

Exhibit B –

CEQA Findings

**FINDINGS OF FACT IN SUPPORT OF DETERMINATIONS RELATING
TO SIGNIFICANT ENVIRONMENTAL IMPACTS
FOR THE
POINT MOLATE MIXED-USE DEVELOPMENT PROJECT**

State CEQA *Guidelines* Section 15091

#PLN20-057

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**FINDINGS OF FACT IN SUPPORT OF DETERMINATIONS RELATING
TO SIGNIFICANT ENVIRONMENTAL IMPACTS
FOR THE
POINT MOLATE MIXED-USE DEVELOPMENT PROJECT**

State CEQA *Guidelines* Section 15091

#PLN20-057

General Plan text and map amendments; Rezoning the project site to Planned Area (PA) district, inclusive of Design Guidelines, which adds an –H, Historic district overlay over the Winehaven Historic District and maintains the –S, Shoreline overlay for the shoreline band area; Major Design Review of the Master Planned Area Plan, which is Chapter 2 of the Point Molate Design Guidelines; Historic District Conservation Plan for the Winehaven Historic District, which is Chapter 4 of the Point Molate Design Guidelines; Conditional Use Permit for the shoreline park and pier renovations; a Vesting Tentative Tract Map; a Disposition and Development Agreement; and a Statutory Development Agreement

**Final Subsequent Environmental Impact Report
(SCH # 2019070447)
Lead Agency: City of Richmond, California**

SECTION I. INTRODUCTION

The following findings of fact are based in part on the information contained in the Draft Subsequent Environmental Impact Report (SEIR) and Final SEIR Response to Comments document for the Point Molate Mixed-Use Development Project as well as additional facts found in the complete record of proceedings. The “Modified Project” described in the Notice of Preparation (NOP) and the Draft SEIR made certain changes in land use and intensities to the Project and alternatives analyzed in the Final Environmental Impact Report (EIR) for the Point Molate Mixed-Use Tribal Destination Resort and Casino Project that was certified by the City of Richmond (City) in 2011 (referred to herein as the 2011 FEIR). Following publication of the Draft SEIR, the City and the Project Applicant received input from the City’s Design Review Board, Historic Preservation Commission, other City departments, and the public regarding the design of the Modified Project. Based on the input, the Applicant made refinements to the Modified Project and submitted a Refined Project in its subsequent Project Application to the City. The Refined Project maintains the land uses of the Modified Project’s zoning, with some minor revisions, and provides more detail regarding the Master Planned Area Plan. This document refers to the Point Molate Mixed-Use Development Project as the “Project,” and this term is inclusive of “Refined Project” and “Modified Project.”

The Draft SEIR included environmental analysis in each issue area for the development option that would result in the greatest impacts in that issue area. The Project as ultimately developed will be within these ranges of development, such as shown by the Refined Project, which is fully within the scope of the analysis provided in the Draft SEIR. Specifically, the Refined Project presents one of the land use mixes permitted by the Project and its analysis shows that the level of impacts from the Refined Project are the same or are reduced from the levels identified in the Draft SEIR. The Refined Project is described in more detail in Attachment 7 of the Final SEIR Response to Comments document. All mitigation measures identified in the Draft SEIR apply to the Project. The Project is subject to further discretionary review, at which time additional analysis of the precise uses and building architecture will be conducted.

The Draft SEIR and Final SEIR Response to Comments document are hereby incorporated by reference and is available for review, along with the balance of the record of proceedings, at the City of Richmond, Planning and Building Services Department, City Hall, 450 Civic Center Plaza, Richmond, CA, 94804. Additional Project information is online at: <http://www.ci.richmond.ca.us/3757/Point-Molate-Mixed-Use-Project>.

On July 12, 2019, the City circulated an NOP to public, local, State, and federal agencies, and other known interested parties for a 30-day public and agency review period, in accordance with California Environmental Quality Act (CEQA) *Guidelines* (14 California Code of Regulations [CCR] section 15000 et seq. “CEQA *Guidelines*”) section 15082. The purpose of the NOP was to provide notification that a Draft SEIR for the Project was being prepared, and to solicit public input on the scope and content of the document. Additionally, the NOP was sent to the State Clearinghouse (SCH).

Pursuant to CEQA *Guidelines* section 15082, the City held a scoping meeting for the Draft SEIR on July 29, 2019 at the City Council Chambers. Agencies and members of the public were invited to attend and provide input on the scope of the Draft SEIR. Comments from agencies and the public provided at

the scoping meeting and in written comments submitted in response to the NOP are included within Draft SEIR, Appendix B. Significant issues raised during the scoping process are summarized in Draft SEIR, Section 1.4.3.

The Draft SEIR was made available for public review and distributed to applicable local and State agencies for a period beginning on February 21, 2020 and closing on April 30, 2020. This public comment period was initially set to end on April 6, 2020. A public meeting was scheduled on March 19, 2020 to describe the Project and the environmental review process and to receive written and oral comments on the Draft SEIR.

On March 17, 2020, the Contra Costa County Health Department issued a shelter-in-place public health order in response to the unique and public safety challenge presented by COVID-19. Under CEQA *Guidelines* section 15202(a), "[CEQA] does not require formal hearings at any stage of the environmental review process. Public comments may be restricted to written communication." In response to the public safety challenge presented by COVID-19 and public health orders limiting public gatherings, the City issued an updated Notice of Availability on March 17, 2020 to cancel the in-person meeting; such a meeting is not required under CEQA *Guidelines* section 15202(a) or the City's CEQA Guidelines, and to extend the comment period by 10 days to April 16, 2020. The City posted a video presentation of the Project and Draft SEIR findings on its website; this presentation contained the same information that would have been presented in the in-person meeting. The City also set up a hotline for submitting oral comments that could be transcribed and included in the Response to Comments document.

On April 15, 2020, in response to public comments, the City issued a second updated Notice of Availability to further extend the comment period by another two weeks until April 30, 2020, allowing the public and agencies a total of 70 days to submit comments. Accordingly, the City exercised its discretion under the law to cancel the public meeting to protect public health and safety, and provided a lengthier comment period than required by CEQA.

The Final SEIR Response to Comments document was published on July 24, 2020. The Final SEIR Response to Comments document contains the comments received on the Draft SEIR and responses to all timely submitted comments raising significant environmental issues regarding the Draft SEIR. Section 2.0 of the Final SEIR Response to Comments document presents revisions to the text, tables, and/or figures of the Draft SEIR. These changes include both (1) revisions made in response to comments on the Draft SEIR as well as (2) staff-initiated text changes to correct inconsistencies, to add information or clarification, where appropriate, and to provide updated information where applicable. None of the revisions or corrections substantially change the analysis and conclusions presented in the Draft SEIR.

This Findings document states the City's conclusions regarding the significance of the potential environmental impacts of the Project after all feasible mitigation measures have been adopted. These findings have been prepared to comply with the requirements of CEQA and the CEQA *Guidelines*, and are based on information in the Draft SEIR and Final SEIR Response to Comments document for the Project and on all other relevant information contained in the administrative record for the Project.

CEQA requires agencies to identify mitigation measures that would avoid or substantially lessen a project's significant impacts or potential significant impacts if such measures are feasible. The mitigation

measures (as listed in Draft SEIR, Executive Summary, Table ES-2 and as amended in the Final SEIR Response to Comments document Section 5.0, Table 5-1) mitigate the potential significant impacts of the Project, to the extent feasible, as described in the Draft SEIR and the Final SEIR Response to Comments document. All mitigation measures are incorporated as conditions of approval of the Project.

By adopting the feasible mitigation measures as conditions of approval where appropriate, and by establishing a Mitigation Monitoring and Reporting Program (MMRP) to ensure implementation of all mitigation measures, the City will ensure the corresponding significant impacts are avoided or reduced to the maximum extent feasible.

The Statement of Overriding Considerations explains the City's reasons for approving the Project, despite the fact that the Project will have significant and unavoidable impacts on the environment.

CEQA REQUIREMENTS

The SEIR (for the purposes of this document "SEIR" refers to the Draft SEIR text as amended by the errata included in Section 2.0 of the Final SEIR Response to Comments document) identified significant effects on the environment that may occur as a result of the Project.

Public Resources Code (PRC) section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" (Emphasis added.) The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." (Emphasis added.) PRC section 21002 goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The requirements set forth in PRC section 21002 are implemented through the requirement that agencies must adopt findings before approving projects for which EIRs are required (see PRC section 21081[a]; CEQA *Guidelines* section 15091[a]). Specifically, section 15091 of the CEQA *Guidelines* establishes the following requirements for findings:

- a) No public agency shall approve or carry out a project for which an 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.

[This finding shall be referred to herein as "Finding (1)."]

- 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.

[This finding shall be referred to herein as “Finding (2).”]

- 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.

[This finding shall be referred to herein as “Finding (3).”]

Thus, for each significant environmental effect identified in an EIR, or in this case an SEIR, the approving agency must issue a written finding reaching one or more of the three permissible conclusions described above.

