus EIR") and approved the Catellus Mixed Use Development Project ("Original Catellus Project"), which included plans for 500 residential units, some of which are currently under construction; a seven-acre site dedicated to the Alameda Unified School District for a 600-student Kindergarten-through-eighth-grade school; 15 acres of public open space, neighborhood parks, mini-parks, and waterfront promenades; and approximately 1.3 million square feet of commercial office/research and development (R&D) space, including supporting ground floor retail space. The 2000 Catellus EIR identified the Stargell Extension Project as an alternative mitigation measure. The City later approved a 2001 addendum to the 2000 Catellus EIR for the construction of approximately 60 additional residential units; a 2004 addendum to the 2000 Catellus EIR for the construction of a stormwater treatment plant and detention pond, pump station, force main and outfall; and a 2006 addendum to the 2000 Catellus EIR for the construction of 39 affordable apartments.

3. 2006 Alameda Landing EIR Mixed Use Development Project EIR – A Supplement to the 2000 Catellus EIR.

In response to proposed changes in the Catellus Mixed Use Project (the "Alameda Landing Project"), the City prepared the Supplemental EIR and applied the Tinker/Stargell Extension Project as a mitigation measure to some of the resulting traffic and circulation impacts. The City certified the FSEIR as complete, adopted a Mitigation Monitoring Program, and approved the Alameda Landing Project. In evaluating the secondary impacts of the Tinker/Stargell Extension Project as a mitigation measure, the FSEIR evaluated the impacts of the Tinker/Stargell Extension on the surrounding intersections and found that the Tinker/Stargell Extension Project did not result in any significant adverse traffic and circulation, air or noise impacts. The City adopted the First Addendum to the Supplemental EIR in September of 2007 to address minor changes in the Alameda Landing Project with respect to the waterfront uses. On May 6, 2008, the City adopted the Second Addendum to address minor changes in the Alameda Landing Project with respect to the Proposed Exchange and the Tinker/Stargell Extension Project.

IV. THE RECORD

In addition to the Board's Resolution, these Findings and the District's file on the Tinker/Stargell Extension Project and the Proposed Exchange, the Record is comprised of the MND and the FSEIR.

V. THE BOARD'S ACTION AS A RESPONSIBLE AGENCY

As a Responsible Agency, the Board is required by CEQA to consider the environmental effects of the Proposed Project as shown in the MND and FSEIR pursuant to CEQA Guidelines Section 15096(f) and is required by CEQA Guidelines Section 15096(h) to make the findings required in CEQA Guidelines Section 15091 for each significant effect of the project and if necessary make the findings for a Statement of Overriding Considerations required by CEQA Guidelines 15093.

The District has reviewed the MND and the FSEIR. The City's findings pursuant to Resolution No. 13455 adopting the MND and a Mitigation Monitoring Program and Reporting Program for the Tinker/Stargell Extension Project make detailed findings with respect to the potential effects of the Tinker/Stargell Extension Project and refer to the mitigation measures set forth in the MND. The City's Resolution No. 14047 adopting the FSEIR and a Mitigation Monitoring Program and Reporting Program and Resolution No. 14048 making findings regarding environmental impacts and mitigation measures, making findings concerning alternatives, adopting a mitigation monitoring and reporting program and adopting a statement of overriding considerations in accordance with the California Environmental Quality Act for the Alameda Landing Project did not identify any potentially significant environmental impacts prior to mitigation that would occur as a result of implementing the Tinker/Stargell Extension Project. On May 16, 2007, the City Council adopted Resolution No. 14092 finding, among other things, that the Negative Declaration, Addendum, and SEIR adequately analyze the impacts of the Proposed Project. On May 6, 2008, the City Council adopted Resolution No. 14201 finding, among other things, that the Negative Declaration, Addendum, and SEIR adequately analyze the impacts of the Proposed Exchange and Tinker/Stargell Extension Project and the CIC's acquisition of the Remainder Parcel created by the gift of the right-of-way will not have any significant effects not previously addressed in the Negative Declaration, Addendum, and SEIR. Resolution Nos. 13455, 14047, 14048, 14092 and 14201 are collectively referred hereto as the "City's Findings."

The MND, the FSEIR, the City's Findings and the Board's administrative record concerning Tinker/Stargell Extension Project and the Proposed Exchange provide additional facts in support of the Findings herein. The MND, the FSEIR and the City's Findings are hereby incorporated by reference into these Findings in their entirety. Without limitation, the incorporation of the aforementioned documents are intended to elaborate on the scope and nature of the mitigation measures, the basis for determining the significance of impacts and the reasons for the Board's approval of the Proposed Exchange and the dedication of the Real Property Interests to the City for implementation of the Tinker/Stargell Extension Project.

