

RESOLUTION No. \_\_\_\_\_

**A RESOLUTION OF  
THE CITY COUNCIL OF THE CITY OF PIEDMONT  
CERTIFYING THE 2023-2031 HOUSING ELEMENT IMPLEMENTATION EIR  
AND ADOPTING CEQA FINDINGS, A STATEMENT OF  
OVERRIDING CONSIDERATIONS, AND A MITIGATION MONITORING  
AND REPORTING PROGRAM**

**WHEREAS**, State of California housing element law, as set forth in Government Code §§ 65302 and 65580, et seq., requires the City of Piedmont to periodically prepare and update its Housing Element in its General Plan, and to establish goals, policies, and programs to accommodate the maintenance, diversification, and expansion of the City’s housing supply to accommodate the City of Piedmont’s regional housing needs allocation (RHNA), which for the 6<sup>th</sup> Cycle is 587 housing units, comprised of 238 above moderate income units, 92 moderate income units, 94 low income units, and 163 extremely and very low income units; and

**WHEREAS**, Government Code section 65588 requires local agencies to update their housing element at least every eight years; and

**WHEREAS**, to comply with State housing element law, the City of Piedmont prepared the 2023-2031 6<sup>th</sup> Cycle Housing Element (the 6<sup>th</sup> Cycle Housing Element); and

**WHEREAS**, Piedmont’s 6<sup>th</sup> Cycle Housing Element was adopted by the City Council on March 20, 2023, and found by the California Department of Housing and Community Development to be in substantial compliance with Housing Element law on November 9, 2023; and

**WHEREAS**, housing goals, policies, and programs in the adopted 6<sup>th</sup> Cycle Housing Element direct the City to amend the General Plan for consistency with the Housing Element and direct the City to make amendments to zoning regulations applicable to all zoning districts within Piedmont, as well as other future implementation programs; and

**WHEREAS**, a Notice of Preparation for a Housing Element program-level environmental impact report (EIR) was released on February 16, 2022, the City of Piedmont held a scoping meeting at a special meeting of the Planning Commission on March 1, 2022, and the scoping public comment period lasted from February 16, 2022 to March 18, 2022; and

**WHEREAS**, as provided in Government Code Sections 65352 – 65352.5, the City of Piedmont referred the Housing Element environmental review to all California Native American tribes on the contact list provided by the Native American Heritage Commission and to other entities listed, and no California Native American tribe requested consultation; and

**WHEREAS**, during the Housing Element EIR scoping public comment period, the City of Piedmont received 13 written comments and verbal comments made during the March 1, 2022 scoping meeting; and

**WHEREAS**, the City conducted extensive community outreach in support of the 6<sup>th</sup> Cycle Housing Element update process over 22 months with an innovative and robust public engagement process, including two community workshops, three City Council meetings, 13 Planning Commission meetings, two meetings of the Housing Advisory Committee, a meeting of the Recreation Commission, a meeting of the Park Commission, two online forums, two open houses, and tables at community events, as well as online engagement tools, regular news stories in local media, email newsletters to over 4,000 email subscribers, emails to the School District employees and City employees, correspondence with Piedmont religious institutions, meetings with property owners in Zones A, B, C, and D, citywide streetlight banners announcing the 6<sup>th</sup> Cycle Housing Element website, and posters at local businesses; and

**WHEREAS**, the Draft Environmental Impact Report (DEIR) was published on November 3, 2023 for a 45-day public comment period that ended on December 18, 2023, the Planning Commission took comments on the DEIR at a regular meeting on December 11, 2023, and the City of Piedmont received 15 comment letters; and

**WHEREAS**, the DEIR made the following conclusions: (1) no impacts related to agriculture, forestry, and mineral resources; (2) less than significant impacts related to aesthetics, air quality, biological resources, energy, hydrology, water quality, land use, planning, population, housing, public services, recreation, and tribal cultural resources; (3) potentially significant but mitigatable impacts related to geology and soils, and hazards and hazardous materials; and (4) significant and unavoidable impacts related to cultural resources, historical resources, greenhouse gas emissions, noise, wildfire, transportation, utilities, and service systems; and

**WHEREAS**, study sessions of either the Planning Commission or City Council were held on October 9, November 13, November 20, December 11, and December 18, 2023 and January 8, 2024; and

**WHEREAS**, the Final Environmental Impact Report (FEIR) including responses to comments, revisions to the DEIR, and Mitigation Monitoring and Reporting Program (MMRP), was published on January 12, 2024; and

**WHEREAS**, the Draft EIR and Response to Comments, together with Minor Revisions to the Draft EIR and a determination that recirculation is not required, constitute the FEIR; and

**WHEREAS**, the FEIR identify certain potentially significant adverse effects on the environment caused by the 2023-2031 Housing Element Implementation project; and

**WHEREAS**, a Statement of Overriding Considerations has been prepared by the City of Piedmont with respect to significant and unavoidable environmental impacts from development facilitated by the 2023-2031 Housing Element Implementation project on cultural resources, historical resources, greenhouse gas emissions, noise, wildfire, transportation, utilities, and service systems, including cumulative impacts; and

**WHEREAS**, the City Council specifically finds that where more than one reason for recommending the Housing Element Implementation project and rejecting alternatives is given in its findings or in the record, and where more than one reason is given for adopting the Statement of Overriding Considerations, it would have made its decision on the basis of any one of those reasons; and

**WHEREAS**, the City Council desires, in accordance with CEQA, to declare that, despite the potential for significant environmental effects that cannot be substantially lessened or avoided through the adoption of feasible mitigation measures or feasible alternatives, there exist certain overriding economic, social, and other considerations for approving the 2023-2031 Housing Element Implementation project that justify the occurrence of those impacts; and

**WHEREAS**, the City Council fully reviewed, considered and evaluated all the testimony and evidence submitted regarding the 2023-2031 Housing Element Implementation project and determined that a Statement of Overriding Considerations is warranted; and

**WHEREAS**, on January 12, 2024, the public hearing notice noticing the Planning Commission's consideration of a resolution to the City Council to certify the 2023-2031 Housing Element Implementation EIR, consisting of the DEIR and FEIR, was published in the The Piedmonter newspaper, mailed to responsible agencies and neighboring agencies, and emailed to members of the public who submitted written comments and community members who participated in the preparation of the Housing Element; and

**WHEREAS**, the draft amendments to the City of Piedmont General Plan were published on December 6, 2023, and consists of amendments to the following General Plan Elements: Land Use; Transportation; Natural Resources and Sustainability; Environmental Hazards (Safety and Noise); Parks, Recreation, and Open Space; Design and Preservation; and Community Services and Facilities; and

**WHEREAS**, the draft amendments to the City of Piedmont City Code, Chapter 17, Planning and Land Use (Zoning Ordinance) were published on January 19, 2024; and

**WHEREAS**, on January 29, 2024, the Planning Commission held a duly noticed public hearing, took public comment, and recommended that the City Council certify the 2023-2031 Housing Element Implementation Project Environmental Impact Report and adopt CEQA Findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program; and

**WHEREAS**, On February 20, 2024, the City Council held a duly noticed public hearing to consider certification of the 2023-2031 Housing Element Implementation Project Environmental Impact Report and adoption of CEQA Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Piedmont does hereby resolve, declare, determine, and order, based on the oral and written staff reports, oral and written public comments, and all other project documentation in the record, as follows:

**SECTION 1. Recitals.**

The foregoing recitals are true and correct and incorporated herein by reference.

**SECTION 2. Certification.**

A. The City Council finds the Draft Environmental Impact Report (DEIR) was published on November 3, 2023, for a 45-day public comment period that ended on December 18, 2023, the Planning Commission took comments on the DEIR at a regular meeting on December 11, 2023, and the City of Piedmont received 15 comment letters.

B. The City Council finds: that the Final EIR was presented to the City Council; that the Final EIR was prepared, published, circulated, reviewed and completed in full compliance with State law and CEQA Guidelines; that there was adequate public review of the Draft EIR; that it has considered all comments on the Draft EIR and responses to comments; that the Final EIR adequately discusses all significant environmental issues; and that the Final EIR reflects the independent judgment and analysis of the City Council. The City Council further certifies that it has reviewed and considered the information in the Final EIR (FEIR).

C. The City Council finds that the information added in the Final EIR does not constitute significant new information requiring recirculation pursuant to CEQA Guidelines Section 15073(b), but rather that additional information clarifies or amplifies an adequate EIR.

D. The City Council hereby certifies the Final EIR for the 2023-2031 Housing Element Implementation Project.

**SECTION 3. CEQA Findings and Statement of Overriding Considerations.**

Pursuant to CEQA section 21081.6 and CEQA Guidelines section 15091, and in support of its certification of the 2023-2031 Housing Element Implementation Project General Plan amendments and Ordinance amending the City Code, the City Council has reviewed and considered the CEQA Findings of Fact and Statement of Overriding Considerations for the 2023-2031 Housing Element Implementation project, attached hereto as Exhibit A and incorporated herein by reference, finds that such Findings of Fact are supported by substantial evidence, and the City Council adopts the Findings of Fact and Statement of Overriding Considerations.

**SECTION 4. MMRP**

Pursuant to CEQA Section 21081.6 and CEQA Guidelines section 15091, the City Council has reviewed and considered the Mitigation Monitoring and Reporting Program (MMRP) that requires all mitigation measures described in the Final EIR be implemented, as set forth in the MMRP, attached hereto as Exhibit B and incorporated herein by reference. The City Council adopts the MMRP.

**SECTION 5.** Final EIR

Pursuant to CEQA Guidelines Section 15132, the Final Environmental Impact Report (FEIR), which is incorporated herein by this reference, includes the Draft EIR State Clearinghouse No. 2022020362 dated November 2023 and the Draft EIR appendices, and the Final EIR dated January 2024.

**SECTION 6.** Record of Proceedings

Pursuant to CEQA Guidelines section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City Council has based its decisions are located in and may be obtained from the City Clerk, at Piedmont City Hall, 120 Vista Avenue, Piedmont, CA 94611. The City Clerk is the custodian of records for all matters before the City.

**SECTION 7.** All portions of this resolution are severable. If an individual component of this Resolution is adjudged by a court to be invalid and unenforceable, then the remaining portions will continue in effect.