CEQA requires that the Lead Agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modifications or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency (CEQA *Guidelines* section 15091[a], [b]). PRC section 21061.1 defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.” CEQA *Guidelines* section 15364 adds another factor: “legal” considerations. (Refer to *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 574–75 (“*Goleta II*”) [whether project applicant owned alternative site for project was an appropriate legal and economic factor to consider].) Moreover, judicial decisions have held “desirability” is also an appropriate consideration. (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 998; *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417 [“‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors”].).

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project’s “benefits” rendered “acceptable” its “unavoidable adverse environmental effects.” (CEQA *Guidelines* sections 15093, 15043[b]; PRC section 2108 1[b].) The California Supreme Court has stated, “[t]he wisdom of approving this or any other development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” (*Goleta II, supra*, 52 Cal.3d 576.)

For purposes of these findings, the term “avoid” refers to the effectiveness of one or more mitigation measures in reducing an otherwise significant effect to a less-than-significant level. In contrast, the term “substantially lessen” refers to the effectiveness of such measure or measures in substantially reducing the severity of a significant effect, but not to a less-than-significant level. Although CEQA *Guidelines* section 15091 requires only that approving agencies specify that a particular significant effect is “avoid[ed] or substantially lessen[ed],” these findings, for purposes of clarity, in each case specify whether

the effect in question has been reduced to a less-than-significant level, or has simply been substantially lessened but remains potentially significant. Moreover, although section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely “potentially significant,” these findings nevertheless fully account for all such effects identified in the SEIR.

These findings constitute the City’s best efforts to set forth the evidentiary and policy bases for its decision to approve the Project in a manner consistent with the requirements of CEQA. To the extent these findings conclude that various proposed mitigation measures outlined in the SEIR are feasible, within its responsibility and jurisdiction, and have not been modified, superseded, or withdrawn, the City hereby binds the City and Project Proponent¹ to implement these measures by incorporating them as conditions of approval and establishing an MMRP.

The Facts in Support of Findings, as set forth in the following sections, state the City’s reasons for making each finding and the rationale connecting the evidence to its conclusions.

ORGANIZATION

This document identifies the Findings and Facts in Support of Findings for each potentially significant impact identified in the SEIR. Next, it summarizes the alternatives discussed in the SEIR and makes findings with respect to their feasibility and whether each alternative would lessen the significant environmental effects of the Project. This document also includes a Statement of Overriding Considerations setting forth the specific reasons supporting City’s actions in approving the Project despite its significant environmental impacts.

SECTION II. FINDINGS REGARDING THE POTENTIAL ENVIRONMENTAL EFFECTS OF THE PROJECT

The following subsection lists each significant or potentially significant environmental impact by issue area in the order it appears in the SEIR, the mitigation measures identified for each impact in the SEIR, the CEQA Finding or Findings applied by the City, and the Facts in Support of each Finding. This discussion does not attempt to describe the full analysis of each environmental impact contained in the SEIR. A full documentation of the environmental analysis and conclusions is in the SEIR and the Record of Proceedings identified at the end of this document and incorporated herein by reference.

The City has determined the adoption of feasible mitigation measures and alternatives incorporated into the SEIR will reduce impacts to some extent, but in certain instances the impact will not be reduced to a level that is deemed “less than significant,” thus these impacts remain Significant and Unavoidable. The Statement of Overriding Considerations contains additional information explaining the reasons for the City’s decision to approve the Project despite the significant environmental effect that cannot be mitigated to a less-than-significant level.

¹ Project Proponent may be used in the context of the landowner, Applicant, or developer for the site or phase of development at the time the mitigation is due.

AESTHETICS

A. ENVIRONMENTAL EFFECTS OF THE PROJECT FOUND TO HAVE NO IMPACT ON THE ENVIRONMENT, OR HAVE A LESS THAN SIGNIFICANT IMPACT ON THE ENVIRONMENT.

As discussed in SEIR, Section 4.1.5.3, the Project would not affect any known scenic resources within a State Scenic Highway. State Route 101 is located approximately 5 miles west of the Project Site and is the nearest highway eligible for designation as a State Scenic Highway. Additionally, State Route 101 does not afford views of the Project Site; therefore, the Project would not result in a significant adverse impact here and no mitigation is necessary.

As described in detail in the discussion of Impact 4.1.2 in the SEIR, the Project would be consistent with the proposed General Plan height and intensity/density restrictions and the PA District, which acts as the Project's zoning. Provisions related to aesthetics include height restrictions and scale of structures in parks, with which the Project would comply. The development would take advantage of the waterfront views consistent with the other General Plan policies and would maintain the northeastern portion of the Project Site as open space. Additionally, the historic buildings on the Project Site would be rehabilitated in compliance with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and design guidelines approved by the City

The Project would introduce a new potential source of light and glare to the Project Site, by requiring lighting fixtures to be located outside of residences, commercial development, and along Stenmark Drive for safety purposes. However, the Project would comply with Title 24 Standards, which intends to reduce light and glare and ensure consistency with the surrounding areas. Additionally, the Project is required to submit a lighting plan which would be consistent with City Zoning Code Lighting Zone requirements, which includes the required use of low impact lighting appliances. A draft lighting plan is included in Attachment 12 of the Final SEIR Response to Comments document. This plan includes requirement for the proposed residential and commercial land uses, including shielding and staying within required lighting output; thus, lighting would not spill over into adjacent parcels. Therefore, the Project's impact as it relates to new sources of light and glare would be less-than-significant and no mitigation is required.

Impacts as a result of the construction and implementation of the Bay Trail are analyzed within the San Francisco Bay Trail at Point Molate Initial Study/Mitigated Negative Declaration (IS/MND), which is incorporated by reference, as described within **Section 1.4.4**. The IS/MND determined that impacts from the construction of the Bay Trail would have a less-than-significant impact on scenic vistas because the Bay Trail would be constructed at the existing grade of the previous railroad corridor and would not include any vertical structures that could alter or block scenic vistas. As a result, construction of the Bay Trail would not result in substantial adverse effects on a scenic vista and the impact would be less than significant.

The IS/MND also determined that impacts from the construction of the Bay Trail substantially degrading the existing visual character or quality of public views of the Project Site and its surroundings were less than significant because the Trail would be constructed at the existing grade of the previous railroad corridor and would not include any vertical structures that could alter or block existing views. As a result,

construction of the Bay Trail would not result in substantially degrading the existing visual character or quality of public views of the Project Site and its surroundings and the impact would be less than significant.

B. ENVIRONMENTAL EFFECTS OF THE PROJECT THAT ARE POTENTIALLY SIGNIFICANT, BUT THAT CAN BE MITIGATED TO LESS THAN SIGNIFICANT.

Potential Significant Effect

As explained in Impact 4.1.1 of the SEIR, without mitigation, the implementation and location of the booster pump station could result in a potentially significant adverse impact on a scenic vista.

Summary of Specific Impact

The proposed booster pump station would be located on the Bay side of Stenmark Drive, a designated scenic drive, and adjacent to the Beach Park. Although vista views from the shoreline park would not be obstructed as a result of the booster pump station, it would however be visible from Stenmark Drive, which would create new visual inconsistencies with its surroundings. In the absence of mitigation, the booster pump station may result in significant adverse impact on a scenic vista because General Plan Policy CF1.3 requires that aesthetic impacts of siting new infrastructure and utilities be considered.

Finding

Changes or alterations have been required in, or incorporated into, the design of the booster pump station that would substantially lessen the potentially significant impacts as identified in the SEIR, so that environmental effects after mitigation are reduced to a less-than-significant level. Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Pursuant to PRC section 21081, subdivision (a)(1), the City finds that the Project's adherence to the following mitigation measure will reduce the potential impact of this significant effect to a less-than-significant level.

Mitigation Measure 4.1-2: Booster Pump Station Aesthetic Treatment

The booster pump station shall be housed in a structure that is consistent in design with the Design Guidelines for the Project. The structure shall be designed to appear similar to other nearby structures, including non-residential or residential structures, whichever is located nearest to the booster pump station.

Implementation of **Mitigation Measure 4.1-2**, above, would reduce the visual impacts of the booster pump station from Stenmark Drive to a less-than-significant level as a result of following strict Design Guidelines.

Potential Significant Effect

As discussed in Impact 4.1.2 of the SEIR, without mitigation, the optional Wastewater Treatment Plant (WWTP) and pumping plant could result in a potentially significant adverse impact on a scenic vista. The optional WWTP may include aeration chambers, have a height of approximately 15 ft., look industrial in nature, and would be fenced by fencing at least as tall as the structures. This is a potentially significant impact because General Plan Policy CF1.3 requires that aesthetic impacts of siting new infrastructure and utilities be considered.

Summary of Specific Impact

The proposed WWTP and the pumping plant (identified as a booster pump station in the SEIR) would be visible from Stenmark Drive, a designated scenic drive, and thus could create new visual inconsistencies with its surroundings. In the absence of mitigation, the WWTP and booster pump station may result in significant adverse impacts on a scenic vista and inconsistency with General Plan policies related to aesthetics.

