



## Whitecotton Cottage Demolition Project

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

SCH# 2019049101

*prepared by*

**County of Alameda**

General Services Agency

1401 Lakeside Drive, Suite 800

Oakland, California 94612

Contact: Jason B. Garrison, Environmental Project Manager

*prepared with the assistance of*

**Rincon Consultants, Inc.**

449 15<sup>th</sup> Street, Suite 303

Oakland, California 94612

**December 2019**



**RINCON CONSULTANTS, INC.**

Environmental Scientists | Planners | Engineers

[rinconconsultants.com](http://rinconconsultants.com)

# Table of Contents

---

Introduction.....1  
     Statutory Requirements for Findings.....1  
     Environmental Review Process.....2  
     Record of Proceedings.....3

The Project.....4  
     Project Objectives.....4  
     Project Summary .....4  
     Alternatives.....4

Effects Determined to be Mitigated to Less than Significant Levels.....6  
     Biological Resources .....6  
     Cultural Resources .....7  
     Noise .....8  
     Tribal Cultural Resources .....9

Significant Effects that Cannot be Mitigated to a Less than Significant Level.....10

Feasibility of Project Alternatives.....12  
     Alternative 1: No Project Alternative .....12  
     Alternative 2: Rehabilitation and Adaptive Reuse of Whitecotton Cottage .....12  
     Environmentally Superior Alternative .....13

Statement of Overriding Considerations.....14  
     Economic Benefits .....14  
     Health Benefits .....15  
     Conclusion.....15

Conclusion: No Recirculation of the Draft EIR is Required.....16

*This page intentionally left blank.*

# Introduction

---

## Statutory Requirements for Findings

This statement of findings addresses the potentially significant environmental impacts associated with the proposed Whitecotton Cottage Demolition Project (project) located in the Alameda County, California 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 County of Alameda, 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 approval of the Whitecotton Cottage Demolition Project.

## Environmental Review Process

Pursuant to the California Environmental Quality Act (CEQA), lead agencies are required to consult with public agencies having jurisdiction over a proposed project and to provide the general public with an opportunity to comment on the Draft EIR.

On April 17, 2019, the County of Alameda circulated a Notice of Preparation (NOP) for a 30-day comment period to help identify the types of impacts that could result from the proposed project, as well as potential areas of controversy. The NOP was filed with the County Clerk, published in two local newspapers, the Castro Valley Forum and the San Leandro Times, and mailed to public agencies (including the State Clearinghouse and the California Office of Historic Preservation), and nearby addresses. Comments received by the County on the NOP were taken into account during the preparation of the Draft EIR.

The Draft EIR was made available for public review on July 17, 2019. The Notice of Availability of a Draft EIR was posted with the County Clerk, mailed to local and state agencies, published in two local newspapers, the Castro Valley Forum and the San Leandro Times, and mailed to public agencies (including the State Clearinghouse and the California Office of Historic Preservation), and nearby addresses. A paper copy of the Draft EIR was available for public review at the County of Alameda General Services Agency office.

The Draft EIR public comment period began on July 17, 2019 and was originally set to end after 45 days, as required under CEQA, on September 2, 2019. However, the end of the public comment was extended from September 2, 2019 to September 17, 2019. The County received two comment letters on the Draft EIR.

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 County of Alameda, 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 County 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.

## Record of Proceedings

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

- Notice of Preparation and other public notices issued by the County in conjunction with the proposed project (see Appendix A of the Draft EIR for the Notice of Preparation);
- The Public Review Draft EIR and supporting documentation prepared for the proposed project (Draft EIR dated July 2019 and Appendix 1 through 4), and all documents cited, incorporated by reference, or referred to therein;
- The written and verbal comments and documents submitted to the County by agencies, organizations and members of the public (before, during, and after the close of the public comment period up through the close of the public testimony portion of the Board of Supervisor's public hearing on the proposed project);
- The Mitigation Monitoring and Reporting Program;
- The Final EIR for the Whitecotton Cottage Demolition project dated December 2019 and all documents cited, incorporated by reference, or referred to therein;
- All findings and resolutions adopted by the County in connection with the proposed project, and documents cited or referred to therein;
- The County of Alameda Castro Valley General Plan, adopted by the Board of Supervisors March 2012;
- The County of Alameda Castro Valley General Plan Environmental Impact Report (SCH No. 2006032036), including all appendices thereto (General Plan EIR), certified by the Board of Supervisors in March, 2012, and all findings and resolutions adopted by the City in connection with the General Plan EIR;
- Minutes or verbatim transcripts of information and study sessions, workshops, public meetings and public hearings held by the County in connection with the proposed 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:

County of Alameda  
General Services Agency  
1401 Lakeside Drive, Suite 800  
Oakland, California 94612  
Contact: Jason B. Garrison, (510) 208-9520

## The Project

---

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

### Project Objectives

The objectives of the project are to:

- Eliminate hazards currently associated with the project site. The Whitecotton Cottage poses several safety concerns to the community:
  - Structural hazards – building is in a deteriorated state with several holes on the roof and extensive water damage and mold contamination within the interior of the building
  - Hazardous materials – Building contains peeling lead-based paint and asbestos in roofing materials. Previous peeling lead-based paint on the exterior of the building has also contaminated adjacent soils with lead.
  - Provides an attractive site for vandalism and other illicit activities
- Reduce the deferred maintenance burden (including cost and staff time) and overall costs to Alameda County

### Project Summary

Alameda County prepared the Whitecotton Cottage Demolition Project Environmental Impact (EIR) to analyze the potential environmental effects that may result from the project. The proposed project would involve the demolition of the existing Whitecotton Cottage, an existing vacant 3,942 square-foot building with two stories above grade and a basement. Demolition of the structure would involve:

- The removal of asbestos-containing materials
- Stabilization of loose and peeling lead-based paint
- Removal and proper disposal of components coated with lead-based paint
- Excavation and disposal of approximately 222 cubic yards of soil, including lead contaminated soil around the structure
- Rough grading of the site

### Alternatives

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

- Alternative 1: No Project
- Alternative 2: Rehabilitation and Adaptive Reuse of Whitecotton Cottage

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

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

---

The Draft EIR identified certain potentially significant effects that could result from the project. However, the County finds, for the reasons stated in the EIR, that mitigation identified in the Draft EIR and Initial Study would reduce impacts to less than significant levels. The County finds that all of 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.

### Biological Resources

#### Impact

Demolition activities from the project could indirectly disturb mature trees that could contain birds which are protected under the Migratory Bird Treaty Act. Furthermore, special-status bats may be in the existing building and could be disturbed during demolition of the building. Impacts associated with special-status species would be less than significant with mitigation implemented.

#### Mitigation Measure BIO-1 Nesting/Breeding Native Bird

To avoid impacts to nesting birds, including birds protected under the Migratory Bird Treaty Act, ground disturbing activities should be limited to the time period between September 1 and January 1 (i.e., outside the nesting season) if feasible. If initial site disturbance, grading, and vegetation removal cannot be conducted during this time period, a pre-construction survey for active nests within and around the project site shall be conducted by a qualified biologist at the site no more than two weeks prior to any construction activities. The survey shall include the project site and other such habitat within 500 feet of the project site.

If active nests are identified, species specific exclusion buffers shall be determined by the biologist (i.e.: 500 feet for raptor nests), and construction timing and location adjusted accordingly. The buffer shall be adhered to until the adults and young are no longer reliant on the nest site, as determined by the biologist. Limits of construction to avoid a nest should be established in the field with flagging and stakes or construction fencing. Construction personnel shall be instructed on the sensitivity of the area.

The biological monitor shall be present on site during all grubbing and clearing of vegetation to ensure that these activities remain within the project footprint (i.e., outside the demarcated buffer) and that the flagging/stakes/fencing is being maintained, and to minimize the likelihood that active nests are abandoned or fail due to project activities.

### **Mitigation Measure BIO-2 Special-status Species Avoidance and Minimization**

Focused surveys of the building to be demolished to determine the presence/absence of roosting bats shall be conducted by a qualified biologist prior to the initiation of demolition activities. If active maternity roosts are identified, at a minimum, no demolition, clearing, or grading shall occur within 500 feet of the roost until the young are able to fly from the roost. If active day or night roosts are found on the project site, measures shall be implemented to safely flush bats from the roosts prior to the onset of demolition activities. Such measures may include removal of roosting site during the time of day the roost is unoccupied or the installation of one-way doors, allowing the bats to leave the roost but not to re-enter.

#### **Finding**

The County of Alameda 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 to nesting birds and special-status species would be mitigated to a less than significant level with incorporation of the required mitigation measure.

## Cultural Resources

### **Impact**

The project site is not considered archaeologically sensitive. Nevertheless, implementation of mitigation measure would be required to reduce impacts to less than significant in the case of unanticipated discoveries.