[END OF RESOLUTION]

# **California Environmental Quality Act (CEQA) Findings and Statement of Overriding Considerations**

for

## **City of Piedmont 2023-2031 Housing Element Implementation Project**

### **Pursuant to CEQA Sections 15091 and 15093 and Public Resources Code Section 21081**

The Environmental Impact Report (EIR) prepared by the City of Piedmont (City) for the 2023-2031 Housing Element Implementation Project (“the project”) identifies significant environmental impacts that will result from implementation of the project. The City finds that the inclusion of certain mitigation measures as part of project approval will reduce all but the following significant impacts to levels that are less than significant: cultural resources, greenhouse gas emissions, noise, transportation, utilities and service systems, and wildfire. No feasible mitigation measures have been identified to reduce these impacts to a less-than-significant level or mitigation measures have been identified but would not reduce impacts to a level of less than significant; these impacts will remain significant unavoidable impacts of the project. These impacts are overridden due to specific considerations and findings that are described within this document and this Statement of Overriding Considerations has been prepared.

As required by the California Environmental Quality Act (CEQA), the City, in adopting these CEQA Findings and Statement of Overriding Considerations, also adopts a Mitigation Monitoring and Reporting Program (MMRP) for the project. The City finds that the MMRP, which is incorporated by reference, meets the requirements of Public Resources Code Section 21081.6 by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the project. In accordance with CEQA and the *CEQA Guidelines*, the City adopts these findings as part of the project approval. Pursuant to Public Resources Code Section 21082.1(c)(3), the City also finds that the EIR reflects the City’s independent judgment as the lead agency for the project.

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# 1 Introduction

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## 1.1 Statutory Requirements for Findings

This statement of findings addresses the potentially significant environmental impacts associated with the proposed 2023-2031 Housing Element Implementation Project (“the project”) located in the City of Piedmont and is made pursuant to Section 15091 of the California Environmental Quality Act Guidelines (*CEQA Guidelines*), which provides that:

- (a) No public agency will approve or carry out a project for which an Environmental Impact Report (EIR) has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
  - (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
  - (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
  - (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.
- (b) The findings required by subsection (a) will be supported by substantial evidence in the record.

Section 15092 of the *CEQA Guidelines* further stipulates that:

- (b) A public agency will not decide to approve or carry out a project for which an EIR was prepared unless either:
  - (1) The project as approved will not have a significant effect on the environment, or
  - (2) The agency has:
    - (A) Eliminated or substantially lessened all significant effects on the environment where feasible as shown in findings under Section 15091, and
    - (B) Determined that any remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described in Section 15093.

As required by CEQA, the City of Piedmont, in adopting these findings, must also adopt a Mitigation Monitoring and Reporting Program (MMRP) for the project. The MMRP, which is incorporated by reference and made a part of these findings, meets the requirements of Section 15097 of the *CEQA Guidelines* by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the project.

Whenever these findings specifically refer to a mitigation measure that will avoid or mitigate a potentially significant impact, that specific mitigation measure is hereby made a specific condition of

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approval of the 2023-2031 Housing Element Implementation Project and future development facilitated by the Housing Element Implementation Project.

## 1.2 Procedural Findings

The City Council of the City of Piedmont finds as follows.

Based on the nature and scope of the 2023-2031 Housing Element Implementation Project, the City Council of Piedmont determined, based on substantial evidence, that the 2023-2031 Housing Element Implementation Project may have a significant effect on the environment and prepared an EIR. The EIR was prepared, noticed, published, circulated, reviewed, and completed in full compliance with the CEQA Public Resources Code Sections 21000 et seq. CEQA and the CEQA Guidelines (14 California Code of Regulations Sections 15000 et. Seq.), as follows.

The City of Piedmont distributed a Notice of Preparation (NOP) of the EIR for a 30-day agency and public review period commencing February 16, 2022, and closing March 18, 2022 to help identify the types of impacts that could result from the project, as well as potential areas of controversy. The NOP was filed with the State Clearinghouse and the Alameda County Clerk and mailed to local and regional public agencies and interested organizations. In addition, the City held a scoping meeting on March 1, 2022 at a virtual special meeting of the Planning Commission. The scoping meeting was aimed at providing information about the proposed project to members of public agencies, interested stakeholders, and residents/community members and at providing an opportunity for interested parties to submit verbal comments on the scope of the environmental issues to be addressed in the EIR. Comments received by the City on the NOP were taken into account during the preparation of the Draft EIR.

The Draft EIR was made available at Piedmont City Hall and on the City's website for public review on November 3, 2023. The Notice of Availability of a Draft EIR was posted with the State Clearinghouse and County Clerk and mailed to local and regional public agencies and organizations. A paper copy of the Draft EIR was available for review at the City offices at 120 Vista Avenue, Piedmont, CA 94611. The Draft EIR public comment period began on November 3, 2023 and ended on December 18, 2023. The City received 15 comment letters on the Draft EIR. In addition to written comments, the City of Piedmont also accepted verbal comments on the Draft EIR at the Planning Commission meeting on December 11, 2023, and the City Council meeting on December 18, 2023. No verbal comments on the Draft EIR were provided by members of the public at these meetings.

Subsequent to the end of the public review period for the Draft EIR, and consistent with the requirements of Section 15088(a) of the *CEQA Guidelines*, the City of Piedmont, as the Lead Agency, has considered the public comments received on the Draft EIR for the project and has prepared written responses to each of the comments received relative to environmental issues.

Pursuant to Section 15132 of the *CEQA Guidelines*, the Final EIR consists of the following:

- (a) The Draft EIR, including all of its appendices.
- (b) A list of persons, organizations, and public agencies commenting on the Draft EIR.
- (c) Copies of all letters received by the City during the Draft EIR public review period and responses to significant environmental points concerning the Draft EIR raised in the review and consultation process.
- (d) Any other information added by the Lead Agency.

## 1.3 Findings Required Under CEQA

The City Council (the final decision-making body) of the City of Piedmont (the CEQA Lead Agency) will determine whether to certify the EIR for the Project. Because the Draft EIR identified one or more potentially significant environmental impacts, the City Council must also make certain “findings” to approve the City of Piedmont 2023-2031 Housing Element Implementation Project. Pursuant to *CEQA Guidelines* Section 15091 and *CEQA Guidelines* Section 21081, no public agency shall approve or carry out a project for which an environmental impact report has been certified, which identifies one or more significant effects on the environment that would occur if the project is approved or carried out, unless the public agency makes one or more findings for each of those significant effects, accompanied by a brief explanation of the rationale of each finding. The possible findings, which must be supported by substantial evidence in the record, are:

- Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the EIR.

## 1.4 Record of Proceedings

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City’s decision on the project consists of a) matters of common knowledge to the City, including, but not limited to, federal, State and local laws and regulations; and b) the following documents which are in the custody of the City:

- Notice of Preparation and other public notices issued by the City in conjunction with the project (see Appendix A of the Draft EIR for the Notice of Preparation);
- The Draft EIR dated November 2023 and supporting documentation prepared for the project and Appendices A through I and all documents cited, incorporated by reference, or referred to therein;
- The written and verbal comments and documents submitted to the City by agencies, organizations, and members of the public (before, during, and after the close of the public comment periods);
- The Mitigation Monitoring and Reporting Program;
- The Final EIR for the 2023-2031 Housing Element Implementation Project dated January 2024 and all documents cited, incorporated by reference, or referred to therein;
- All findings and resolutions adopted by the City in connection with the project, and documents cited or referred to therein;
- The City of Piedmont General Plan, including amendments to be made as part of the Housing Element Implementation project;
- City of Piedmont City Code, including amendments to be made as part of the Housing Element Implementation project;

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- Minutes or verbatim transcripts of information and study sessions, workshops, public meetings, and public hearings held by the City in connection with the project; and
- Any other materials required to be in the record of proceedings by Public Resources Code section 21167.6, subdivision (e).

The location and custodian of the documents and other materials that constitute the record of proceedings are:

City of Piedmont  
120 Vista Avenue  
Piedmont, California 94611  
Contact: Kevin Jackson, AICP, Director of Planning & Building

## 1.5 Findings

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

For the purposes of these findings, the impact discussions include the relevant policies and actions, as well as the separate mitigation measures imposed to reduce the impacts where the mitigation measures and General Plan policies did not result in a less than significant impact. In the findings that follow, impact numbers are provided. The impact numbers correspond to sections of the Draft EIR that contain an expanded discussion of impacts. Please refer to the referenced impact sections of the Draft EIR for more detail.

## 2 Project Description

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This section lists the objectives of the project, provides a brief description of the project, and lists the project alternatives evaluated in the Draft EIR.

### 2.1 Project Objectives

The objectives of the project are to:

1. Amend the General Plan for consistency with the adopted 6th Cycle 2023-2031 Housing Element and to accommodate the growth required by the State-mandated RHNA of 587 housing units, including amendments to the following elements: Land Use Element; Transportation Element; Environmental Hazards Element (Safety and Noise Elements); Parks, Recreation, and Open Space Element; Design & Preservation Element; Community Services and Facilities Element; and Natural Resources and Sustainability Element.
2. Revise the City's Zoning Ordinance as outlined in the programs of the adopted 6th Cycle 2023-2031 Housing Element. Under a maximum build-out scenario the revised Zoning Ordinance would allow for an estimated 1,048 new housing units, disbursed throughout the City, for occupants of all income levels.
3. Prepare a specific plan for the City-owned parcels in the Moraga Canyon area and the Moraga Avenue roadway that intersects them, located near Piedmont's northern border with the City of Oakland. The specific plan is expected to improve pedestrian, bicycle and vehicular safety in the Moraga Avenue roadway and to facilitate the development of below-market-rate housing and the accommodation of at least 132 housing units at all income levels while continuing existing recreational and Public Works Department uses and services.
4. Meet State-mandated RHNA for 6th Cycle Housing Element planning period of 2023-2031;
5. Enact new and amended General Plan goals, policies, and actions, and new and amended City Code regulations which affirmatively further fair housing in Piedmont; and
6. Bring the General Plan into conformance with recently enacted State laws.