Finding

Screening options would be implemented that would reduce the visual effects of the WWTP. Additionally, changes or alterations have been required in, or incorporated into, the design of the booster pump station, which would help it to blend in with the surrounding area. These changes would lessen the potentially significant impacts as identified in the SEIR, so that environmental effects after mitigation are reduced to a less-than-significant level. Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Pursuant to PRC section 21081, subdivision (a)(1), the City finds that the Project's adherence to the following mitigation measure will reduce the potential impact of this significant effect to a less-than-significant level.

Mitigation Measure 4.1-1: Wastewater Treatment Plant Screening

All wastewater infrastructure shall be screened using vegetation, such as trees and shrubs, and fencing. Vegetation must be selected so that screening is achieved at least 12 inches above infrastructure at full growth and fully cover fencing. Facilities and fencing shall be painted on all sides to blend into vegetation. Example colors include EBMUD's standard green color, Federal Color Number FS-14159.

Mitigation Measure 4.1-2: Booster Pump Station Aesthetic Treatment

Please refer to the description of **Mitigation Measure 4.1-2** located in section **Aesthetics**, under the discussion of Impact 4.1.1, above.

Implementation of Mitigation Measures 4.1-1, and 4.1-2 above, would reduce the visual impacts of the WWTP and the pumping plant from Stenmark Drive to a less-than-significant level as a result of screening.

C. ENVIRONMENTAL EFFECTS OF THE PROJECT THAT CANNOT BE MITIGATED TO LESS THAN SIGNIFICANT.

None.

D. IMPACTS OF THE PROJECT THAT WILL NOT CREATE A SIGNIFICANT CUMULATIVE IMPACT OR WOULD MAKE A LESS THAN CUMULATIVELY CONSIDERABLE CONTRIBUTION TO SIGNIFICANT CUMULATIVE IMPACTS.

As discussed above, the Project, with the implementation of Mitigation Measures 4.1-1 and 4.1-2, will not adversely affect scenic vistas, and will have less-than-significant impacts as it relates to aesthetics, including consistency with visual quality requirements in the Richmond Municipal Code and light and glare. The Project is in an area where there is not anticipated to be additional further development. The only other project proposed on the San Pablo Peninsula is the Bay Trail, which would not introduce visual elements that are inconsistent with the existing visual character of the site. The City of Richmond on the other side of the Potrero Ridge is heavily developed and the addition of other developments would not alter the visual character of the region. With mitigation, the Project would not make a cumulatively considerable contribution to significant cumulative aesthetic impacts created by past, present, existing, pending, and reasonably foreseeable future projects.

E. IMPACTS OF THE PROJECT THAT POTENTIALLY CREATE SIGNIFICANT CUMULATIVE IMPACTS OR WOULD MAKE A CUMULATIVELY CONSIDERABLE CONTRIBUTION TO SIGNIFICANT CUMULATIVE IMPACTS, BUT THAT CAN BE MITIGATED TO LESS THAN CUMULATIVELY CONSIDERABLE.

None.

F. IMPACTS OF THE PROJECT THAT CANNOT BE MITIGATED TO LESS THAN CUMULATIVELY CONSIDERABLE.

None.

AIR QUALITY AND GREENHOUSE GAS EMISSIONS

A. ENVIRONMENTAL EFFECTS OF THE PROJECT FOUND TO HAVE NO IMPACT ON THE ENVIRONMENT, OR HAVE A LESS THAN SIGNIFICANT IMPACT ON THE ENVIRONMENT.

None.

B. ENVIRONMENTAL EFFECTS OF THE PROJECT THAT ARE POTENTIALLY SIGNIFICANT, BUT THAT CAN BE MITIGATED TO LESS THAN SIGNIFICANT

Potential Significant Effect

As explained in Impact 4.2.1 of the SEIR, without mitigation, implementation of the Project could conflict with or obstruct implementation of BAAQMD's 2017 Clean Air Plan.

Summary of Specific Impact

The most recently adopted air quality plan in the San Francisco Bay Area Air Basin (SFBAAB) is the BAAQMD's 2017 Clean Air Plan (BAAQMD, 2017a). The 2017 Clean Air Plan is a roadmap showing how the Bay Area will achieve compliance with the State 1-hour O₃ standard as expeditiously as practicable, and how the region will reduce transport of O₃ and O₃ precursors to neighboring air basins. The control strategy includes stationary source control measures to be implemented through BAAQMD regulations; mobile source control measures to be implemented through incentive programs and other activities; and transportation control measures to be implemented through transportation programs in cooperation with the MTC, local governments, transit agencies, and others. The 2017 Clean Air Plan also represents the Bay Area's most recent triennial assessment of the region's strategy to attain the State 1-hour O₃ standard.

BAAQMD guidance states that "if approval of a project would not result in significant and unavoidable air quality impacts, after the application of all feasible mitigation, the project would be considered consistent with the (2017 Air Plan)" (BAAQMD, 2017a).

Finding

Changes or alterations have been required in, or incorporated into, the Project that substantially lessen these potentially significant impacts as identified in the SEIR, so that environmental effects after mitigation are reduced to a less-than-significant level. Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

The Project would not result in significant and unavoidable air quality impacts during construction or operation, after implementation of Mitigation Measures 4.2-1, 4.2-2, and AQ-1. Therefore, based on BAAQMD guidance, the Project may be considered consistent with the 2017 Air Plan (the applicable air quality plan). This would be a less-than-significant impact.

Mitigation Measure 4.2-1 Construction Emissions

The following measures would be implemented by the Project to reduce emissions of CAPs, GHG, and DPM from construction, consistent with the BAAQMD-identified Best Management Practices.

- Mitigation Measure 4.2-1 (a) All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- Mitigation Measure 4.2-1 (b) All haul trucks transporting soil, sand, or other loose material offsite shall be covered.
- Mitigation Measure 4.2-1 (c) All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- Mitigation Measure 4.2-1 (d) All vehicle speeds on unpaved roads shall be limited to 15 miles per hour.
- Mitigation Measure 4.2-1 (e) All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Mitigation Measure 4.2-1 (f) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.
- Mitigation Measure 4.2-1 (g) All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Mitigation Measure 4.2-1 (h) A publicly visible sign shall be posted with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The applicable air district's phone number shall also be visible to ensure compliance with applicable regulations.

Additionally, the following measures would be implemented by the Project to reduce emissions of CAPs, GHG, and DPM from construction.

- Mitigation Measure 4.2-1 (i) The Project shall use Tier 4 Final off-road equipment for construction equipment 50 horsepower or greater, except for paving equipment.

Mitigation Measure 4.2-1(j) The Project shall use electric construction equipment for equipment that is less than 50 horsepower

Mitigation Measure 4.2-2 Operational Emissions

Prior to issuance of occupancy permits, the Project would reduce emissions of CAPs and GHGs during operation through the following actions.

Mitigation Measure 4.2-2 (a) Indoor painting shall utilize "super-compliant" VOC architectural coating for residential and non-residential interior areas. The VOC emission factors meet the more stringent limits in South Coast Air Quality Management District Rule 1113.

Mitigation Measure 4.2-2 (b) Exterior painting shall utilize "super-compliant" VOC architectural coating for residential and non-residential exterior areas. The VOC emission factors meet the more stringent limits in South Coast Air Quality Management District Rule 1113.

Mitigation Measure 4.2-2 (c) The Project shall require energy-star rated appliances.

Mitigation Measure 4.2-2 (d) The Project shall install electric water heaters and heaters in all residential and commercial development.

Mitigation Measure 4.2-2 (e) The Project shall implement the Transportation Demand Management program described in Section 4.13.

Mitigation Measure 4.2-2 (f) The Project will comply with the City's ordinances regarding solid waste and recycling.

Mitigation Measure 4.2-2 (g) The Project shall install low-flow bathroom faucets, low-flow kitchen faucets, low-flow toilets, and low-flow showers, consistent with CALGreen requirements.

Mitigation Measure 4.2-2 (h) The Project shall commit to exclusive use of small-sized (149-passenger, 2,900 horsepower) ferries or water taxis equipped with Tier 4 engines.

The Draft SEIR found that Mitigation Measure 4.2-2 (h) may be infeasible. Since publication of the Draft SEIR, the following has occurred: the Applicant confirmed that all the Bay-area water taxi providers and WETA can supply vessels with Tier 4 engines. In fact, CARB regulations require new ferries carrying 75 passengers or more must meet Tier 4 engine requirements or use Tier 2 or 3 engines in conjunction with the Best Available Control Technology. In addition, CARB has issued a draft proposal to strengthen 17 Cal. Code Regs. section 93118.5 to require all new build vessels to meet Tier 4 standards for engines greater than 600 kW and provide incentives for zero-emission vessels. (CARB, *Proposed Concepts for Commercial Harbor Craft in California*, <https://ww2.arb.ca.gov/sites/default/files/2020->

[03/chcwebinar03052020.pdf](https://www.chcwebinar03052020.pdf)). For this reason, the City will require that any ferry or water taxi servicing the project have a Tier 4 engine and the mitigation is now considered to be feasible.