### **Mitigation Measure CUL-1 Unanticipated Discovery of Cultural Resources**

If cultural resources are encountered during ground disturbing activities, work in the immediate area shall be halted and an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeology (NPS 1983) shall be contacted immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and testing for the California Register of Historical Resources (CRHR) eligibility. If the discovery proves to be eligible for listing in the CRHR and cannot be avoided by the project, additional work, such as data recovery excavation, may be required to mitigate potentially significant impacts to historical resources.

#### **Finding**

The County of Alameda 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 the unanticipated discovery of cultural resources would be mitigated to a less than significant level with incorporation of the required mitigation measure.

## Noise

### Impact

Demolition and grading activities associated with the proposed project could result in the temporary elevation of noise levels at the project site and surrounding areas. Impacts from temporary noise would be reduced to less than significant with mitigation incorporated.

#### Mitigation Measure N-1 Demolition Noise Reduction

The following measures shall be implemented during project construction and demolition.

- **Construction Hours.** Construction activity shall not occur between 7:00 p.m. and 7:00 a.m. Monday through Friday and 5:00 p.m. through 8:00 a.m. Saturday and Sunday.
- **Mufflers.** During all project site demolition and grading, all construction equipment, fixed or mobile, shall be operated with closed engine doors and shall be equipped with properly operating and maintained mufflers consistent with manufacturers' standards.
- **Equipment Staging Areas.** Equipment staging shall be located in areas that will create the greatest distance feasible between construction-related noise sources and noise-sensitive receptors.
- **Electrically-Powered Tools and Facilities.** Electrical power shall be used to run power tools and to power any temporary structures, such as construction trailers or caretaker facilities.
- **Smart Back-up Alarms.** Mobile construction equipment shall have smart back-up alarms that automatically adjust the sound level of the alarm in response to ambient noise levels. Alternatively, back-up alarms shall be disabled and replaced with human spotters to ensure safety when mobile construction equipment is moving in the reverse direction.

### Finding

The County of Alameda 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 demolition noise would be mitigated to a less than significant level with incorporation of the required mitigation measure.

### Impact

Demolition activities could result in generation of excessive groundborne vibration, which could affect nearby sensitive receptors. Impacts to those sensitive receptors would be less than significant with mitigation incorporated.

#### Mitigation Measure N-2 Demolition Vibration Reduction

The following vibration measures shall be applied during project demolition activity.

- Keep vibration-intensive equipment as far as possible from vibration-sensitive site boundaries. Machines and equipment shall not be left idling.
- Schedule vibration-intensive operations to minimize their duration. Notify adjacent noise sensitive receptors in advance of performing work creating unusual noise and schedule such work at times mutually agreeable.

- Whenever practical, the most vibration-intensive construction operations shall be scheduled to occur together in the construction program to avoid continuous periods of vibration.

### **Finding**

The County of Alameda 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 demolition vibration would be mitigated to a less than significant level with incorporation of the required mitigation measure.

## **Tribal Cultural Resources**

### **Impact**

Although no tribal cultural resources are expected to be present on-site, there is the possibility of encountering undisturbed subsurface tribal cultural resources. Impacts to tribal cultural resources would be less than significant with mitigation incorporated.

### **Mitigation Measure TCR-1 Unanticipated Discovery of Tribal Cultural Resources**

In the event that cultural resources of Native American origin are identified during construction, all earth-disturbing work in the vicinity of the find must be temporarily suspended or redirected until an archaeologist has evaluated the nature and significance of the find and an appropriate Native American representative, based on the nature of the find, is consulted. If the County, in consultation with local Native Americans, determines that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with state guidelines and in consultation with Native American groups. The plan would include avoidance of the resource or, if avoidance of the resource is infeasible, the plan would outline the appropriate treatment of the resource in coordination with the archeologist, if applicable, and the appropriate Native American tribal representative.

### **Finding**

The County of Alameda 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 the unanticipated discovery of tribal cultural resources would be mitigated to a less than significant level with incorporation of the required mitigation measure.

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

---

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 impact described below, all significant impacts associated with the proposed project would be reduced to a less than significant level with incorporation of mitigation measures identified in the Final EIR. The project would result in the following significant unavoidable impact:

### **Cultural Resources Impact CR-1**

The proposed project would demolish a historical resource that is recommended as eligible for listing in the California Register of Historical Resources.