### 2.2 Project Summary

The proposed 2023-2031 Housing Element Implementation Project would amend the City of Piedmont's 2009 General Plan including the Land Use Element and other elements and amend the Piedmont City Code (PCC) to implement the City's 6th Cycle 2023-2031 Housing Element. The Housing Element is designed to allow for the capacity to build housing in accordance with the Regional Housing Needs Allocation (RHNA) assigned to Piedmont. The project also includes development of a specific plan in the Moraga Canyon Specific Plan (MCSP) Area. The project also includes updates to the Environmental Hazards Element (which serves as the Safety Element and Noise Element of the General Plan) to implement the Housing Element and reflect recent changes in State law. Further, the project includes updates to other elements of the General Plan to achieve internal consistency, implement the Housing Element, and reflect regulatory changes since original adoption of the 2009 Piedmont General Plan. Amendments to General Plan elements include amendments to the: Environmental Hazards Element; Land Use Element; Transportation Element; Parks, Recreation, and

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Open Space Element; Community Services and Facilities Element; Design and Preservation Element; and Natural Resources and Sustainability Element.

## 2.3 Alternatives

Based on the project objectives and anticipated environmental consequences, and pursuant to CEQA Guidelines Section 15126.6, the following project alternatives were selected for analysis:

- Alternative 1: No Project
- Alternative 2: Reduced Buildout

A more detailed description of these alternatives, and required findings, are set forth in Section 5, *Feasibility of Project Alternatives*.

## 3 Effects Determined to be Mitigated to Less than Significant Levels

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The Draft EIR identified certain potentially significant effects that could result from the project. However, the City finds, for the reasons stated in the EIR, that mitigation identified in the Draft EIR would reduce impacts to less than significant levels. The City finds that all the mitigation measures described below are feasible and agrees to adopt them as conditions of approval for the project. Accordingly, changes or alterations have been required or incorporated into the project which avoid or substantially lessen the significant effects as identified in the EIR and adoption of the mitigation measures set forth below will reduce these significant or potentially significant effects to less than significant levels. These mitigation measures will effectively be part of the project.

### 3.1 Geology and Soils

#### Impact GEO-1 Summary

The Hayward Fault runs east of Piedmont. Since no part of Piedmont is located within an Alquist-Priolo zone, development facilitated by the project would not be subject to surface or ground rupture. Development facilitated by the project would be subject to seismically-induced ground shaking and other seismic hazards, including liquefaction and landslides, which could damage structures and result in loss of property and risk to human health and safety. Impacts would be less than significant with required compliance with State-mandated building standards, Piedmont General Plan policies and actions, and the PCC citywide regulations. In addition, impacts for the MCSP Area would be less than significant with mitigation incorporated and adherence to applicable laws, regulations, and policies.

#### Mitigation Measure

##### *MCSP GEO-1 Geotechnical Assessment for Moraga Canyon Specific Plan Area*

A geotechnical assessment shall be prepared for development in the Moraga Canyon Specific Plan Area by a qualified engineer prior to issuance of a grading permit. The geotechnical assessment shall include onsite sampling of existing soil to ascertain current conditions and characterize the potential for risks and implications for future building foundation elements. The analysis of the onsite conditions and risks shall be based on laboratory results generated in accordance with current procedures and applicable state and local construction, engineering, and geotechnical building standards at the time the assessment is prepared. The design of individual projects and/or construction shall incorporate all recommendations of the geotechnical assessment. The assessment and recommendations shall be prepared by a California-licensed professional engineer and shall comply with current state and local building codes. The intention of the geotechnical assessment is to sufficiently inform design related to geologic hazards and to help ensure that the design of building foundations, subgrades, and transportation infrastructure can withstand existing conditions, or that the individual site can be treated in such a manner as to address hazardous geologic conditions.



## **Finding**

The City of Piedmont finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Impacts related to geology and soils would be mitigated to a less than significant level with incorporation of the required mitigation measure.

## 3.2 Hazards and Hazardous Materials

### **Impact HAZ-3 Summary**

Implementation of the project would accommodate development on or near hazardous materials sites. However, compliance with applicable regulations and standard conditions of approval requiring site characterization and cleanup would minimize hazards from development on contaminated sites. For the MCSP Area, impacts would be less than significant with mitigation incorporated.

### **Mitigation Measures**

#### *MCSP HAZ-1 Property Assessment Phase I and II ESAs*

Prior to the issuance of any building, demolition, or grading permit for development in the Moraga Canyon Specific Plan Area, the project applicant shall retain a qualified environmental professional (EP), as defined by ASTM E-1527 to prepare a project-specific Phase I Environmental Site Assessment (ESA) in accordance with standard ASTM methodologies, to assess the land use history of the project site.

If the Phase I ESA identifies recognized environmental conditions or potential areas of concern, the project applicant shall retain a qualified environmental consultant, California Professional Geologist (PG) or California Professional Engineer (PE), to prepare a Phase II ESA for the project site to determine whether the soil, groundwater, and/or soil vapor has been impacted at concentrations exceeding regulatory screening levels. The Phase II ESA shall be completed prior to the issuance of any building permit authorizing construction, grading permit, or demolition permit and shall be based on the results of the Phase I ESA.

As part of the Phase II ESA, the qualified environmental consultant (PG or PE) shall screen the analytical results against the San Francisco Bay Regional Water Quality Control Board environmental screening levels (ESL). These ESLs are risk-based screening levels under various depth and land use scenarios. The City shall review and approve the Phase II ESA prior to the issuance of any building, grading, or demolition permit.

If the Phase II ESA for the project site indicates that contaminants are present in the subsurface at the project site, the project applicant shall take appropriate steps to protect site workers and the public. This may include the preparation of a Soil Management Plan (see Mitigation Measure MCSP HAZ-2) prior to issuance of a building, grading, or demolition permit.

If the Phase II ESA for the project site indicates that contaminants are present at concentrations exceeding hazardous waste screening thresholds for contaminants in soil and/or groundwater (California Code of Regulations [CCR] Title 22, Section 66261.24 Characteristics of Toxicity), the project applicant shall take appropriate steps to protect site

workers and the public. This may include the completion of remediation (see Mitigation Measure MCSP HAZ-3) at the project site prior to onsite construction.

#### *Mitigation Measure MCSP HAZ-2 Soil Management Plan*

For future development in the Moraga Canyon Specific Plan Area, if impacted soils or other impacted wastes are present at the project site, the project applicant shall retain a qualified environmental consultant (PG or PE), to prepare a Soil Management Plan (SMP) prior to issuance of a building, demolition or grading permit. The SMP, or equivalent document, shall address:

1. On-site handling and management of impacted soils or other impacted wastes (e.g., stained soil, and soil or groundwater with solvent or chemical odors) if such soils or impacted wastes are encountered, and
2. Specific actions to reduce hazards to construction workers and offsite receptors during the construction phase.

The plan must establish remedial measures and soil management practices to ensure construction worker safety, the health of future workers and visitors, and the off-site migration of contaminants from the project site. These measures and practices may include, but are not limited to:

- Stockpile management, including stormwater pollution prevention and the installation of BMPs
- Proper disposal procedures of contaminated materials
- Investigation procedures for encountering known and unexpected odorous or visually stained soils, other indications of hydrocarbon piping or equipment, and/or debris during ground-disturbing activities
- Monitoring and reporting
- A health and safety plan for contractors working at the project site that addresses the safety and health hazards of each phase of site construction activities with the requirements and procedures for employee protection
- The health and safety plan shall also outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction

The City of Piedmont Public Works Director or designee shall review and approve the project site SMP prior to issuing of any grading, demolition or grading permit. The project applicant shall implement the SMP during demolition, grading, and construction at the project site.

#### *MCSP HAZ-3 Remediation*

For future development in the Moraga Canyon Specific Plan Area, where contaminated soil is identified during implementation of Mitigation Measures MCSP HAZ-1 and/or MCSP HAZ-2 as present within the demolition, grading or construction envelope at the project site at chemical concentrations exceeding ESLs and/or hazardous waste screening thresholds for contaminants in soil (California Code of Regulations [CCR] Title 22, Section 66261.24), the project applicant shall retain a qualified environmental consultant (PG or PE), to properly dispose of the contaminated soil. The qualified environmental consultant shall utilize the

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project site analytical results for waste characterization purposes prior to offsite transportation or disposal of potentially impacted soils or other impacted wastes. The qualified consultant shall provide disposal recommendations and arrange for proper disposal of the waste soils or other impacted wastes (as necessary), and/or provide recommendations for remedial engineering controls, if appropriate.

Remediation of impacted soils and/or implementation of remedial engineering controls may require: additional delineation of sub-surface impacts; additional analytical testing per landfill or recycling facility requirements; soil excavation; and offsite disposal or recycling.

The City of Piedmont Public Works Director or designee shall review and approve the project site disposal recommendations prior to transportation of waste soils offsite, and review and approve remedial engineering controls, prior to construction.

The project applicant shall review and implement the project site disposal recommendations prior to transportation of waste soils offsite and review and implement the remedial engineering controls prior to construction.

The City of Piedmont shall review and approve the project site disposal recommendations and remedial engineering controls prior to issuing a building, demolition or grading permit.

**Finding**

The City of Piedmont finds that changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Impacts related to hazards and hazardous materials would be mitigated to a less than significant level with incorporation of the required mitigation measures.

## 4 Significant Effects that Cannot be Mitigated to a Less than Significant Level

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A significant unavoidable impact is an impact that cannot be mitigated to a less than significant level if the project is implemented, because no feasible mitigation has been identified. Except for the impacts described below, significant impacts associated with the project would be reduced to a less than significant level with incorporation of mitigation measures identified in the EIR. The project would result in the following significant and unavoidable impacts:

### 4.1 Cultural Resources

#### Impact CUL-1 Summary

Development facilitated by the project could adversely affect known and unidentified historical resources. Impacts to historical resources would be significant and unavoidable.

#### Mitigation Measures

No feasible mitigation measures have been identified.

#### Finding

The proposed new Historical Resources Assessment and Treatment General Plan policy that would be added to the Design and Preservation Element as part of the proposed Housing Element Implementation project would ensure that a historical resource evaluation is conducted for sites developed under the project and would require measures to reduce impacts to historical resources to the extent feasible. However, measures to reduce impacts would not in all cases avoid material impairment to historical resources. Therefore, impacts to historical resources as a result of the project as a whole would be significant and unavoidable. The City finds that although this impact would be significant and unavoidable, the impact is acceptable when weighed against the overriding social, economic, and other considerations set forth in the Statement of Overriding Considerations (Section 6 of these Findings).