As explained in Draft SEIR Impact 4.2.3, impacts as a result of the construction and implementation of the Bay Trail are analyzed within the Bay Trail IS/MND. The Bay Trail IS/MND determined that CAP impacts from the construction of the Bay Trail were less than significant after mitigation. The Bay Trail IS/MND identified **Mitigation Measure AQ-1** that would reduce the impacts to less than significant by requiring the Bay Trail to comply with the BAAQMD Basic Construction Mitigation Measures, ensuring that generated emissions would not exceed applicable BAAQMD significance thresholds. As a result of the construction of the Bay Trail and implementation of **Mitigation Measure AQ-1**, CAP impacts related to construction would be less than significant with mitigation.

Mitigation Measure AQ-1

Consistent with the Basic Construction Mitigation Measures identified by the BAAQMD, the following actions shall be incorporated into construction contracts and specifications for the Project.

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day with reclaimed water, if available.
- All haul trucks transporting soil, sand, or other loose material offsite shall be covered.
- All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day with reclaimed water, if available.
- All haul trucks transporting soil, sand, or other loose material offsite shall be covered.
- All visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

Potential Significant Effect

As explained in Impact 4.2.2, construction activities associated with the Project would generate short-term emissions of reactive organic gases (ROG), nitrogen oxides (NO_x), particulate matter less than 10 microns (PM₁₀), and particulate matter less than 2.5 microns (PM_{2.5}), but such emissions would be below the BAAQMD threshold of significance, and would be further reduced by the BAAQMD-identified Best Management Practices for control of fugitive dust included in the following mitigation measure.

Mitigation Measure 4.2-1 Construction Emissions

Please refer to the description of **Mitigation Measure 4.2-1** located in section **Air Quality and Greenhouse Gases**, under the discussion of Impact 4.2.1 above.

As explained in Draft SEIR Impact 4.2.2, impacts as a result of the construction and implementation of the Bay Trail are analyzed within the Bay Trail IS/MND. The Bay Trail IS/MND determined that CAP impacts from the construction of the Bay Trail were less than significant after mitigation. The Bay Trail IS/MND identified **Mitigation Measure AQ-1** that would reduce the impacts to less than significant by requiring the Bay Trail to comply with the BAAQMD Basic Construction Mitigation Measures, ensuring that generated emissions would not exceed applicable BAAQMD significance thresholds. As a result of the construction of the Bay Trail and implementation of **Mitigation Measure AQ-1**, CAP impacts related to construction would be less than significant with mitigation.

Mitigation Measure AQ-1

Please refer to the description of **Mitigation Measure AQ-1** located in section **Air Quality and Greenhouse Gases**, under the discussion of Impact 4.2.1 above.

Potential Significant Effect

As explained in Impact 4.2.3, without mitigation, the Project could generate operation emissions resulting in a cumulatively considerable net increase of criteria air pollutants for which the Project Site in a region of non-attainment under applicable federal or state ambient air quality standards.

Summary of Specific Impact

Unmitigated emissions associated with operation of the Project would be below the BAAQMD CEQA thresholds of significance for PM_{2.5}, and PM₁₀. However, operational emissions of ROG and NO_x would exceed the BAAQMD CEQA thresholds of significance under both options. This would be a cumulatively considerable contribution to the air basin's significant cumulative ozone impact. This cumulatively considerable contribution would be reduced to less than significant with **Mitigation Measure 4.2-2**.

Finding

Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Mitigation Measure 4.2-2 would reduce the CAP emissions impacts of the Project to a less-than-cumulatively considerable level.

Mitigation Measure 4.2-2 Operational Emissions

Please refer to the description of **Mitigation Measure 4.2-2** located in section **Air Quality and Greenhouse Gases**, under the discussion of Impact 4.2.1 above.

The Draft SEIR found that Mitigation Measure 4.2-2 (h) may be infeasible. Since publication of the Draft SEIR, the following has occurred: the Applicant confirmed that all the Bay-area water taxi providers and WETA can supply vessels with Tier 4 engines. In fact, CARB regulations require new ferries carrying 75 passengers or more must meet Tier 4 engine requirements or use Tier 2 or 3 engines in conjunction with the Best Available Control Technology. In addition, CARB has issued a draft proposal to strengthen 17 Cal. Code Regs. section 93118.5 to require all new build vessels to meet Tier 4 standards for engines greater than 600 kW and provide incentives for zero-emission vessels. (CARB, *Proposed Concepts for Commercial Harbor Craft in California*, <https://ww2.arb.ca.gov/sites/default/files/2020-03/chcwebinar03052020.pdf>). For this reason, the City will require that any ferry or water taxi servicing the project have a Tier 4 engine and the mitigation is now considered to be feasible.

Potential Significant Effect

As explained in Impact 4.2.4 of the SEIR, without mitigation, construction of the Project could result in potentially significant exposure to volatile organic compounds (VOCs) for off-site sensitive receptors.

Summary of Specific Impact

The Phase I Environmental Site Assessment (Phase I) prepared for the Project determined that there are potential VOCs in the soil at the Project Site that may be disturbed by construction activities. Excavation for construction at locations where there are VOCs in the soil could result in exposures to VOCs for off-site sensitive receptors. According to the Phase I, chemicals that could become toxic air contaminants (TACs) if airborne, including benzene, were found in soils at the Project Site. Additionally, the TAC emissions from construction of the Project were used to estimate health risk on nearby sensitive populations.

Finding

The construction HRA determined that potential TAC emissions from construction of the Project would be below the BAAQMD thresholds of significance; thus, construction of the Project would not expose sensitive receptors to substantial pollutant concentrations and the health risk impacts associated with construction of the Project are less than significant [Finding (1)].

The San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) required the preparation of a Soil and Groundwater Management Plan (SGWMP) as a mitigation measure for the 2011 FEIR. The SGWMP allows for and describes the protocols required in order to complete soil disturbance and building demolition activities at the Project Site.

Rationale for the Finding

With implementation of the SGWMP, ground disturbance would pose de minimis risks to the existing community resulting in less than significant impacts:

Mitigation Measure 4.2-6 Potential VOCs in Disturbed Soil

The Project would implement the SGWMP, described in Section 4.7 [of the SEIR], to reduce the potential for accidental release VOCs in the soil at the Project Site that may be disturbed by construction activities.

Potential Significant Effect

As explained in Impact 4.2.5, without mitigation, operation of the emergency generators and wastewater treatment plant (WWTP) associated with the Project could expose sensitive receptors to substantial pollutant concentrations.

Summary of Specific Impact

In accordance with BAAQMD Regulations 2-1 and 2-5, new sources of emissions must implement Best Available Control Technology for Toxics (T-BACT) if individual source risks exceed 1.0 in a million for cancer and/or chronic HI is greater than 0.20. Additionally, BAAQMD would deny a permit if Project cancer risk exceeds 10.0 in a million or if chronic or acute HI exceeds 1.0. In response to BAAQMD's comments on the Draft SEIR, the City's consultant performed the analyses to calculate cancer risks and chronic or acute HI impacts from the proposed on-site WWTP. (See responses to comments A7-3 and A7-4 of the Final SEIR Response to Comments document and Attachment 4 of Final SEIR Response to Comments document).

Finding

Changes or alterations have been required in, or incorporated into, the Project that substantially lessen these potentially significant impacts as identified in the SEIR, so that environmental effects after mitigation are reduced to a less-than-significant level. Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Compliance with BAAQMD rules, identified under **Mitigation Measure 4.2-7**, will ensure that operation of emergency generators and WWTP will not result in a significant impact.

Mitigation Measure 4.2-7 Emergency Generator and WWTP Operations

The Project shall comply with BAAQMD regulations 2-1 and 2-5 with implementation of new emergency generators and installation and operation of the WWTP. New sources of emissions must implement T-BACT if individual source risks exceed 1.0 in a million for cancer and/or the

chronic HI is greater than 0.20. Additionally, a permit would be denied if Project cancer risk exceeds 10.0 in a million or if chronic or if the acute HI exceeds 1.0.

In response to BAAQMD's comments on the Draft SEIR, the City's consultant performed the analyses to include impacts from the proposed on-site WWTP. (See responses to comments A7-3 and A7-4 of the Final SEIR Response to Comments document). The maximum cancer risk from the operation of the WWTP and associated emergency generators was calculated to be 1.1 in a million, a maximum chronic HI of 0.0039, a maximum acute HI of 0.028 and maximum PM2.5 concentration of 0.00081 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$). (See Attachment 4 of Final SEIR Response to Comments document). These are below the limits identified in **Mitigation Measure 4.2-7**.

Potential Significant Effect

As explained in Impact 4.2.6, without mitigation, operation of the WWTP could introduce substantial odors to existing sensitive receptors.

Summary of Specific Impact

Under Wastewater Treatment Variant A, the Project would include the installation and operation of a package tertiary WWTP onsite to treat all of the wastewater generated by the Project. Operation of the WWTP could introduce substantial odors to existing sensitive receptors. The existing residences, located approximately 1 mile south of the Project Site, fall within the 2-mile screening distance for WWTPs recommend by BAAQMD. Therefore, operation of the WWTP under the Project could result in potentially significant odor impacts.

Finding

Changes or alterations have been required in, or incorporated into, the Project that substantially lessen these potentially significant impacts as identified in the SEIR, so that environmental effects after mitigation are reduced to a less-than-significant level. Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Implementation of **Mitigation Measure 4.2-8** would reduce the potential impact to a less-than-significant level.