#### **Mitigation Measures CR-1 Historic Documentation Package**

Prior to issuance of demolition, the County of Alameda shall undertake Historic American Building Survey (HABS) documentation of Whitecotton Cottage including its character defining features. The documentation should generally follow the HABS Level III requirements and include measured drawings that depict the size, scale, and dimensions of the subject property; digital photographic recordation of the interior and exterior of the subject property including all character-defining-features; a detailed historic narrative report; and compilation of historic research. The documentation shall be undertaken by a qualified professional who meets the standards for history, architectural history, or architecture (as appropriate), as set forth by the Secretary of the Interior's Professional Qualification Standards (36 CFR, Part 61). The original archival-quality documentation shall be offered as donated material to the Alameda County Historical Society Archives where it would be available for current and future generations. Archival copies of the documentation also shall be submitted to the Alameda County Library, where it would be available to local researchers. Completion of this mitigation measure shall be monitored and enforced by the County of Alameda. The County shall also make the HABS documentation available on a County of Alameda webpage. The webpage shall be maintained by the County for a minimum of five years.

#### **Mitigation Measure CR-2 Interpretive Plaque**

The County of Alameda shall install an interpretive plaque at the site discussing the history of the building, its significance, important details and features, and its connection to the Fairmont Hospital Campus. The plaque shall be installed on a publicly accessible location on or near the project site. The plaque shall include information from the HABS documentation and any collected research pertaining to the historic property. The content shall be prepared by a qualified architectural historian or historian who meets the Secretary of the Interior's Professional Qualification Standards for History and/or Architectural History (NPS 1983). Installation of the plaque shall be completed within one year of the date of completion of the proposed project. Completion of this mitigation measure shall be monitored and enforced by the County of Alameda.

Mitigation measures CR-1 and CR-2 would document and archive materials related to the history of Whitecotton Cottage and provide the public with educational opportunities related to the building and its historical features. This would serve to preserve the history of the site such that it is available for future research and interested parties. However, the Whitecotton Cottage historical resource would be demolished and the impact would not be reduced to less-than-significant levels under CEQA. Demolition by its nature is complete and total material impairment of the historical resource, and no feasible mitigation measures are available to mitigate the demolition of the CEQA historical resources to a less-than-significant level. As a result, demolition of the individually eligible resource would be considered a significant and unavoidable adverse impact even after implementation of the mitigation measures.

### **Finding**

Impacts related to historical resources have been mitigated to the extent feasible. Despite the implementation of mitigation measures, impacts would remain significant and unavoidable. The Board of Supervisors 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).

## Feasibility of Project Alternatives

---

The Draft EIR included several project alternatives. The County hereby concludes that the Draft EIR sets forth a reasonable range of alternatives to the proposed project so as to foster informed public participation and informed decision making. The County 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 pursuant to CEQA Section 21081.

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

### 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 assumes that the project site would remain in its current state and condition into the foreseeable future. The Whitecotton Cottage would not be demolished or altered and no soil removal or new grading would be completed on the project site. Except during general maintenance activities, which would be of short duration, the site would continue to operate under existing conditions and Whitecotton Cottage would remain vacant and boarded up. This alternative would not fulfill the objectives of the proposed project because hazards associated with the existing building would not be eliminated, the site would continue to be attractive for vandalism, and deferred maintenance of the building would continue to require County resources. In addition, degrading exterior paint conditions over time would likely further contaminate adjacent soils with lead.

### Findings

Under this alternative, significant impacts to potential historical resources would be avoided. In addition, no demolition activities would occur and mitigation measures associated with unanticipated discovery of cultural and tribal cultural resources, special-status species potentially affected during demolition, and demolition noise and vibration would not be required. However, this alternative would not fulfill the objectives of the proposed project because hazards associated with the existing building would not be eliminated and deferred maintenance of the building would continue to require County resources. In addition, degrading exterior paint conditions over time would likely further contaminate adjacent soils with lead.

### Alternative 2: Rehabilitation and Adaptive Reuse of Whitecotton Cottage

Under Alternative 2, the County would conduct evaluations of Whitecotton Cottage to determine alterations necessary to address disrepair, structural issues, and abatement of hazardous materials, including in nearby soil. The County would then rehabilitate the structure to accommodate 3,942

square-foot of office use (this assumes the square footage of the office space would be the same as the existing square footage of the structure). Rehabilitation would be completed in conformance with the Secretary of the Interior Standards for Treatment of Historic Properties and in accordance with the California Historic Building Code, which allows for more flexible application of building regulations when impacting a historic resource. It is assumed that all identified character-defining features of the building would be repaired and maintained in-situ to the highest degree feasible.