### 4.2 Greenhouse Gas Emissions

#### Impact GHG-1 Summary

The project would not be consistent with BAAQMD's building and transportation thresholds. Even with implementation of proposed new policies in the General Plan Natural Resources and Sustainability Element and in the Transportation Element, this impact would remain significant and unavoidable.

#### Mitigation Measures

No feasible mitigation measures have been identified.

## Finding

Although future development would be required to adhere to the proposed new policy in the General Plan Transportation Element to reduce vehicle miles traveled (VMT) as discussed in Section 4.14, *Transportation*, since the location, size, and characteristics of individual development projects that would be implemented by the project, as well as the specific transportation demand management measures that would be implemented at each of these future developments, cannot be known at this time, this analysis cannot determine the effectiveness of the new Transportation Element policy in reducing the project's VMT and GHG impact to a less than significant level. Thus, this impact would remain significant and unavoidable. The City finds that although this impact would be significant and unavoidable, the impact is acceptable when weighed against the overriding social, economic, and other considerations set forth in the Statement of Overriding Considerations (Section 6 of these Findings).

## 4.3 Noise

### Impact NOI-1 Summary

Construction associated with housing development facilitated by the project would be required to comply with the allowed daytime construction hours regulated by the Piedmont City Code and, therefore, would not occur during nighttime hours when people are more sensitive to noise. However, larger developments could involve construction with lengthy durations, substantial soil movement, use of large, heavy-duty equipment, excavation of rocky conditions, and/or pile driving near noise-sensitive land uses that could exceed the applicable FTA daytime noise limits and Piedmont General Plan recommended maximum noise levels. Therefore, this impact would be significant and unavoidable.

### Mitigation Measures

The project involves adding a new policy to the Piedmont General Plan which would require construction noise studies and incorporation of noise reduction measures for future development projects. No other feasible mitigation measures beyond this policy and what is required by other existing General Plan policies and the PCC have been identified.

## Finding

It is anticipated that, with adherence to the proposed Construction Noise Reduction General Plan policy, noise levels associated with future smaller housing development could be reduced below the eight-hour 80 dBA  $L_{eq}$  daytime residential noise limit per FTA guidelines. However, noise generated by larger projects, such as future development in the MCSP Area, may still exceed the FTA noise limit. Therefore, this impact would be significant and unavoidable. The City finds that although this impact would be significant and unavoidable, the impact is acceptable when weighed against the overriding social, economic, and other considerations set forth in the Statement of Overriding Considerations (Section 6 of these Findings).

## 4.4 Transportation

### Impact T-2 Summary

The project would result in home-based VMT per resident for the City of Piedmont that is higher than 15 percent below the regional average home-based VMT per resident. This impact would be Significant and Unavoidable.

#### Mitigation Measures

The project involves adding a new policy to the Piedmont General Plan which would require VMT analyses and incorporation of TDM programs for future development projects to reduce VMT. No other feasible mitigation measures beyond these policies and what is required by other existing General Plan policies have been identified.

### Finding

It is anticipated that, with adherence to the proposed VMT Analysis and Transportation Demand Management General Transportation Element policy, impacts would be reduced. The application of the policy would result in a net VMT reduction of up to 10 percent for development projects in urban-suburban settings such as Piedmont. Thus, it is possible that the implementation of this policy would reduce the VMT impacts for future developments to a less than significant level. However, since the location, size, and characteristics of individual development projects that would be facilitated by the proposed Housing Element Implementation project (including the MCSP), as well as the specific transportation demand management measures that would be implemented at each of these future developments cannot be known at this time, this analysis cannot determine the effectiveness of the above measures in reducing the project's VMT impact to a less than significant level. Thus, the impact would be significant and unavoidable. The City finds that although this impact would be significant and unavoidable, the impact is acceptable when weighed against the overriding social, economic, and other considerations set forth in the Statement of Overriding Considerations (Section 6 of these Findings).

## 4.5 Utilities and Service Systems

### Impact UTIL-1 Summary

Development facilitated by the proposed Housing Element Implementation project would require utility service and connections for water supply, wastewater conveyance, and stormwater conveyance, as well as telecommunications, electricity, and natural gas. The existing utility systems for water, stormwater, electric power, natural gas, and telecommunication facilities in Piedmont have sufficient capacity to serve the project. However, relocation, expansion, or construction of new wastewater conveyance facilities may be needed, which could result in environmental effects. This impact would be significant and unavoidable.

#### Mitigation Measures

Because the precise siting of potential wastewater infrastructure is unknown until specific development projects are proposed in the City, including the MCSP Area, no feasible mitigation to address impacts associated with new or expanded wastewater conveyance facilities are available.

## Finding

Because the precise siting of potential wastewater infrastructure is unknown until specific development projects are proposed, and because there are no feasible mitigation measures, impacts related to new or expanded wastewater conveyance facilities would be significant and unavoidable. The City finds that although this impact would be significant and unavoidable, the impact is acceptable when weighed against the overriding social, economic, and other considerations set forth in the Statement of Overriding Considerations (Section 6 of these Findings).

## 4.6 Wildfire

### Impact W-1 Summary

Development facilitated by the project would result in additional population and vehicles in the city. The project could increase roadway congestion such that the use of an evacuation route would be hindered. Therefore, this impact would be significant and unavoidable.

### Mitigation Measures

#### *W-1 Incorporation of Evacuation Analysis Recommendations*

The City shall implement all recommendations included in the City of Piedmont 2023-2031 Housing Element Update – Emergency Evacuation Time Assessment (Fehr & Peers 2023) and listed below:

- Develop emergency evacuation traffic signal timing plans for traffic signals on evacuation routes, prioritizing evacuation flows and minimizing opposing traffic flows. Emergency response vehicle access into evacuation areas can be maintained through traffic signal pre-emption. Coordinate with City of Oakland and Caltrans to develop corridor evacuation timing plans.
- Identify corridors where temporary evacuation capacity, such as reversible traffic lanes, temporary use of parking lanes, shoulders, or two-way-left-turn lanes, could be provided while maintaining emergency responder access in the opposite direction. Explore limiting on-street parking on designated evacuation routes either permanently or during high fire risk periods to reduce potential conflicts with evacuating vehicles.
- As part of evacuation messaging, ensure evacuees are informed of the availability of multiple evacuation routes, to allow effective use of all available capacity.
- Work with Piedmont Unified School District (PUSD) and private schools to develop evacuation plans for the schools in the City of Piedmont.
- Consider staggering the evacuation orders for citywide or large area evacuations for different zones and account for the impact on potential bottleneck locations when determining the timing for evacuation of different zones.
- When considering roadway or intersection design modifications, especially in areas that have less accessibility and on key evacuation routes, consider evacuation capacity and consider design treatments that could allow reversible lanes or temporary use of parking lanes or shoulders as auxiliary lanes to provide additional capacity during an evacuation event.

- Educate residents and employees about the importance of carpooling in evacuations to reduce the number of evacuating vehicles and minimize evacuation times.
- Explore the potential use of the footpath and bicycle networks in evacuating pedestrians and cyclists to reduce the number of evacuating vehicles and minimize evacuation times.
- Examine areas that have a high concentration of residents with social vulnerability indicators such as age, disability, and other mobility factors to determine other potential barriers to evacuation besides distance to and capacity of evacuation routes. Advanced coordination between first responders to ensure an efficient and well-communicated process for evacuation may be needed in response to various hazard scenarios.

## **Finding**

Implementation of Mitigation Measure W-1 would require incorporation of recommendations included in the Emergency Evacuation Analysis including the development of emergency evacuation traffic signal timing plans for traffic signals on evacuation routes, identification of corridors where temporary evacuation access could be provided, and exploration of limiting on-street parking on designated evacuation routes which would reduce impacts to evacuation access to the extent feasible. Nonetheless, for some development projects, impacts may still result from the potential for unusual site-specific or road conditions, project characteristics, increased population as a result of the project, and the general ongoing fire risk in Piedmont. Based on this, impacts would be significant and unavoidable. The City finds that although this impact would be significant and unavoidable, the impact is acceptable when weighed against the overriding social, economic, and other considerations set forth in the Statement of Overriding Considerations (Section 6 of these Findings).

## **Impact W-2 Summary**

Implementation of the project would facilitate residential development in areas located in and near a Very High Fire Hazard Severity Zone. New development would be required to comply with extensive regulations and fire safety provisions in the Piedmont City Code, including the Fire Code, and other applicable regulations. Based on the existing regulatory framework and project review process with Piedmont Fire Department, impacts would be generally avoided. However, it remains possible that even with existing regulations, construction or other human activities related to development in or near a VHFHSZ could exacerbate wildfire risk and expose existing and new residents to pollutant concentrations and uncontrolled spread of a wildfire. Additionally, by increasing the population of the WUI area, more people would be directly threatened when a wildland fire occurs. Therefore, this impact would be significant and unavoidable.

## **Mitigation Measures**

The project involves proposed new and revised policies in the General Plan Environmental Hazards Element to reduce wildfire risks, including a policy to require a Fire Protection Plan for new development to reduce the potential loss due to wildfire exposure through risk mitigation and minimization. No other mitigation measures are feasible.

## **Finding**

Compliance with the existing city regulations and implementation of the City of Piedmont's requirement for Fire Protection Plan would reduce the potential to exacerbate wildfire risk during construction and after projects are constructed. This would reduce the severity of potential impacts



related to exposure to pollutant concentrations from a wildfire or the likelihood of wildfire ignition. No additional mitigation measures beyond adherence to existing procedures are feasible. Nonetheless, for some development projects, even with implementation of these wildfire prevention measures, impacts may result from the potential for unusual site-specific or road conditions, project characteristics, and the general ongoing fire risk in Piedmont. By increasing the population of the VHFHSZ, more people would be directly threatened, and evacuation and firefighting efforts would be further challenged when a fire occurs. Additionally, by increasing the population of the WUI area, more people would be directly threatened when a wildland fire occurs. Based on this, impacts would be significant and unavoidable. The City finds that although this impact would be significant and unavoidable, the impact is acceptable when weighed against the overriding social, economic, and other considerations set forth in the Statement of Overriding Considerations (Section 6 of these Findings).