Mitigation Measure 4.2.-8 Odor

The following mitigation measures are proposed to reduce odor impacts from operation of the WWTP for the Project. The following odor mitigation measures for WWTPs have been identified by the BAAQMD.

1. Activated Carbon Filter/Carbon Adsorption
2. Biofiltration/Bio Trickling Filters
3. Fine Bubble Aerator
4. Hooded Enclosures

5. Wet and Dry Scrubbers
6. Caustic and Hypochlorite Chemical Scrubbers
7. Ammonia Scrubber
8. Energy Efficient Blower System
9. Thermal Oxidizer
10. Capping/Covering Storage Basins and Anaerobic Ponds
11. Mixed Flow Exhaust
12. Wastewater Circulation Technology
13. Exhaust Stack and Vent Location with Respect to Receptors

C. ENVIRONMENTAL EFFECTS OF THE PROJECT THAT CANNOT BE MITIGATED TO LESS THAN SIGNIFICANT.

None.

D. IMPACTS OF THE PROJECT THAT WILL NOT CREATE A SIGNIFICANT CUMULATIVE IMPACT OR WOULD MAKE A LESS THAN CUMULATIVELY CONSIDERABLE CONTRIBUTION TO SIGNIFICANT CUMULATIVE IMPACTS.

None.

E. IMPACTS OF THE PROJECT THAT POTENTIALLY CREATE SIGNIFICANT CUMULATIVE IMPACTS OR WOULD MAKE A CUMULATIVELY CONSIDERABLE CONTRIBUTION TO SIGNIFICANT CUMULATIVE IMPACTS, BUT THAT CAN BE MITIGATED TO LESS THAN CUMULATIVELY CONSIDERABLE.

Potential Significant Effect

As explained in Impact 4.2.8, without mitigation, implementation of the Project could conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. Greenhouse gas impacts are inherently cumulative.

Summary of Specific Impact

The Energy and Climate Change Element of the City's General Plan includes goals, policies, and actions that are relevant to GHG emissions and energy consumption from land use development within the City. These goals and policies are individually identified in Appendix L of the Draft SEIR and an assessment is made as to whether these goal and policies are reasonably applicable to the Project. If applicable, a determination is made as to whether the Project is consistent with the intent of the policy or action and, if not, what measures may be available to ensure consistency and avoid a potential significant impact with regard to conflicts with a plan established for the purposes of reducing GHG emissions.

Plan Bay Area 2040, the state-mandated SCS for the Bay Area, integrates long-range transportation and land use planning with the State GHG reduction targets set by CARB. The stated goals of Plan Bay Area 2040 include climate protection, adequate housing, and transportation system effectiveness.

Development of the Project would be subject to applicable policies in the City's Climate Action Plan adopted by the City on October 25, 2016. The City's Climate Action Plan includes strategies, performance goals, and actions that are relevant to GHG emissions and energy consumption from land use development within the City. These strategies are individually identified in Appendix N of the Draft SEIR and an assessment is made as to whether the climate action plan strategies are reasonably applicable to the Project, and whether the Project is consistent with each strategy.

Finding

Changes or alterations have been required in, or incorporated into, the Project that substantially lessen these potentially significant impacts as identified in the SEIR, so that environmental effects after mitigation are reduced to a less-than-significant level [Finding (1)].

Rationale for the Finding

As shown in Appendix L of the Draft SEIR, the Project is consistent with of the applicable goals and policies of the General Plan Energy and Climate Change Element. Per the discussion in Appendix L of the Draft SEIR, the City will also consider implementation of **Mitigation Measure 4.2-2** to further the goals of the Energy and Climate Change Element.

New construction developed under the Project would comply with the latest Title 24 buildings standards in effect at the time of construction. The current Title 24 standards require solar photovoltaic systems on all new homes that are three stories or lower. **Mitigation Measures 4.2-3** and **4.2-4** would require installation of EV charges in both residential and commercial as required by Title 24 standards. Therefore, the Project would be consistent with all Title 24 requirements.

Mitigation Measure 4.2-3 Residential EV Chargers

Prior to the issuance of residential building permits, the Applicant or its designee shall submit building design plans to the City for review and approval that demonstrate that each new single-family residence within the Plan Area subject to application of Title 24, Part 6 of the CCR would be equipped with a minimum of one single-port EV charging station.

The EV charging stations shall achieve a similar or better functionality as a Level 2 charging station. In the event that the installed charging stations use functionality/technology other than Level 2 charging stations, the parameters of the mitigation obligation (i.e., the number of parking spaces served by EV charging stations) shall reflect the comparative equivalency of Level 2 charging stations to the installed charging stations on the basis of average charge rate per hour. For purposes of this equivalency demonstration, Level 2 charging stations shall be assumed to provide charging capabilities of 25 range miles per hour.

Mitigation Measure 4.2-4 Commercial EV Chargers

Prior to the issuance of commercial building permits, the Applicant or its designee shall submit building design plans to the City that demonstrate that the parking areas for commercial buildings in the Plan Area would be equipped with EV charging stations that provide charging opportunities to at least the number of parking spaces required by CalGreen Tier 1 standards. "Commercial buildings" include retail, restaurant, light industrial, office, and mixed-use buildings.

The EV charging stations shall achieve a similar or better functionality as a Level 2 charging station. In the event that the installed charging stations use functionality/technology other than Level 2 charging stations, the parameters of the mitigation obligation (i.e., the number of parking spaces served by EV charging stations) shall reflect the comparative equivalency of Level 2 charging stations to the installed charging stations on the basis of average charge rate per hour. For purposes of this equivalency demonstration, Level 2 charging stations shall be assumed to provide charging capabilities of 25 range miles per hour.

In addition to the mitigation measures described above, implementation of **Mitigation Measure 4.2-5** would require the Project to implement a GHG Reduction Plan to achieve a net zero increase in GHG emissions. Additionally, as described in SEIR Section 3.0 and Section 4.13, the Project would provide additional housing to the region and increase access to transit, bicycle and pedestrian facilities. Therefore, the Project will be consistent with the goals and policies of Plan Bay Area 2040.

Mitigation Measure 4.2-5 GHG Reduction Plan

Prior to issuance of occupancy permits, the Project will reduce emissions of GHGs through implementation of a GHG Reduction Plan, which may include the following.

1. Purchase or fund GHG emissions reduction offsets from sources within the City.
2. Increase on-site solar energy production for new residences beyond that required by the 2019 Title 24 Building Code.
3. Require commercial tenants to opt into a 100 percent carbon free electricity provider option, such as the Deep Green option provided by MCE.
4. Require use of electrically powered landscape equipment in the Project.
5. Install electric vehicle chargers at multi-family residential buildings.
6. Install additional electric vehicle chargers in single-family residences.
7. Install additional electric vehicle chargers in commercial parking lots
8. Provide additional residential and commercial bike parking (beyond City code requirements).

9. Provide bike sharing facilities for commercial and residential users.
10. Plant additional trees throughout the Project Site.
11. Install LED streetlights.
12. Reduce the Project's use of natural gas.

Mitigation Measure 4.2-2 Operational Emissions

Please refer to the description of **Mitigation Measure 4.2-2** located in section **Air Quality and Greenhouse Gases**, under the discussion of Impact 4.2.1 above.

As shown in Appendix N of the Draft SEIR, the Project is consistent with all applicable climate action plan strategies after implementation of **Mitigation Measure 4.2-2**. Therefore, the Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. Additionally, as described in Impact 4.2.8, Plan Bay Area 2040, the state-mandated SCS for the Bay Area, integrates long-range transportation and land use planning with the State GHG reduction targets set by CARB. The stated goals of Plan Bay Area 2040 include climate protection, adequate housing, and transportation system effectiveness. In addition to **Mitigation Measures 4.2-2, 4.2-3, and 4.2-4**, implementation of **Mitigation Measure 4.2-5** would require the Project to implement a GHG Reduction Plan to achieve a net zero increase in GHG emissions. Additionally, as described in **Section 3.0** and **Section 4.13** of the SEIR, the Project would provide additional housing to the region and increase access to transit, bicycle and pedestrian facilities. Therefore, the Project will be consistent with the goals and policies of Plan Bay Area 2040.

This impact would be less than significant.

F. CUMULATIVE EFFECTS OF THE PROPOSED PROJECT THAT CANNOT BE MITIGATED TO LESS THAN SIGNIFICANT.

Potential Significant Effect

As explained in Impact 4.2.7, without mitigation, the Project could generate GHG emissions that may have a significant impact on the environment.

Summary of Specific Impact

The Project would result in unmitigated GHG emissions in excess of the very conservative net zero GHG threshold. Therefore, operational GHG emissions would be potentially significant.

Finding

Changes or alterations have been required in, or incorporated into, the Project that substantially lessen these potentially significant impacts as identified in the SEIR, however the environmental effects after

mitigation would remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or project alternatives identified in the SEIR [Finding (3)].