VI. FINDINGS OF SIGNIFICANT IMPACTS OF THE PROPOSED TINKER/STARGELL EXTENSION PROJECT IDENTIFIED IN THE MND AND FSEIR

A. MND AND FSEIR FINDINGS OF SIGNIFICANT IMPACTS

The District has reviewed the City's Findings and the Board hereby adopts them by reference as the findings required under CEQA Guidelines Section 15096(h).

B. TINKER/STARGELL SPECIFIC ANALYSIS

The FSEIR reviewed the environmental impacts of certain changes to some of the approved uses in Alameda Landing Project. The Tinker/Stargell Extension Project was identified as a mitigation measure to some of the impacts created by the revised some of the approved uses in Alameda Landing Project. As such, the FSEIR evaluated the noise, air quality and traffic impacts of the Tinker/Stargell Extension Project. The City did not make specific findings with respect to the noise, air quality and traffic impacts of the Tinker/Stargell Extension Project because the impacts were found to be less than significant. The District hereby reviews the data set forth in the FSEIR with respect to the noise, air quality and traffic impacts of the Tinker/Stargell Extension Project as follows:

1. TRAFFIC AND CIRCULATION

With respect to traffic and circulation, the FSEIR evaluated the level of service and delay of intersections impacted by the Alameda Landing Project with and without the Tinker/Stargell Extension Project. The FSEIR determined whether the implementation of the Tinker/Stargell Extension Project would result in a significant environmental impact by increasing traffic at Tinker/Stargell Avenue intersections and/or redistributing existing traffic patterns to other surrounding intersections, thereby increasing levels of service or decreasing the delay at such intersections as traffic re-routes to use the widened and extended Tinker/Stargell Avenue. The FSEIR analyzed the projected 2010 weekday AM and PM peak hour level of service and delay for nine (9) intersections with and without the Tinker/Stargell Extension Project and the 2025 weekday AM and PM peak hour level of service and delay for nineteen (19) intersections with and without the Tinker/Stargell Extension Project. The traffic study found that none of the intersections' LOS and delay worsened with the Tinker/Stargell Extension Project and that six of the nine intersections improved with the Tinker/Stargell Extension Project in 2010 and seven of the nineteen intersections improved in 2025. Therefore, the Board finds that the implementation of the Tinker/Stargell Extension Project will not result a significant adverse environmental impact on traffic and circulation.

2. AIR QUALITY

The FSEIR evaluated the Alameda Landing Project's impacts on carbon monoxide (CO) concentrations at local intersection and determined that the impacts would be less than significant. The FSEIR evaluated the 2010 one-hour and eight-hour average CO concentrations at six (6) intersections with and without Tinker/Stargell Extension Project. The study included Tinker/Stargell Avenue and 5th Street, Tinker/Stargell Avenue and Mariner Loop and Tinker/Stargell Avenue and Webster Street, which is all of the Tinker/Stargell intersections which will be located on the College Stargell ROW Property ("Tinker/Stargell Intersections"). The study determined that CO concentrations would decrease the Alameda Landing Project's impacts at two of the six analyzed intersections with the Tinker/Stargell Extension and increase at all three Tinker/Stargell Avenue Intersections, but projected CO concentrations at the Tinker/Stargell Avenue Intersections would still be less than the state standards for CO concentrations. The CO concentrations slightly increased at the Tinker/Stargell Intersections as compared to the 2010 "No Build" projected CO concentrations, but all Tinker/Stargell Intersections were less than the state standards for CO concentrations. Therefore, the Board finds that the Tinker/Stargell Extension Project will not result in any significant adverse air quality impacts.

3. NOISE

The FSEIR examined predicted traffic noise increases at existing sensitive receptors along six (6) roadway segments in the trip distribution area of the Alameda Landing Project. These roadways were analyzed based on PM peak volumes for the Alameda Landing Project Variant A with and with out the Tinker/Stargell Extension Project in 2010. The study found that with the Tinker/Stargell Extension Project, predicted noise increase from the Alameda Landing Project along only one roadway segment, but this noise increase was less with the Tinker/Stargell Extension Project than without. Noise levels at all other roadway segments did not increase with the Tinker/Stargell Extension Project. The FSEIR also examined the noise at Tinker/Stargell Avenue and determined that since the uses along Tinker/Stargell Avenue are the College's track and sports facility, there would be no significant impact. The College's classrooms are currently set back from the proposed roadway and would not be affected by future roadway noise both with and without the Tinker/Stargell Extension Project. Future noise levels at the northern end of the track would be within the 70 dBA, CNEL "normally acceptable" category for playground, park and outdoor spectator sports land uses. Therefore, the FSEIR determined that the College's track and sports facility would not be significantly impacted by noise from traffic using the Tinker/Stargell Avenue Extension. The District considered the effect of Tinker/Stargell Extension Project on future classroom uses that might be located in the vacant land adjacent to the proposed roadway. The District reviewed the traffic counts for Webster Street, an existing roadway adjacent to which College classrooms are currently located, and compared such traffic to the traffic data for the proposed Stargell Extension. The classrooms adjacent to Webster Street are as close to the roadway as any classroom could be built to the Stargell Avenue roadway. The