### **Impact W-3 Summary**

Implementation of the project would facilitate residential development in areas located in and near a Very High Fire Hazard Severity Zone and Wildland Urban Interface area. New development, especially development in the MCSP Area, could require the installation of infrastructure that may exacerbate fire risk. Future development facilitated by the project would be required to comply with extensive regulations and fire safety provisions in the Piedmont City Code, including the Fire Code, and other applicable regulations. With adherence to these regulations, impacts would be generally avoided. However, it remains possible that even with existing regulations, installation or maintenance of associated infrastructure could exacerbate fire risk. This impact would be significant and unavoidable.

### **Mitigation Measures**

There are no feasible mitigation measures beyond compliance with the General Plan policies and the PCC.

### **Finding**

Implementation of General Plan Policy 19.24 would reduce the potential for impacts under this threshold by placing power lines underground in areas subject to wildfire risk. However, it may not be feasible to impose this requirement on all projects. Additionally, potentially unusual site-specific conditions or aspects of the infrastructure project, including power line installation, may result in wildfire impacts from the installation or maintenance of infrastructure required by build out under the project. For some development projects with infrastructure, impacts may still result from the potential for unusual site-specific or road conditions, project characteristics, increased population as a result of the project, and the general ongoing fire risk in Piedmont. Based on this, impacts would be significant and unavoidable. The City finds that although this impact would be significant and unavoidable, the impact is acceptable when weighed against the overriding social, economic, and other considerations set forth in the Statement of Overriding Considerations (Section 6 of these Findings).

### **Impact W-4 Summary**

Implementation of the project would encourage development of housing in and near VHFHSZs and WUI areas, including in areas with steep terrain, such as the MCSP Area. Development facilitated by

the project could expose people and structures to risk due to the terrain and slope which could result in potential risks such as landslides. This impact would be significant and unavoidable.

### **Mitigation Measures**

Mitigation Measure MCSP-GEO-1 would apply to future development in the MCSP Area. The City of Piedmont requires geotechnical studies on slopes greater than 20 percent in accordance with the General Plan and PCC Chapter 8, as discussed under Impact W-4 above. No other mitigation measures are feasible.

### **Finding**

The PCC requirement of site-specific geotechnical investigations would reduce potential impacts related to landslides for individual future development projects, including landslides resulting from wildfire. These requirements would reduce potential impacts such as landslides due to runoff, post-fire slope instability, or drainage changes following a potential wildfire. Additionally, implementation of mitigation measure GEO-1 would require geotechnical assessments for development in the MCSP Area specifically, which would reduce geologic impacts in this area that could be exacerbated by wildfire. However, based on the potential for unusual site-specific conditions or project characteristics, and the general ongoing fire risk in the Piedmont, impacts of a housing development project under the project may still occur. Therefore, this impact would be significant and unavoidable. The City finds that although this impact would be significant and unavoidable, the impact is acceptable when weighed against the overriding social, economic, and other considerations set forth in the Statement of Overriding Considerations (Section 6 of these Findings).

### **Impact W-5 Summary**

Implementation of the project would facilitate development in and near areas within VHFHSZs and WUI areas. Compliance with existing policies and regulations would reduce wildfire risks to the extent feasible. However, because the project would encourage development in and near VHFHSZs and WUI areas and would lead to an overall increase in Piedmont's population, this impact would be significant and unavoidable.

### **Mitigation Measures**

There are no feasible mitigation measures beyond compliance with the General Plan policies and the PCC.

### **Finding**

Compliance with the General Plan and PCC would reduce impacts to the extent feasible, however impacts would remain significant and unavoidable. The City finds that although this impact would be significant and unavoidable, the impact is acceptable when weighed against the overriding social, economic, and other considerations set forth in the Statement of Overriding Considerations (Section 6 of these Findings).

## **4.7 Cumulative Impacts**

An EIR is required to discuss the cumulative impacts of a project when the project's incremental effect is cumulatively considerable. *CEQA Guidelines* Section 15130(a). "Cumulatively considerable" means

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that the incremental effects of the project are significant when viewed in connection with the effects of past projects, other current projects, and probable future projects. *CEQA Guidelines* Section 15065(a)(3); Pub. Resources Code Section 21083(b)(2).

The City finds that the project will result in cumulatively considerable impacts related to cultural resources, greenhouse gas emissions, noise, transportation, utilities and service systems, and wildfire.

As discussed in Section 4.4, *Cultural Resources*, of the Draft EIR, the potential for impacts to built environment historical resources from individual development proposals is site-specific and depends on the location and nature of each individual development proposal. Future development projects would continue to be subject to existing federal, State, and local requirements and discretionary projects may be subject to project-specific mitigation requirements as outlined herein. It is anticipated that cumulative impacts to historical resources in Piedmont can be avoided or minimized through implementation of the proposed new General Plan Design and Preservation Element Historical Resources Assessment and Treatment policy, described above, on a project-by-project basis, but alteration or demolition of built environment historical resources remains a possibility citywide. Therefore, the incremental effect of the project on built environment historical resources would be cumulatively considerable and cumulative impacts would be significant and unavoidable.

As discussed in Section 4.7, *Greenhouse Gas Emissions*, of the Draft EIR, the impact of GHG emissions generated by development facilitated by the project is inherently cumulative. GHG emissions from one project cannot, on their own, result in changes in climatic conditions; therefore, the emissions from any project must be considered in the context of their contribution to cumulative global emissions, which is the basis for determining a significant cumulative impact. This is determined through the project's consistency with applicable GHG emission thresholds and applicable plans, policies, or regulations adopted for the purpose of reducing the emissions of GHGs. The project would be generally consistent with the State's 2022 Scoping Plan, Plan Bay Area 2050, the Piedmont General Plan, and the City's CAP 2.0. However, despite implementation of mitigation measures GHG-1 and T-1, the project would still be inconsistent with BAAQMD's project-level thresholds, specifically transportation threshold 1.a., as VMT would not be guaranteed to be below the baseline regional threshold; building threshold 1.a., as the City's Reach Code does not regulate multi-family residences and the City's ability to regulate all electric development has been affected by recent caselaw; nor building threshold 1.b., as the City's EV requirements are less stringent than CALGreen Tier 2. Therefore, the project would result in a significant and unavoidable cumulative impact on GHG emissions.

As discussed in Section 4.11, *Noise*, of the Draft EIR, construction activities associated with future development facilitated by the project would be required to comply with PCC Section 12.8.2 and would not occur during nighttime hours between the hours of 6:00 p.m. and 8:00 a.m. each day, Sunday evening through Saturday morning, and between the hours of 6:00 p.m. and 9:00 a.m. Saturday evening through Sunday morning. It is anticipated that, with adherence to the proposed Construction Noise Reduction General Plan policy, construction noise levels for most projects would be reduced to below applicable FTA noise limits. However, construction noise levels associated with some of the housing development proposed under the project would not be reduced below the applicable FTA noise limits for construction noise on a case-by-case basis. Further, larger development projects could combine together, or combine with smaller development projects, to substantially increase noise levels at specific neighboring noise-sensitive receivers. Therefore, concurrent construction of development projects accommodated under the project could result in cumulatively considerable impacts. This impact from development facilitated by the project could be cumulatively considerable and cumulative impacts would be significant and unavoidable.

As discussed in Section 4.14, *Transportation*, of the Draft EIR, the project would result in a decrease in the average home-based VMT per resident in the years 2031 and 2040 compared to the Baseline (2020) conditions but would exceed the significance threshold of 15 percent below the Bay Area Regional Baseline Average. Therefore, the home-based VMT per resident is also a cumulative impact. The cumulative impact would remain significant and unavoidable.

As discussed in Section 4.16, *Utilities and Service Systems*, of the Draft EIR, improvements to the sewer system may be needed. Therefore, the cumulative impact related to wastewater infrastructure would be significant and unavoidable, and the development facilitated by the project would considerably contribute to significant and unavoidable cumulative impact to wastewater infrastructure.

As discussed in Section 4.17, *Wildfire*, of the Draft EIR, development that is considered part of the cumulative analysis includes buildout under the project, which takes into account development that could occur with implementation of the City of Piedmont's Housing Element in coordination with development under the Piedmont's General Plan. Development facilitated by the proposed Housing Element Implementation project, including development pursuant to an adopted MCSP, would increase the density of development in urban areas and within designated urban service areas, which could exacerbate wildfire risks. All new development and infrastructure would be subject to statewide standards for fire safety in the California Fire Code, as well as proposed policies in the Piedmont General Plan Environmental Hazards Element. As discussed under Impacts W-1 through W-5 above, compliance with the California Fire Code and General Plan policies would reduce the risk of wildfire to the extent feasible. However, even with mitigation, it is not possible to prevent a significant risk of wildfires or fully protect people and structures from the risks of wildfires. Therefore, cumulative development under the project would result in a significant cumulative wildfire impact. The project would have a considerable contribution to a cumulative impact. These impacts are cumulatively significant and unavoidable.

## **Finding**

Implementation of the project would result in cumulatively considerable impacts related to cultural resources. The City finds that although this impact would be significant and unavoidable, the impact is acceptable when weighed against the overriding social, economic, and other considerations set forth in the Statement of Overriding Considerations (Section 6 of these Findings).

Implementation of the project would result in cumulatively considerable impacts related to greenhouse gas emissions. The City finds that although this impact would be significant and unavoidable, the impact is acceptable when weighed against the overriding social, economic, and other considerations set forth in the Statement of Overriding Considerations (Section 6 of these Findings).

Implementation of the project would result in cumulatively considerable impacts related to noise. Although future development would be required to comply with the proposed Construction Noise Reduction General Plan policy, impacts would remain significant and unavoidable. The City finds that although this impact would be significant and unavoidable, the impact is acceptable when weighed against the overriding social, economic, and other considerations set forth in the Statement of Overriding Considerations (Section 6 of these Findings).