Rationale for the Finding

Implementation of **Mitigation Measure 4.2-1**, **Mitigation Measure 4.2-2** and **Mitigation Measure 4.2-5** would further reduce GHG emissions during Project construction and operation. However, GHG emissions associated with the Project would remain cumulatively considerable (significant and unavoidable).

While **Mitigation Measure 4.2-5** requires preparation of a Greenhouse Gas Reduction Plan (GGRP) to bring the Project's GHG emission to net zero MT/CO₂e, the GGRP will necessarily have to rely on purchase of carbon offset credits outside the - City and air district to achieve net zero. However, the City has decided that out-of-jurisdiction GHG emission reductions do not meet its policy to focus on GHG reduction measures that provide co-benefits (Richmond Climate Action Plan, at 1–2, 19–21) to the same degree as local offsets. In addition, there is no guarantee that offset credits would be available, and a recent case in the California Courts of Appeal found that offset credits—particularly those that are not within the air basin of the proposed Project and are purchased from the voluntary carbon credit market through a registry—may not constitute effective, feasible, enforceable mitigation under CEQA. (See, e.g., *Golden Door Properties v. County of San Diego*, 4th Dist. 6/1/2010.) Thus, the City cannot rely on a registry to ensure that emission reductions are real, permanent, additional, verifiable, and enforceable, and may not otherwise be able to enforce the effectiveness of registry credits. Thus, such credits are not considered feasible mitigation.

BAAQMD does not sell offset credits and there is no readily available source of local offset credits. The City has identified one local offset project and the Applicant has agreed to fund the construction of that Project; but there are no other identified local offset projects at this time. Thus, there is a limited supply of “permanent, additional, verifiable, real, and enforceable” local carbon offsets currently, and there is no way to ensure that adequate local offset credits will be available throughout the life of the Project. Accordingly, because even after incorporating the extensive measures in the GGRP, the Project cannot achieve the extremely conservative significance threshold of net zero emissions, this impact is being deemed significant and unavoidable.

Mitigation Measure 4.2-1 Construction Emissions

Please refer to the description of **Mitigation Measure 4.2-1** located in section **Air Quality and Greenhouse Gases**, under the discussion of Impact 4.2.1 above.

Mitigation Measure 4.2-2 Operational Emissions

Please refer to the description of **Mitigation Measure 4.2-2** located in section **Air Quality and Greenhouse Gases**, under the discussion of Impact 4.2.1, above.

Mitigation Measure 4.2-5 GHG Reduction Plan

Please refer to the description of **Mitigation Measure 4.2-5** located in section **Air Quality and Greenhouse Gases**, under the discussion of Impact 4.2.8, above.

BIOLOGICAL RESOURCES

A. ENVIRONMENTAL EFFECTS OF THE PROJECT FOUND TO HAVE NO IMPACT ON THE ENVIRONMENT, OR HAVE A LESS THAN SIGNIFICANT IMPACT ON THE ENVIRONMENT.

As discussed in SEIR, Section 4.3.5.3, the portion of the Bay Trail extension project implemented by the Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, no impact would occur. Environmental analysis was previously performed on the Bay Trail expansion project consistent with CEQA and incorporated by reference in the SEIR.

The SEIR determined that operation of the Project would not result in ongoing removal, fill, or hydrological interruption of state or federally protected wetlands. Therefore, there would be no impact from operation of the Project. This discussion is included under Impact 4.3.3 within SEIR Section 4.3.5.4.

As discussed under Impact 4.3.4 within SEIR Section 4.3.5.4, operation of the Project would not result in the ongoing creation of wildlife movement barriers, or loss of habitat that would impede wildlife movement or use of nursery sites.

As discussed under Impact 4.3.6 within SEIR Section 4.3.5.4, there are no existing or proposed Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans covering the Project Site. Therefore, the Project would not be in conflict with any such plans, and no impact would occur.

Additionally, the SEIR provided an informational analysis on topics outside of the scope of CEQA that were raised during scoping meetings. This discussion is included under Impact 4.3.7 within SEIR Section 4.3.5.4. Because this discussion is informational only and is not related to the CEQA thresholds of significance, there would be no significant impact.

B. ENVIRONMENTAL EFFECTS OF THE PROJECT THAT ARE POTENTIALLY SIGNIFICANT, BUT THAT CAN BE MITIGATED TO LESS THAN SIGNIFICANT.

Potential Significant Effect

As discussed under Impact 4.3.1, without appropriate mitigation, construction of the Project may result in significant impacts to special-status plants and wildlife.

Summary of Specific Impact

The Project Site has the potential to support 16 regionally occurring special-status plants. Of these, one has been observed on the Project Site. The Project avoids all known locations of special-status plants.

However, special-status plants may establish within or near an impact area. The Project has the potential to significantly impact special-status plants that establish within an impact area during the construction phase.

The Project Site includes a subtidal area that has the potential to support special-status fish and reptiles. Degradation of water quality from impaired runoff during the construction phase has the potential to significantly impact these species through degradation of suitable habitat. Additionally, these species may rely on subtidal eelgrass beds present on the Project Site for food and refuge. Construction may additionally generate indirect impacts to eelgrass beds through generation of artificial lighting and disturbance from routing of boats near this habitat. Loss of eelgrass bed would constitute loss of habitat that special-status fish and reptiles may rely on.

Additionally, several habitats present on the Project Site have the potential to support nesting birds across the Project Site. Sensory disturbance from construction activities has the potential to significantly impact nesting birds. These activities may also attract scavenging predators should construction personnel leave attractants such as food scraps and litter across the Project Site.

Historic buildings on the Project Site and trees with certain characteristics may support roosting bats. Roost disturbance, or injury and mortality from construction near an active roost, would be considered significant.

Ongoing construction activities have the potential to impact special-status wildlife as these species move across the Project Site. Injury or mortality of special-status wildlife that encounter construction activities or operating equipment would be a significant impact.

Finally, the Project would result in increased human traffic on the Project Site. The SEIR determined that increased use and traffic on the Project Site throughout project operation has the potential to degrade sensitive habitats that special status species may rely on. Operation of the Project would also generate potentially significant noise and artificial lighting.

However, implementation of **Mitigation Measures 4.3-1 through 4.3-10, Mitigation Measure 4.8-1 and Mitigation Measure 4.8-2, and Mitigation Measure 4.10-1 and Mitigation Measure 4.10-5** would reduce the potential for impacts to these species to a less-than-significant level. Bay Trail IS/MND Mitigation Measure BIO-1 through BIO-4, incorporated by reference regarding construction and operation of the Bay Trail, would additionally reduce impacts to a less-than-significant level.

Finding

Alterations have been required or incorporated into the Project that substantially lessen potentially significant impacts as identified in the SEIR such that impacts to biological resources after mitigation are reduced to a less-than-significant level. Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Pursuant to PRC section 21081, subdivision (a)(1), the City finds that the Project's adherence to the following mitigation measures will reduce the potential impact of this significant effect to a less-than-significant level.

Mitigation Measure 4.3-1 Suisun Marsh Aster Protection

The Suisun marsh aster shall be avoided to the maximum extent practicable. After pre-construction surveys identified by Mitigation Measure 4.3-2, setbacks of 50 feet, or the maximum buffer possible where a full 50 feet is not possible, shall be established around the total area where the population occurs via high visibility fencing prior to grading or construction. A qualified plant biologist shall be present during grading or other construction activities that occur within 50 feet of the Suisun marsh aster locations. The qualified biologist shall act as a construction monitor to ensure the fencing remains intact and that construction activities do not penetrate this setback.

If complete avoidance of the Suisun marsh aster population cannot be reasonably achieved, and impacts to this species are unavoidable, consultation shall be initiated with the CDFW to ensure that avoidance and minimization measures are employed, and to require compensatory mitigation for any remaining impacts. Upon CDFW approval, the impacted individual plants shall be transplanted out of their existing locations and into an equivalent and suitable habitat that occurs within an established on-site open space preserve and monitored for survival for a total of five years. A qualified plant biologist shall determine the exact transplanting locations and shall supervise or perform all of the transplanting activities. Transplanting activities shall occur during the fall months as possible, prior to the onset of heavy rains and inundation of seasonal wetland features to minimize transplant stress to the plants and ensure transplant success. Transplanting activities shall not occur in the spring, summer, or winter months, unless prior approval is obtained from CDFW. If CDFW requires additional on-site plantings to fully offset any impacts, then Winehaven Legacy LLC (the Applicant) shall comply with that requirement.

Should transplanted individuals fail to establish within the five year monitoring period, failed plants shall be replaced at a 2:1 ratio and shall be subject to additional years of monitoring such that the success rate of compensatory plantings meets or exceeds 75 percent following a full five years of monitoring following the plantings. Source of mitigation plantings may come from on-site seed collection or local nursery stock. If nursery stock is utilized, it shall be done in accordance with Mitigation Measure 4.3-10.