traffic on Webster Street is at least as great as any projected traffic on Stargell Avenue. Because noise from Webster Street is not a significant impact to the classrooms adjacent to Webster Street, the District has determined that the projected noise from Stargell Extension similarly will not be a significant impact to any classrooms located adjacent to Stargell Avenue. Therefore the Board finds that the Tinker/Stargell Extension Project will not result in any significant adverse noise impacts.

VII. FINDINGS CONCERNING EARLIER BOARD OBJECTIONS TO TINKER/STARGELL EXTENSION PROJECT

The Board finds that the concerns expressed by the Board in a letter dated June 27, 2001 to the Deputy Public Works Director of the City of Alameda concerning the MND have been addressed by project changes or the mitigation measures.

VIII. FINDING THAT NO ALTERNATIVE CONSIDERATION IS REQUIRED

The City considered alternatives to the Alameda Landing Project in Resolution 14047. Because the City has considered the alternatives and, after such consideration, has approved the Alameda Landing Project, the Board finds that it need not also consider the alternatives to the Alameda Landing Project as such alternatives are irrelevant to the decisions before the Board approve the Proposed Exchange and to dedicate the Real Property Interests for the implementation of the Tinker/Stargell Extension Project.

IX. FINDING OF ADEQUACY OF MND AND FSEIR

CEQA Guidelines Section 15096(e) require the Responsible Agency to review the adequacy of the final EIR or negative declaration for use by the Responsible Agency. The District has reviewed the MND and the FSEIR and finds that the MND and the FSEIR are adequate for its use in considering the environmental impacts of its decision to dedicate the Real Property Interests to implement the Proposed Exchange and the Tinker/Stargell Extension Project.

X. FINDINGS OF NO SUPPLEMENTAL OR SUBSEQUENT EIR OR NEGATIVE DECLARATION REQUIRED

CEQA Guidelines Section 15162 requires that when an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR is required for that project unless one or more of the following has occurred:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous FIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous FIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous FIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subsection (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.

(c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subsection (a) occurs, a subsequent FIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.

The District has reviewed the Proposed Exchange and the Tinker/Stargell Extension Project and finds that there are no changes in the Proposed Project since the MND and the FSEIR and that there are no proposed changes to the Proposed Exchange and the Tinker/Stargell Extension Project. Therefore there are no substantial changes proposed in the project which will require major revisions of the previous EIR or negative declaration, no substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration, and there is no new information concerning significant effects or mitigation measures. Based on these facts, the Board finds that no supplemental or subsequent EIR or negative declaration must be prepared with respect to the Board's decision to exchange the College Remainder Parcel for 860 Atlantic Avenue or to dedicate the Real Property Interests to the City to implement the Tinker/Stargell Extension Project.

XI. FINDINGS OF NO ADDITIONAL ALTERNATIVES OR MITIGATION MEASURES ARE REQUIRED

Pursuant to CEQA Guidelines Section 15096(f), a "[R]esponsible [A]gency has the responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of the project which it decides to carry out, finance or approve." Additionally CEQA Guidelines Section 15096(f) requires that, "when an EIR has been prepared for a project, the Responsible Agency shall not approve the project if the agency finds that any feasible alternative or feasible mitigation measure within its powers that would substantially lessen or avoid any significant effect the project would have on the environment."

Therefore, the Board must review the MND and FSEIR mitigation measures with respect to the Proposed Exchange and the Tinker/Stargell Extension Project and must adopt further mitigation measures if the MND and FSEIR mitigation measures do not mitigate the significant environmental effects related to the Proposed Exchange and the dedication of the Real Property Interests. The District has reviewed the Proposed Exchange and the Tinker/Stargell Extension Project, those portions of the Alameda Landing Project which relate to the Proposed Exchange and the Tinker/Stargell Extension Project and the MND and FSEIR mitigation measures in accordance with the requirements of CEQA Guidelines Section 15096(f), and hereby determines that no further mitigation measures are required with respect to the Proposed Exchange and the dedication of the Real Property Interests. Additionally, the Board finds that there are no feasible alternatives or feasible mitigation measures within its powers that would substantially lessen or avoid any significant effect the Proposed Exchange and the Tinker/Stargell Extension project would have on the environment other than those set forth in the MND Mitigation Monitoring and Reporting Program and the FSEIR Mitigation Monitoring and Reporting Program.