## Findings

Under this alternative, significant impacts to potential historic resources would be avoided. However, since construction activities and some excavation of contaminated soil would occur under this alternative, mitigation measures would still be required to reduce impacts during renovation activities, including measures to protect special-status species and unanticipated discovery of cultural and tribal cultural resources and to reduce noise and vibration. Moreover, additional operational impacts would occur from the use of the building as an office, though such impacts would be less than significant. Lastly, this alternative would be prohibitively expensive for the County. According to County estimates, the proposed project would cost approximately \$285,000, while rehabilitation of the structure would cost approximately \$1.9 to \$2.3 million.

## 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 be the environmentally superior alternative as it would not involve construction and grading activities, including soil disturbance and use of construction equipment and loading vehicles, which would result in impacts to air quality, nesting birds, bats, and noise. Therefore, the mitigation identified to address impacts to air quality, biological resources, and noise that would result under the proposed project would not be required under this alternative. In addition, because Whitecotton Cottage would remain in its existing state and location and would continue to be maintained by the County, it would also not result in the significant and unavoidable impacts to historical resources that would result from the proposed project. However, Alternative 1 would not achieve the basic project objectives as stated in Section 2, *Project Description*. Under this alternative, hazards associated with the existing building would not be eliminated and deferred maintenance of the building would continue to require County resources.

Alternative 2 (Rehabilitation and Adaptive Reuse of Whitecotton Cottage) would be environmentally superior to the project because it would not involve the demolition of a structure eligible for listing in the NRHP and the CRHR and would thus not result in significant and unavoidable impacts. However, this alternative would result in increased air quality and greenhouse gas emissions, traffic, and construction noise. This alternative would meet the first project objective to eliminate hazards currently associated with the project site. However, this alternative would not meet the second project objective to reduce the overall cost to the County of Alameda. Alternative 2 would be prohibitively expensive for the county. According to County estimates, the proposed project would cost approximately \$285,000, while rehabilitation of the structure would cost approximately \$1.9 to \$2.3 million.

## Statement of Overriding Considerations

---

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 Final EIR or elsewhere in the administrative record (CEQA Guidelines Section 19093(B)). The proposed project would result in a significant unavoidable impact to historical resources. No feasible mitigation measures have been identified that would reduce this impact to a less than significant level. This significant unavoidable impact is identified and discussed in Section 5 of these Findings. The County further specifically finds that the significant unavoidable impact to historical resources is outweighed by the proposed project's benefits and is acceptable in light of the benefits of the project, based on the findings below:

- The County has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the project, as described above.
- All Mitigation Measures recommended in the Final 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 County 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. The following statements specify the reasons why, in the County's judgment, the benefits of the project outweigh its unavoidable environmental risks. The County also 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 County will stand by its determination that each individual reason is sufficient. The substantial evidence supporting the County Findings and the benefits described below can be found in the Record of Proceedings.

### Economic Benefits

The project would involve demolition of an existing structure that currently requires significant County resources for deferred maintenance costs and operation. According to County estimates, the proposed project would cost approximately \$285,000 for one-time demolition activities. Maintenance of the structure as it currently exists would cost thousands of dollars every year and rehabilitation of the structure would cost approximately \$1.9 to \$2.3 million. Therefore, the proposed project is the only financially feasible option to reduce the deferred maintenance burden (including cost and staff time) and overall costs to the County.

## Health Benefits

The project would eliminate existing hazardous materials at the project site, including asbestos, loose and peeling lead-based paint, and lead-contaminated soil. These materials are potentially harmful to plants, animals, and people that are near the project site. The project would also eliminate a structure that currently serves as an attractive site for vandalism and other illicit activities.

## Conclusion

After balancing the specific economic, legal, social, technological, and other benefits of the project Alternatives, the County of Alameda has determined that the unavoidable adverse environmental impact identified may be considered acceptable due to the specific considerations listed above which offset the unavoidable, adverse environmental impact that will be caused by implementation of the proposed project.

Recognizing that a significant and unavoidable impact will result from implementation of the project, the County adopts this Statement of Overriding Considerations. Having adopted all feasible mitigation measures and recognizing the significant and unavoidable impact, the County 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 proposed project and outweighs and overrides its unavoidable significant effect, and thereby justifies the approval of the project.

## Conclusion: 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 County of Alameda 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 County of Alameda 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 County of Alameda 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.