Implementation of the project would result in cumulatively considerable impacts related to transportation. The City finds that although this impact would be significant and unavoidable, the impact is acceptable when weighed against the overriding social, economic, and other considerations set forth in the Statement of Overriding Considerations (Section 6 of these Findings).

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Implementation of the project would result in cumulatively considerable impacts related to utilities and service systems. The City finds that although this impact would be significant and unavoidable, the impact is acceptable when weighed against the overriding social, economic, and other considerations set forth in the Statement of Overriding Considerations (Section 6 of these Findings).

Implementation of the project would result in cumulatively considerable impacts related to wildfire. Although future development would be required to comply with the California Fire Code and General Plan policies, it is not possible to prevent a significant risk of wildfires or to fully protect people and structures from the risks of wildfires and therefore cumulative impacts would remain significant and unavoidable. The City finds that although this impact would be significant and unavoidable, the impact is acceptable when weighed against the overriding social, economic, and other considerations set forth in the Statement of Overriding Considerations (Section 6 of these Findings).

## 5 Feasibility of Project Alternatives

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As noted in the Draft EIR, the City of Piedmont considered several alternatives that were ultimately rejected and not analyzed in detail in the EIR.

- The City considered an alternative that would not involve adopting the Moraga Canyon Specific Plan (MCSP) in accordance with Housing Element Program 1.L to develop a Specific Plan for the City-owned parcels in Moraga Canyon. However, this would directly conflict with Project Objective #2. Further, this would likely result in Piedmont being unable to demonstrate to the California Department of Housing and Community Development (HCD) that the City was in compliance with State requirements to meet the City's RHNA. Therefore, this alternative was considered but rejected and was not included as an alternative in the analysis in the EIR.
- The City also considered whether there was an additional development alternative that would reduce the significant and unavoidable impacts related to historical resources, greenhouse gas emissions, construction noise, and wildfire. However, there is no development alternative that would generally meet the project objectives and State requirements to provide for housing that could feasibly avoid demolition of unidentified historical resources, increases in greenhouse gas emissions, construction noise in exceedance of standards, or avoid development in or near the Very High Fire Hazard Severity Zone. Therefore, no such alternatives were identified.
- Given the City's RHNA and state requirements for housing, the City did not consider alternatives that would provide for less housing that mandated to meet the City's RHNA, as they would not meet the project objectives or satisfy State requirements. Therefore, no alternatives other than the two alternatives considered below were analyzed in more detail.

The Draft EIR included two project alternatives that were analyzed in detail. The City hereby concludes that the Draft EIR sets forth a reasonable range of alternatives to the project so as to foster informed public participation and informed decision-making. The City finds that the alternatives identified and described in the Draft EIR were considered and further finds two of them to be infeasible for the specific economic, social, or other considerations set forth below.

In addition to the project, the following alternatives were evaluated in the Draft EIR, and are more fully described in Section 6, *Alternatives*, of the Draft EIR.

### 5.1 Alternative 1: No Project Alternative

The *CEQA Guidelines* stipulate that an EIR specifically include a "No Project" Alternative. The purpose in including a No Project Alternative is to allow decision-makers to compare the impacts of approving the project with the impacts of not approving the project.

In this case, the "No Project" Alternative (Alternative 1) involves continued implementation of the City's existing plans and policies that would accommodate development in accordance with the existing land use designations, policies, and zoning standards. Consistent with the buildout assumed in the City's previous 2015-2023 Housing Element, this alternative assumes development of 60 units, or approximately 527 units fewer than the 6<sup>th</sup> Cycle RHNA and 988 fewer units than the assumed development under the project's maximum build-out scenario of 1,048 units. It is assumed that development would occur generally consistent with current development patterns and trends, which involve primarily small residential projects under four units, residential additions, and the construction of accessory dwelling units (ADUs).

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In addition, Alternative 1 would not include adoption of a specific plan that would facilitate residential development in the MCSP Area. Similarly, the proposed amendments to the Piedmont General Plan to implement the 2023-2031 Housing Element and bring the General Plan into conformance with recent State law, including new and revised policies in the Land Use Element; Environmental Hazards Element; Transportation Element; Parks, Recreation, and Open Space Element; Community Services and Facilities Element; Design and Preservation Element; and Natural Resources and Sustainability Element, would not be adopted.

The No Project Alternative would not meet the project objectives because it would not implement the 6th Cycle 2023-2031 Housing Element, which was designed to satisfy the City's RHNA, would not prepare a Specific Plan for the City-owned parcels in the MCSP Area, and would not bring the General Plan into conformance with established and recent State laws.

## **Findings**

The No Project Alternative would not meet any of the objectives of the project, including:

- Amend the General Plan for consistency with the adopted 6th Cycle 2023-2031 Housing Element and to accommodate the growth required by the State-mandated RHNA
- Revise the City's Zoning Ordinance as outlined in the programs of the adopted 6th Cycle 2023-2031 Housing Element
- Prepare a specific plan for the City-owned parcels in the Moraga Canyon area and the Moraga Avenue roadway that intersects them, located near Piedmont's northern border with the City of Oakland.
- Meet State-mandated RHNA for 6th Cycle Housing Element planning period of 2023-2031
- Enact new and amended General Plan goals, policies, and actions, and new and amended City Code regulations which affirmatively further fair housing in Piedmont
- Bring the General Plan into conformance with recently enacted State laws.

The City rejects Alternative 1 as infeasible because it would not achieve any of the project objectives.

The findings for the project set forth in this document and the overriding social, economic and other considerations set forth in the Statement of Overriding Considerations provide support for the project and the elimination of Alternative 1 from further consideration.

## **5.2 Alternative 2: Reduced Buildout**

The "Reduced Buildout" Alternative (Alternative 2) assumes that the entirety of the Housing Element is not implemented, but that State laws such as SB 9, AB 1851, AB 2244 and the State Density Bonus Law, would continue to be implemented. This alternative would include continued implementation of regulations governing ADUs and Zone B development on sites less than 10 acres. Unlike the project which proposes zoning changes to facilitate development on sites more than 10 acres, Alternative 2 only anticipates development on sites less than 10 acres at the existing allowed zoning of 5.445 units per acre on land designated public facilities on the General Plan Land Use Diagram. Alternative 2 assumes that the MCSP would be adopted in accordance with Program 1.L (but at a lower density) and assumes that developers in the MCSP Area would request 80 percent density bonuses for 100 percent affordable housing.

This alternative would include updates to elements of the General Plan to achieve internal consistency and reflect regulatory changes since original adoption of the General Plan. Amendments to other

General Plan elements include amendments to the: Land Use Element; Transportation Element; Environmental Hazards Element; Parks, Recreation, and Open Space Element; Community Services and Facilities Element; Design and Preservation Element; and Natural Resources and Sustainability Element.

Alternative 2 would result in the same types of significant and unavoidable impacts associated with cultural resources, greenhouse gas emissions, noise, transportation, utilities and service systems, and wildfire.

## Findings

Alternative 2 would meet some of the project objectives because it would amend the General Plan and meet the number of new housing units in the RHNA of 587 units Alternative 2 would also prepare a Specific Plan for the City owned parcels in the MCSP Area and would bring the General Plan into conformance with State laws. However, it would not facilitate the same level of development as the proposed project nor the affordability levels of the RHNA; thus, it would not achieve all project objectives. Further, it would not enact all of the General Plan programs and therefore would not affirmatively further fair housing in Piedmont to the same extent as under the project, in compliance with State law.

The City rejects Alternative 2 as infeasible because it would not meet all the project objectives to the same extent as the project and would not eliminate the significant and unavoidable impacts related to cultural resources, greenhouse gas emissions, noise, transportation, utilities and service systems, and wildfire.

## 5.3 Environmentally Superior Alternative

The *CEQA Guidelines* state that an EIR shall identify an environmentally superior alternative. If the environmentally superior alternative is the “No Project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives (Section 15126.6(e)(2)).

Alternative 1: No Project would result in less impacts to aesthetics, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services and recreation, tribal cultural resources, utilities and service systems, and wildfire due to the decrease in residential units developed. Because development could still occur and the exact nature and location of such development is unknown, impacts related to historical resources and GHG would remain significant and unavoidable. The significant and unavoidable VMT impact would be increased under Alternative 1 because this alternative would not reduce VMT per resident to the same extent as under the proposed project. However, this alternative would eliminate the significant and unavoidable impacts related to construction noise, wastewater infrastructure, and wildfire.

Among the alternatives being considered, Alternative 2: Reduce Buildout could be considered environmentally superior, as it would reduce impacts related to aesthetics, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services and recreation, tribal cultural resources, utilities and service systems and wildfire due to the decrease in residential units developed. However, this alternative would not eliminate the unavoidably significant impacts related to cultural resources, greenhouse gas emissions,



**2023-2031 Housing Element Implementation Project,**

noise, transportation, utilities and service systems, or wildfire. This alternative would generally meet some but not all of the project objectives.

## 6 Statement of Overriding Considerations

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CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a project against its unavoidable risks when determining whether to approve a project. If the specific economic, legal, social, technological or other benefits of the project outweigh the unavoidable adverse environmental effects, those effects may be considered acceptable (*CEQA Guidelines* Section 15093(a)). CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the EIR or elsewhere in the administrative record (*CEQA Guidelines* Section 15093(b)).

The project would result in significant unavoidable impacts related to cultural resources, greenhouse gas emissions, noise, transportation, utilities and service systems, and wildfire. No feasible mitigation measures have been identified that would reduce these impacts to a less than significant level. These significant unavoidable impacts are identified and discussed in Section 5 of these Findings. The City finds that the significant unavoidable impacts are outweighed by the proposed Housing Element Implementation project's benefits and are acceptable in light of the benefits of the proposed project, based on the findings below:

- The City has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the project, as described above and in the EIR.
- All mitigation measures required in the EIR have been incorporated into the project and will be implemented through the MMRP, incorporated by reference herein.
- In accordance with *CEQA Guidelines* Section 15093, the City has, in determining whether or not to approve the project, balanced the economic, legal, social, technological, and other benefits, including region-wide or statewide environmental benefits of the project against these unavoidable environmental risks, and has found that the benefits of the project outweigh the unavoidable adverse environmental effects, as described below.
- The project would fulfill all of the project objectives, whereas the proposed alternatives do not.