Mitigation Measure 4.3-2 Special-Status Plants

A botanical survey of the development footprint shall be conducted prior to construction to confirm that establishment of those special-status plants with the potential to occur onsite has not occurred within the development footprint. Surveys shall occur within the appropriate identification period for those special-status plants with the potential to occur within the development footprint to be surveyed. Surveys shall occur consistent with CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Native Communities*. Should a special-status plant be identified on or within 50 feet of ground disturbance, a 25-foot high-

visibility no disturbance buffer shall be established by the qualified biologist, except if a larger buffer is required by a different project mitigation measure, such as Mitigation Measure 4.3-1 for the Suisun Marsh Aster, or determined necessary by the qualified biologist. Results of this pre-construction survey shall be documented in a memo to the City.

Should a special-status plant not previously identified on the Project Site be observed within the development footprint, the CDFW and/or USFWS shall be consulted as appropriate in order to determine suitable mitigation actions. For CNPS rank 1 and rank 2 plants, consultation with the City shall occur to determine an appropriate course of action consistent with the City's goals and policies related to conservation of biological resources. This mitigation shall be completed via transplanting or compensatory planting at a minimum ratio of 2:1, and shall include a monitoring and reporting program developed in consultation with CDFW, USFWS and/or the City based on the jurisdiction of the plant. Monitoring of mitigation locations shall occur yearly over a 5-year period. Establishment shall achieve a minimum 75 percent success rate for completion of mitigation, subject to modification based on consultation with USFWS, CDFW and/or the City. Source of mitigation plantings may come from on-site seed collection or local nursery stock. If nursery stock is utilized, it shall be done in accordance with Mitigation Measure 4.3-10. Should transplanted and compensatory plantings fail to reach success criteria included in the monitoring and reporting program, the monitoring biologist shall recommend adaptive management measures such as identifying additional planting locations, active vegetation management, supplemental watering, and other activities to increase the establishment rate of mitigation plantings. Should take of a State or federally listed plant species be unavoidable, an incidental take permit from CDFW and/or USFWS, may be required pursuant to applicable laws and regulations.

Implementation of the above two measures would reduce impacts to special status plants by identifying and providing setbacks to avoidable plants, and requiring transplanting and/or replanting for impacted plants that cannot be avoided with long-term monitoring and reporting to ensure success criteria are met, thereby offsetting impacts.

Mitigation Measure 4.3-3 Environmental Awareness Training

An Environmental Awareness Training shall occur for all construction personnel working on the Project Site prior to any construction personnel being allowed to perform outdoor construction activities for the Project and its off site improvements. A qualified biologist shall prepare instructional materials for the City's review and approval and shall train designated personnel to perform Environmental Awareness Training for construction staff. This training shall include the following.

- A discussion on the importance of disease control and invasive species management in protecting sensitive biological resources (including WNS protocols)
- A discussion on those special status wildlife with the potential to occur within the impact area

- A discussion on special-status plants observed on the Project Site
- Relevant biological information on those special status species
- What to do in the event of an occurrence of a special-status species on the Project Site

Record of this training shall be maintained on the Project Site and shall be made available to agencies upon request. Contact information of a qualified biologist shall be included with the training materials such that construction personnel have a designated contact in the case of question on training provided or an occurrence of a special-status species on the Project Site.

Implementation of the above measure would reduce impacts to special status wildlife that may be impacted by construction personnel and equipment by training personnel to identify potential special-status species on the Project Site and instructing workers on what to do if an animal is spotted. Additionally, this training would reduce impacts to special status species by training personnel on the best practices to prevent the introduction and spread of damaging pathogens and invasive species.

Mitigation Measure 4.3-4 Preservation and Protection of Eelgrass

The eelgrass bed habitat onsite shall be completely avoided during construction and operation of the Project. Specifically, water vessels (e.g., ferries, barges, water taxis/shuttles) servicing the retrofitted pier shall not come within 1,000 feet of the eelgrass bed habitat as identified in the pre-construction and annual surveys. The existing pier shall be utilized and the total surface area of the pier shall not be increased. Improvement of the existing pier shall be implemented as necessary, but no new piers and/or structures shall be built within or in the vicinity of any eelgrass bed habitat. Activities associated with the pier reuse shall be subject to the acquisition of necessary permits. These may include, but are not limited to, necessary BCDC permits.

The Applicant shall employ dust control measures to ensure excavated soil transferred from the Project Site to barges docked at the end of the pier using a conveyor belt system does not result in debris in the Bay. Such dust control measures shall include, but not be limited to, the following.

- The conveyor belt system shall be completely enclosed to prevent any loose aggregate, soils, or dust from entering the Bay during these transport operations.
- Sediment shall be watered as needed to prevent dust from becoming airborne.
- Vehicles transporting soils shall utilize designated routes. Should these routes include dirt roads, these roads shall be watered as needed to prevent excessive production of dust.
- Vehicles transporting soils across dirt roads shall not exceed a speed of 15 miles per hour.
- Soils shall be covered when transported from the location of excavation to the removal offsite.

All water vessel routes shall be limited to the deep-water shipping channel when not moored at the pier, and velocities shall be lowered as water vessels approach the pier to reduce waking. Water vessel speeds shall be limited to 10 knots or less within 750 feet of the pier. In addition, water vessel traffic shall not route from the terminal landward towards the shoreline. Mooring of private boats is not to be allowed on the pier. An appropriate signage and/or a buoy system shall be implemented to properly inform marine traffic of the sensitive eelgrass habitats and to help keep any vessels away from these habitats.

Prior to construction, the Applicant shall prepare an eelgrass monitoring plan consistent with the California Eelgrass Mitigation Policy and Implementing Guidelines, to be submitted to the NMFS for review and approval. The Plan shall require eelgrass surveys be conducted by a qualified biologist immediately prior to construction, annually throughout construction, and three years following the initial use of the pier to ensure ship travel routes do not impact eelgrass. Surveys shall be conducted by a qualified biologist pursuant to protocols outlined in the California Eelgrass Mitigation Policy and Implementing Guidelines, and shall document eelgrass distribution and density on both the Project Site and at a suitable control site during the eelgrass growing season. The surveys shall also assess the health of the eelgrass beds, including documenting the presence of any algal blooms. The surveys shall monitor eelgrass beds between 1 kilometer north and south of the Project Site and 0.5 kilometers seaward. Results of surveys shall be provided to the NMFS Santa Rosa office staff within 60 days of completion. An additional survey shall be completed within 90 days in the event of failure of debris containment systems along the conveyor belt, or in the event that a SWPPP inspection reveals the failure of BMPs protecting Bay waters resulting in the exceeding of water quality discharge standards. If NMFS determines the Project actions have adversely impacted eelgrass in or adjacent to the Project Site based on pre- and post- work distribution and density surveys, an eelgrass mitigation plan shall be provided to NMFS and the SFBRWQCB for review and approval within 60 days of the determination of adverse impacts. The mitigation plan shall provide for no net loss of habitat function, and shall include criteria consistent with the California Eelgrass Mitigation Policy and Implementing Guidelines (NOAA, 2014) as well as one or more of the following.

- In-kind creation, restoration, or enhancement of habitat with a success ratio following three years of monitoring at or exceeding 1.2:1
- Purchase of mitigation credits from an established and NMFS-approved eelgrass mitigation bank at a ratio of 1:1 for banks established over three years
- Purchase of mitigation credits from a NMFS-approved eelgrass mitigation bank at a NMFS approved ratio exceeding 1:1 for banks that have been established less than three years
- Payment to in-lieu-fee conservation program(s)

- Out-of-kind mitigation only in the circumstance that in-kind mitigation is not feasible, and out of kind mitigation provides for sufficient ecological benefits approved by NMFS and other trustee agencies such as CDFW

Implementation of the above measure would reduce impacts to special status wildlife that may rely on eelgrass beds for food or refuge by minimizing the potential for indirect impacts to this habitat type. No eelgrass beds will be directly removed by the Project.

Mitigation Measure 4.3-5 Special Status Birds – Nesting

Should work occur during the general nesting season (February 15 to September 15), a pre-construction nesting bird survey shall be conducted by a qualified biologist no more than five days prior to the start of ground disturbing activities as possible. The survey shall cover all areas within 500 feet of planned construction activities. Should an active nest be identified, a high visibility “disturbance-free” buffer shall be established by the qualified biologist based on the species identified. The buffer distance shall be based upon the potential for construction noise, visual disturbance, and other disruptive metrics with the potential to affect nesting, the species of bird with the nest, and shall be at least 500 feet, unless a smaller buffer is warranted based on the recommendation of the qualified biologist and available CDFW and/or USFWS guidelines for the protection of nests and breeding a particular species. Should the nest of a special-status bird be identified, the qualified biologist along with CDFW and/or USFWS shall be consulted based on the regulatory jurisdiction of the species and nest to determine suitable buffer size and any other screening measures to help minimize or avoid the impact. Alternatively, should the qualified biologist be approved by CDFW for the purpose of performing nesting bird surveys prior to these surveys, the qualified biologist may set the appropriate construction buffer for a special-status bird nest without additional consultation.

This buffer shall be maintained until it can be verified by a qualified biologist that the nestlings have fledged or the nest has failed. Should construction activities cease for five consecutive days or more, an additional nesting bird survey shall be required should construction resume during the general nesting season. Survey results shall be documented in a memorandum.

Should take of a special-status bird species be unavoidable, an incidental take permit from CDFW and/or USFWS, as appropriate, shall be required.