XII. FINDING THAT NO ADDITIONAL STATEMENT OF OVERRIDING CONSIDERATIONS IS REQUIRED FOR THE TINKER/STARGELL EXTENSION PROJECT

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines sections 15091 et seq., the City Council of the City of Alameda adopted and made the following statement of overriding considerations regarding the remaining unavoidable impacts of the Alameda Landing Project and the anticipated economic, social, and other benefits of the Alameda Landing Project. With respect to the City's FSEIR findings and in recognition of those facts which are included in such record, the City determined that the Alameda Landing Project would cause significant unavoidable impacts to traffic and circulation, air quality, public services, and cumulative impacts to population and housing, traffic and circulation, air quality and public services, as disclosed in the FSEIR prepared for the Alameda Landing Project. The City determined that these impacts cannot be feasibly fully mitigated by changes in or alternatives to the Alameda Landing Project. The City adopted and made a Statement of Overriding Considerations that, as part of the approval provisions, the Project has avoided or substantially lessened all significant effects on the environment where feasible, and found that the remaining unavoidable impacts of the Alameda Landing Project are acceptable in light of specific economic, legal, social, technological, and other benefits of the Alameda Landing Project because those benefits outweigh the significant unavoidable adverse environmental effects of the Alameda Landing Project.

The District has reviewed the City's Statement of Overriding Considerations for the Alameda Landing Project and finds that these significant unavoidable impacts relate solely to the impacts of the Alameda Landing Project and are not a result of implementation of the Tinker/Stargell Extension Project or the Proposed Exchange. This determination is supported by the fact that the MND, which reviewed only the Tinker/Stargell Extension Project, did not find any significant unavoidable impacts. This determination is further evidenced by the FSEIR review air, noise and traffic at certain project area intersections with and without the Tinker/Stargell Extension Project, which review found that the Tinker/Stargell Extension Project did not (i) with respect to traffic, worsen levels of service and delay of surrounding intersections and improved the levels of service and delay at certain intersections, (ii) with respect to noise, did not increase any levels of noise beyond the State standards, and (iii) with respect to air, did not increase CO concentrations beyond State standards. Based on these facts, the Board finds that pursuant to the MND and the FSEIR, the Tinker/Stargell Extension Project of which the dedication of the Real Property Interests is a part, and the Proposed Exchange will result in no significant unavoidable impacts. Therefore, the Board further finds that no additional Statements of Overriding Considerations from the Board are required.

XIII. FINDINGS OF SUBSTANTIAL EVIDENCE

The Board finds and declares that substantial evidence for each and every finding made herein is contained in the MND, FSEIR, the City's Findings, and the Record.

XIV. PROJECT CONDITIONS OF APPROVAL

Each of the Tinker/Stargell Extension Project mitigation measures and the Alameda Landing Project mitigation measures referenced herein shall be conditions, imposed by the City, on Tinker/Stargell Extension Project to be monitored and enforced by the City pursuant to the building permit process and the MND and FSEIR Mitigation Monitoring and Reporting Programs.

XV. FINDINGS OF DE MINIMIS IMPACT ON FISH AND WILDLIFE

The MND and FSEIR evaluate the Proposed Exchange and the Tinker/Stargell Extension Project's potential for adverse environmental impacts. When considering the record as a whole, there is no evidence before the Board that the Proposed Exchange and/or the Tinker/Stargell Extension Project will have a potential for an adverse effect on wildlife resources of the habitat upon which wildlife depends. Based on the MND and FSEIR, the presumption of adverse effect set forth in 14 California Code of Regulations,

Section 753.5(d), does not apply in this case. Therefore, the Board finds that the Proposed Exchange and the Tinker/Stargell Extension Project would be de minimis in its effect on fish and wildlife.

XVI. FINDINGS OF INDEPENDENT JUDGMENT

The MND, FSEIR, the City's Findings and these Findings, were extensively reviewed and, where appropriate, modified by the District. As such, these Findings reflect the independent judgment and analysis of the Board.

XVII. CUSTODIAN OF DOCUMENTS

The custodian of the documents or other material which constitute the record of proceedings upon which the Board's decision is based is the Peralta Community College District, Office of the General Counsel located at 333 E. 8th Street, Oakland, CA 94606.