The following statements specify the reasons why, in the City's judgment, the benefits of the project outweigh its unavoidable environmental risks. The City finds that any one of the following reasons for approval cited below is sufficient to justify approval of the project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the City will stand by its determination that each individual reason is sufficient. The substantial evidence supporting the Findings and the benefits described below can be found in the Record of Proceedings.

- The project fulfills the project objective to amend the General Plan for consistency with the adopted 6th Cycle 2023-2031 Housing Element and to accommodate the growth required by the State-mandated Regional Housing Needs Allocation (RHNA).
- The project would allow for the creation of a specific plan for the City-owned parcels in the Moraga Canyon area which would improve pedestrian, bicycle and vehicular safety in the Moraga Avenue roadway, improve wildfire safety related to access and evacuation planning, and facilitate the development of below-market-rate housing.
- The project would meet the state-mandate RHNA for the 6th Cycle Housing Element planning period of 2023-2031.

- The project would increase housing supply and mix of housing types, with the goal of improving housing affordability and equity in accordance with RHNA requirements.
- As noted in the Piedmont Housing Element, approximately 21.29 percent of Piedmont homeowners and 21.08 percent of renters are cost burdened, meaning they spend 30 percent or more of gross income on housing costs. Additionally, 12.5 percent of renters spend 50 percent or more of their income on housing, compared to about 8.4 percent of homeowners. Cost burden increases the vulnerability of residents to leaving Piedmont involuntarily and, for some, becoming homeless. The project would contribute to the inclusive and equitable growth of the Bay Area region by promoting more housing, and more affordable housing within the city which would help reduce the percentage of cost—burdened homeowners and renters within the city.
- The project would promote the development of housing to accommodate projected economic and population growth in the region.
- The project would allow Piedmont to help combat the housing crisis in the Bay Area which, according to ABAG<sup>1</sup>, has led to increased risk of displacement for hundreds of thousands of lower-income households across the Bay Area region, by promoting the development of affordable housing options within the city.
- The project would promote the development of affordable housing which would have direct economic and public health benefits to low-income individuals within the city.
- The project reflects current community goals and preferences as identified during the public outreach process. The Housing Element Update was shaped by an extensive public outreach process that engaged the community and decision-makers. The Housing Element Update was developed with public input and consideration. According to former PUSD School Superintendent Randall Booker, "The cost of living in the Bay Area continues to burden teachers and School District staff, turning away new teachers, coaches and staff just starting their careers and leading experienced educators to leave the District for opportunities in places where their salaries go farther. Housing affordability is the largest cost of living burden (PUSD) teachers, coaches and other staff face every day." The project would increase the amount of affordable housing within the city so that District employees within Piedmont can afford to live in Piedmont.
- As reported in the San Jose Mercury News<sup>2</sup>, in Alameda County, the number of unhoused people grew by 22 percent to 9,747 people between 2017 and 2022, the majority of whom live in or outside cars. The project would encourage additional housing development within the city which would help reduce the unhoused population within Piedmont and the greater Bay Area region.
- The project would further fair housing in Piedmont through new and amended General Plan goals, policies, and actions, and new and amended City Code regulations.
- The project would bring the General Plan and Zoning Ordinance into conformance with established and recently enacted State laws.
- The project will facilitate the development of housing with access to transit, jobs, services, and community benefits in a manner that distributes affordable and special needs housing, including housing in high resource neighborhoods, and affirmatively furthers fair housing.

After balancing the specific economic, legal, social, technological, and other benefits of the project alternatives, the City of Piedmont has determined that the unavoidable adverse environmental

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<sup>1</sup> Association of Bay Area Governments (ABAG). 2021. Final Plan Bay Area 2050. [https://www.planbayarea.org/sites/default/files/documents/Plan\\_Bay\\_Area\\_2050\\_October\\_2021.pdf](https://www.planbayarea.org/sites/default/files/documents/Plan_Bay_Area_2050_October_2021.pdf).

<sup>2</sup> McCarthy, Will. 2023. "As Homelessness Grows, Alameda County Declares a State of Emergency". <https://www.mercurynews.com/2023/09/22/as-homelessness-grows-alameda-county-declares-a-state-of-emergency/#:~:text=%E2%80%9CWe%20can't%20just%20allow,live%20in%20or%20outside%20cars.>

impacts identified may be considered acceptable due to the specific considerations listed above which outweigh the unavoidable, adverse environmental impact that will be caused by implementation of the proposed Housing Element Implementation project.

Recognizing that significant and unavoidable impacts will result from implementation of the project, the City adopts this Statement of Overriding Considerations. Having adopted all feasible mitigation measures and recognizing the significant and unavoidable impacts, the City hereby finds that each of the separate benefits of the project, as stated herein, is determined to be unto itself an overriding consideration, independent of other benefits, that warrants approval of the project and outweighs and overrides its unavoidable significant effect, and thereby justifies the approval of the project.

## 7 Conclusion

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### 7.1 Incorporation by Reference

These findings incorporate the text of the EIR for the 2023-2031 Housing Element Implementation Project, by reference and in its entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, the determination of the environmentally superior alternative, and the reasons for approving the project despite the potential for associated significant and unavoidable adverse impacts.

### 7.2 No Recirculation of the Draft EIR is Required

The changes and new information provided in the Final EIR consist of clarifications of the Draft EIR analysis and do not include identification of new significant impacts associated with the project or mitigation measures, or new project alternatives or mitigation measures that warrant consideration.

The City of Piedmont finds that the new information added in the Final EIR merely clarifies, amplifies, or makes insignificant modifications to an adequate EIR and is not “significant” within the meaning of *CEQA Guidelines* Section 15088.5. The City of Piedmont further finds that incorporating the new information does not deprive the public of a meaningful opportunity to comment on the project or its effects, and that no information has been added to the Final EIR that would warrant recirculation pursuant to Public Resources Code Section 21092.1. Finally, the City of Piedmont has reviewed and considered comments made after the Final EIR was issued and finds that those comments do not present significant new information within the meaning of *CEQA Guidelines* Section 15088.5 or otherwise warrant recirculation of the Final EIR pursuant to Public Resources Code Section 21092.1. These findings are based on all the information presented in the Final EIR and the record of proceedings.

### 7.3 Summary

1. Based on the foregoing Findings and the information contained in the record, the City has made one or more of the following Findings with respect to each of the significant effects of the project:
  - a. Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effects identified in the EIR.
  - b. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other public agency.
  - c. Specific economic, legal, social, technological, or other considerations, make infeasible the mitigation measures or alternatives identified in the EIR that would otherwise avoid or substantially lessen the identified significant environmental effects of the project.
2. Based on the foregoing Findings and the information contained in the record, the City determines that:
  - a. All significant effects on the environment due to the approval of the project have been eliminated or substantially lessened where feasible.

- b. Any remaining significant effects on the environment found to be unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations in Section 6, above.

## **4 Mitigation Monitoring and Reporting Program**

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CEQA requires that a reporting or monitoring program be adopted for the conditions of project approval that are necessary to mitigate or avoid significant effects on the environment (Public Resources Code 21081.6). This mitigation monitoring and reporting program is intended to track and ensure compliance with adopted mitigation measures during the project implementation phase. For each mitigation measure recommended in the Final Environmental Impact Report (Final EIR), specifications are made herein that identify the action required, the monitoring that must occur, and the agency or department responsible for oversight.

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification (Initials/ Date/ Comments)
<b>Geology and Soils</b>					
<b>MCSP-GEO-1 Geotechnical Assessment for Moraga Canyon Specific Plan Area</b>					
A geotechnical assessment shall be prepared for development in the Moraga Canyon Specific Plan Area by a qualified engineer prior to issuance of a grading permit. The geotechnical assessment shall include onsite sampling of existing soil to ascertain current conditions and characterize the potential for risks and implications for future building foundation elements. The analysis of the onsite conditions and risks shall be based on laboratory results generated in accordance with current procedures and applicable state and local construction, engineering, and geotechnical building standards at the time the assessment is prepared. The design of individual projects and/or construction shall incorporate all recommendations of the geotechnical assessment. The assessment and recommendations shall be prepared by a California-licensed professional engineer and shall comply with current state and local building codes. The intention of the geotechnical assessment is to sufficiently inform design related to geologic hazards and to help ensure that the design of building foundations, subgrades, and transportation infrastructure can withstand existing conditions, or that the individual site can be treated in such a manner as to address hazardous geologic conditions.	A qualified engineer shall prepare a geotechnical assessment for development in the Moraga Canyon Specific Plan Area. The project shall incorporate all recommendations of the geotechnical assessment.	Prior to issuance of a grading permit.	City staff shall ensure a geotechnical assessment has been prepared by a qualified engineer.	City of Piedmont Planning and Building Department	
<b>Hazards and Hazardous Materials</b>					
<b>MCSP-HAZ-1 Property Assessment - Phase I and II ESAs</b>					
Prior to the issuance of any building, demolition, or grading permit for development in the Moraga Canyon Specific Plan Area, the project applicant shall retain a qualified environmental professional (EP), as defined by ASTM E-1527 to prepare a project-specific Phase I	A qualified environmental professional shall prepare a project-specific Phase I ESA for projects in the MCSP area. If the Phase I ESA	The Phase I ESA shall be prepared prior to the issuance of any building,	City staff shall review and approve of the Phase I ESA or the	City of Piedmont Planning and Building Department	



Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification (Initials/ Date/ Comments)
<p>Environmental Site Assessment (ESA) in accordance with standard ASTM methodologies, to assess the land use history of the project site.</p> <p>If the Phase I ESA identifies recognized environmental conditions or potential areas of concern, the project applicant shall retain a qualified environmental consultant, California Professional Geologist (PG) or California Professional Engineer (PE), to prepare a Phase II ESA for the project site to determine whether the soil, groundwater, and/or soil vapor has been impacted at concentrations exceeding regulatory screening levels. The Phase II ESA shall be completed prior to the issuance of any building permit authorizing construction, grading permit, or demolition permit and shall be based on the results of the Phase I ESA.</p> <p>As part of the Phase II ESA, the qualified environmental consultant (PG or PE) shall screen the analytical results against the San Francisco Bay Regional Water Quality Control Board environmental screening levels (ESL). These ESLs are risk-based screening levels under various depth and land use scenarios. The City shall review and approve the Phase II ESA prior to the issuance of any building, grading, or demolition permit.</p> <p>If the Phase II ESA for the project site indicates that contaminants are present in the subsurface at the project site, the project applicant shall take appropriate steps to protect site workers and the public. This may include the preparation of a Soil Management Plan (see Mitigation Measure MCSP HAZ-2) prior to issuance of a building, grading, or demolition permit.</p> <p>If the Phase II ESA for the project site indicates that contaminants are present at concentrations exceeding hazardous waste screening thresholds for contaminants in soil and/or groundwater (California Code of</p>	<p>identifies recognized environmental conditions or potential areas of concern, a qualified environmental consultant, California Professional Geologist (PG) or California Professional Engineer (PE) shall prepare a Phase II ESA. If the Phase II ESA indicates that contaminants are present in the subsurface at the project site, the project applicant shall prepare a Soil Management Plan. If the Phase II ESA for the project site indicates that contaminants are present at concentrations exceeding hazardous waste screening thresholds for contaminants in soil and/or groundwater, the project applicant shall complete remediation at the project site.</p>	<p>demolition, or grading permit for development. The Phase II ESA shall be prepared prior to the issuance of any building permit authorizing construction, grading permit, or demolition permit and shall be based on the results of the Phase I ESA.</p> <p>The Soil Management Plan shall be prepared prior to issuance of a building, grading, or demolition permit. Remediation shall be completed at the project site prior to onsite construction.</p>	<p>Phase II ESA, if required.</p>		

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification (Initials/ Date/ Comments)
<p>Regulations [CCR] Title 22, Section 66261.24 Characteristics of Toxicity), the project applicant shall take appropriate steps to protect site workers and the public. This may include the completion of remediation (see Mitigation Measure MCSP HAZ-3) at the project site prior to onsite construction.</p>					
<b>MCSP-HAZ-2 Soil Management Plan</b>					
<p>For future development in the Moraga Canyon Specific Plan Area, if impacted soils or other impacted wastes are present at the project site, the project applicant shall retain a qualified environmental consultant (PG or PE), to prepare a Soil Management Plan (SMP) prior to issuance of a building, demolition or grading permit. The SMP, or equivalent document, shall address:</p> <ol style="list-style-type: none"> <li>1. On-site handling and management of impacted soils or other impacted wastes (e.g., stained soil, and soil or groundwater with solvent or chemical odors) if such soils or impacted wastes are encountered, and</li> <li>2. Specific actions to reduce hazards to construction workers and offsite receptors during the construction phase.</li> </ol> <p>The plan must establish remedial measures and soil management practices to ensure construction worker safety, the health of future workers and visitors, and the off-site migration of contaminants from the project site. These measures and practices may include, but are not limited to:</p> <ul style="list-style-type: none"> <li>▪ Stockpile management, including stormwater pollution prevention and the installation of BMPs</li> <li>▪ Proper disposal procedures of contaminated materials</li> <li>▪ Investigation procedures for encountering known and unexpected odorous or visually stained soils,</li> </ul>	<p>If impacted soils or other impacted wastes are present at the project site, the project applicant shall retain a qualified environmental consultant (PG or PE), to prepare a Soil Management Plan, which should include remedial measures and soil management practices.</p>	<p>Prior to issuance of any grading, demolition, or grading permit.</p>	<p>The City of Piedmont Public Works Director or designee shall review and approve the project site SMP prior to issuing of any grading, demolition, or grading permit.</p>	<p>City of Piedmont Planning and Building Department</p>	

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification (Initials/ Date/ Comments)
<p>other indications of hydrocarbon piping or equipment, and/or debris during ground-disturbing activities</p> <ul style="list-style-type: none"> <li>▪ Monitoring and reporting</li> <li>▪ A health and safety plan for contractors working at the project site that addresses the safety and health hazards of each phase of site construction activities with the requirements and procedures for employee protection</li> <li>▪ The health and safety plan shall also outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction</li> </ul> <p>The City of Piedmont Public Works Director or designee shall review and approve the project site SMP prior to issuing of any grading, demolition or grading permit. The project applicant shall implement the SMP during demolition, grading, and construction at the project site.</p>					
<b>MCSP-HAZ-3 Remediation</b>					
<p>For future development in the Moraga Canyon Specific Plan Area, where contaminated soil is identified during implementation of Mitigation Measures MCSP HAZ-1 and/or MCSP HAZ-2 as present within the demolition, grading or construction envelope at the project site at chemical concentrations exceeding ESLs and/or hazardous waste screening thresholds for contaminants in soil (California Code of Regulations [CCR] Title 22, Section 66261.24), the project applicant shall retain a qualified environmental consultant (PG or PE), to properly dispose of the contaminated soil. The qualified environmental consultant shall utilize the project site analytical results for waste characterization purposes</p>	<p>If contaminated soils are identified during implementation of Mitigation Measures MCSP HAZ-1 and/or MCSP HAZ-2 as present within the demolition, grading or construction envelope at the project site at chemical concentrations exceeding ESLs and/or hazardous waste screening thresholds for contaminants in soil, the</p>	<p>Project site disposal recommendations shall be reviewed and implemented prior to transportation of waste soils offsite and the remedial engineering controls shall be reviewed and</p>	<p>The City of Piedmont Public Works Director or designee shall review and approve the project site disposal recommendations prior to transportation of waste soils offsite, and review and</p>	<p>City of Piedmont Planning and Building Department</p>	

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification (Initials/ Date/ Comments)
<p>prior to offsite transportation or disposal of potentially impacted soils or other impacted wastes. The qualified consultant shall provide disposal recommendations and arrange for proper disposal of the waste soils or other impacted wastes (as necessary), and/or provide recommendations for remedial engineering controls, if appropriate.</p> <p>Remediation of impacted soils and/or implementation of remedial engineering controls may require: additional delineation of sub-surface impacts; additional analytical testing per landfill or recycling facility requirements; soil excavation; and offsite disposal or recycling.</p> <p>The City of Piedmont Public Works Director or designee shall review and approve the project site disposal recommendations prior to transportation of waste soils offsite, and review and approve remedial engineering controls, prior to construction.</p> <p>The project applicant shall review and implement the project site disposal recommendations prior to transportation of waste soils offsite and review and implement the remedial engineering controls prior to construction.</p> <p>The City of Piedmont shall review and approve the project site disposal recommendations and remedial engineering controls prior to issuing a building, demolition or grading permit.</p>	<p>project applicant shall retain a qualified environmental consultant (PG or PE) to properly dispose of the contaminated soil. The qualified environmental consultant shall utilize the project site analytical results for waste characterization purposes and provide disposal recommendations and arrange for proper disposal of waste soils and other impacted wastes, and/or provide recommendations for remedial engineering controls, if appropriate.</p>	<p>implemented prior to construction.</p>	<p>approve remedial engineering controls, prior to construction. The City of Piedmont shall review and approve the project site disposal recommendations and remedial engineering controls prior to issuing a building, demolition, or grading permit.</p>		
<b>Wildfire</b>					
<b>W-1 Incorporation of Evacuation Analysis Recommendations</b>					
<p>The City shall implement all recommendations included in the City of Piedmont 2023-2031 Housing Element Update – Emergency Evacuation Time Assessment (Fehr &amp; Peers 2023) and listed below:</p>	<p>The City shall implement all recommendations included in the City of Piedmont 2023-2031 Housing Element Update – Emergency</p>	<p>After certification of the FEIR.</p>	<p>The City shall ensure all recommendations included in the City of Piedmont</p>	<p>City of Piedmont Planning and Building Department</p>	

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification (Initials/ Date/ Comments)
<ul style="list-style-type: none"> <li>▪ Develop emergency evacuation traffic signal timing plans for traffic signals on evacuation routes, prioritizing evacuation flows and minimizing opposing traffic flows. Emergency response vehicle access into evacuation areas can be maintained through traffic signal pre-emption. Coordinate with City of Oakland and Caltrans to develop corridor evacuation timing plans.</li> <li>▪ Identify corridors where temporary evacuation capacity, such as reversible traffic lanes, temporary use of parking lanes, shoulders, or two-way-left-turn lanes, could be provided while maintaining emergency responder access in the opposite direction.</li> <li>▪ Explore limiting on-street parking on designated evacuation routes either permanently or during high fire risk periods to reduce potential conflicts with evacuating vehicles.</li> <li>▪ As part of evacuation messaging, ensure evacuees are informed of the availability of multiple evacuation routes, to allow effective use of all available capacity.</li> <li>▪ Work with Piedmont Unified School District (PUSD) and private schools to develop evacuation plans for the schools in the City of Piedmont.</li> <li>▪ Consider staggering the evacuation orders for citywide or large area evacuations for different zones and account for the impact on potential bottleneck locations when determining the timing for evacuation of different zones.</li> <li>▪ When considering roadway or intersection design modifications, especially in areas that have less accessibility and on key evacuation routes, consider evacuation capacity and consider design treatments</li> </ul>	<p>Evacuation Time Assessment (Fehr &amp; Peers 2023 and as amended if applicable).</p>		<p>2023-2031 Housing Element Update – Emergency Evacuation Time Assessment (Fehr &amp; Peers 2023 and as amended if applicable) are implemented.</p>		

Mitigation Measure/ Condition of Approval	Action Required	Timing	Monitoring Requirements	Responsible Agency	Compliance Verification (Initials/ Date/ Comments)
<p>that could allow reversible lanes or temporary use of parking lanes or shoulders as auxiliary lanes to provide additional capacity during an evacuation event.</p> <ul style="list-style-type: none"> <li>▪ Educate residents and employees about the importance of carpooling in evacuations to reduce the number of evacuating vehicles and minimize evacuation times.</li> <li>▪ Explore the potential use of the footpath and bicycle networks in evacuating pedestrians and cyclists to reduce the number of evacuating vehicles and minimize evacuation times.</li> </ul> <p>Examine areas that have a high concentration of residents with social vulnerability indicators such as age, disability, and other mobility factors to determine other potential barriers to evacuation besides distance to and capacity of evacuation routes. Advanced coordination between first responders to ensure an efficient and well-communicated process for evacuation may be needed in response to various hazard scenarios.</p>					