In order to reduce potential impacts from rodenticide use to foraging raptors, the HOA and/or Commercial Association shall contract work with a pest management company that utilizes Integrated Pest Management (IPM) techniques, including the use of non-toxic methods to control rodents within the developed areas of the Project Site. Pest management within the Open Space and public areas shall follow the recommendations in the City of Richmond’s Resolution No. 25-12 (City of Richmond, 2012b), including limitations on the types and methods of rodenticide use.

Implementation of the above measure would reduce impacts to special status birds by identifying active nests prior to construction and providing nests with buffers. Restriction on the construction and

operational use of rodenticide would prevent mortality of birds from consumption of poisoned rodents. It is noted that any potential take would require a take permit from CDFW and/or USFWS.

Mitigation Measure 4.3-6 Nighttime Lighting Plan

A nighttime lighting plan shall be developed by the Applicant and approved by the City prior to groundbreaking. The plan shall describe measures to avoid and/or minimize impacts to shorebirds and migratory birds as well as sensitive eelgrass habitat from nighttime lighting. The nighttime lighting plan shall consider Dark Sky Initiative measures in reducing the impacts of nighttime lighting. The lighting plan shall include, but not be limited to the following provisions.

- Outdoor lighting known to attract shorebirds and migratory birds (e.g., searchlight advertising lighting, uplighting on signs, spotlights, floodlights, etc.) shall be prohibited.
- No up-lighting shall be allowed.
- Nighttime lighting or spillage of light onto beach strand and Bay waters shall be prohibited.
- All lighting fixtures associated with the development of the Project shall be shielded, provide maximum efficiency, and reduce spill over through cut-off mechanisms (i.e., light that spills beyond the intended areas to be lit, but that is not projected directly upward).
- Lighting shall be deliberately directed downward and away from marshes and beaches, and optimize daylight by turning off when daylight provides sufficient illumination for vision and safety.
- Motion-sensitive lighting, lower intensity lights, and appropriately programmed timed lights shall be used to the maximum extent feasible.
- All outdoor lights other than those required for safety or security shall be off from the hours of 11 p.m. to 7 a.m. Lighting required for safety and security, such as pathway illumination and parking lot lighting, shall be designed to reduce light spillage and shall be of the minimum intensity to serve the purpose of illumination.
- Nighttime security lights shall be full cut off lights. Illumination shall be kept as low as possible while still providing the required security and safety illumination.
- All lighting shall comply with the Richmond Municipal Code Article 15.04.604 as applicable.

Implementation of the above measure would reduce impacts to special status birds, reptiles, and fish. The above measure would reduce the potential that artificial lighting attracts birds and causes stranding, injury, or mortality. The above measure additionally would reduce spillage of artificial lighting into eelgrass

bed habitat that may otherwise cause significant impacts to special-status fish and reptiles that rely on this habitat.

Mitigation Measure 4.3-7 Special Status Birds – Predation

Contract and HOA provisions shall require contractors and occupants of the Project Site to implement measures to deter and/or minimize disturbance by common scavenging mammals (e.g., raccoons, opossums, feral cats, and skunks) which could potentially agitate, disrupt, or otherwise frighten bird species that may be present within the Project Site. Such measures shall include, but are not limited, to regular collection and removal of trash generated by the facility, the use of sealed and secure trash dumpsters and bins throughout the facility, and fencing around trash collection areas. HOA and Commercial Association provisions shall include the following.

- Open trash receptacles accessible to wildlife shall be prohibited.
- Curbside pickup for bulky waste and other events requiring placement of waste in areas of wildlife access shall occur as close to the scheduled pick-up event as possible.
- With the exception of bird feeders and similar items, placement of food outside shall be minimized. Pet food should be kept indoors as possible, especially during nighttime hours.

Implementation of the above measure would reduce impacts to special status birds by reducing the risk that scavenging predators known to prey on birds and nests are not attracted to the Project Site by construction or operational litter. Additionally, HOA and commercial provisions would limit attractants.

Mitigation Measure 4.3-8 Special Status Mammals – Bats

A qualified bat biologist shall conduct pre-construction bat surveys within one month of ground disturbance of all potentially suitable bat habitats in the vicinity of any construction activities, including buildings scheduled to be modified or demolished, the pier, and trees with features that have the potential to support bat roosts. Additional surveys may be completed up to one year in advance of construction activities to assess habitat, identify potential roosts, and perform exclusion, if necessary. If no bats and/or evidence of bats (e.g., guano) are detected during the pre-construction surveys, no additional surveys are required. Pre-construction surveys shall include evening fly-out surveys accompanied by acoustic monitoring, daytime surveys, and surveys for bat sign. If no evidence of bats occurs, then no further mitigation shall be necessary. Should a bat roost be observed, a 250-foot disturbance buffer shall be established. This buffer shall be maintained until evacuation takes place. Should construction halt for seven days or more, additional pre-construction surveys shall occur in areas with potential bat roost habitat.

If bats or evidence of bats are detected during the pre-construction surveys, a qualified bat biologist shall facilitate bat evacuation from structures, or removal of bat habitat trees. Evacuation or removal shall occur only during seasonal periods of bat activity: 1) prior to maternity season from approximately March 1 (or when night temperatures are above 45 degrees Fahrenheit and when rains have ceased) through April 15 (when females begin to give birth to young) and 2)

prior to winter torpor from September 1 (when young bats are self-sufficiently volant) until October 15 (before night temperatures fall below 45 degrees Fahrenheit and rains begin). Bat habitat trees scheduled for removal shall be demarcated using high-visibility markers. Removal of potential tree roost habitat, including, but not limited to, trees with sloughing bark or basal hollows, shall occur over two days, with initial partial removal occurring the first evening and full removal occurring the following day. Evacuation may include the installation of appropriate exclusionary nets around occupied habitats while bats are away from their roosts. The netted habitats shall be monitored frequently at appropriate times and intervals to ensure that all bats have left the roosts and that no bats re-enter during the duration of construction activities impacting the bat habitat structure. The qualified bat biologist shall determine the specific protocol regarding bat removal within the larger historic buildings on-site. An exclusionary plan, should the qualified biologist determine that special-status bat exclusion from existing structures is necessary, shall be provided to CDFW as appropriate. Once construction activities are complete, the exclusionary nets shall be removed. Should construction halt for a period of more than seven days, an additional pre-construction survey shall occur for suitable bat roost habitat for which exclusion has not occurred.

Should a special-status bat roost be detected and deemed necessary to be removed, replacement of suitable, species-specific roost habitat at a 1:1 ratio shall be provided on-site prior to exclusion. Consultation with CDFW shall occur to determine proper habitat replacement methodology.

Implementation of the above measure would reduce impacts to special status bats by identifying potential roost habitat and ensuring proper construction timing and roost evacuation prior to roost impacts. Potential impacts are further mitigated by a 1:1 roost replacement should an active roost be evacuated. Roost replacement methodology would be completed in consultation with CDFW to ensure full offset of impacts.

Mitigation Measure 4.3-9 Maintenance of Sensitive Habitats

Signage at all public access locations in proximity to beach strand habitat and tidal marsh habitat shall be posted that describes the sensitive nature of these habitat types and their importance within the Bay ecosystem. Signage shall also be posted at the major trailheads within the open space informing visitors of the presence and importance of sensitive coastal scrub, coastal terrace prairie, and riparian habitat. Signage shall also include action items for visiting public to encourage protection of these valuable resources. Signage shall be developed with guidance from the Association of Fish and Wildlife Agencies Stewardship Education Best Practices Planning Guide (AFWA, 2008). Action items may include, but are not limited to:

- proper collection and disposal of trash;
- leashing of pets to prevent harassment of wildlife;
- passive activities to enjoy wildlife without disturbing natural behavior;

- proper maintenance of recreational equipment to prevent the spread of invasive species;
- discouragement of the removal of plants or other biological resources; and
- restrictions on allowable transportation (vehicles, bicycles, horses, etc.) on trails near sensitive habitat.

Park infrastructure installed on the Project Site such as benches and trail access shall be located at least 100 feet away from tidal marsh habitat on the Project Site, and signage restricting public access from tidal marsh habitat shall be posted. Park infrastructure shall also include waste receptacles sufficient in number and size to service public use of the parks and open space with regular service to prevent over spilling. Removal of litter on beach strand or tidal marsh habitat shall occur as a component of servicing of waste receptacles.

Implementation of the above measure would reduce impacts to special status species by encouraging environmental stewardship of sensitive habitats by residents and guests. Ongoing stewardship of sensitive habitats is protective of special status species that may rely on these habitats.

MM 4.3-10. Invasive Species Management

Noxious plant species, as defined by 3 CCR section 4500, shall be removed within parks or green space during the construction phase to increase the habitat value of these open spaces. These noxious species shall be replaced with native coastal scrub and native coastal grassland species. If nursery stock is used for native plant or special-status plant replacement, these plants shall be acquired by a local nursery consistent with the California Department of Food and Agriculture’s (CDFA) Plant Quarantine Manual (CDFA, 2019a) and, if the county remains under quarantine for Phytophthora sp., only acquire nursery stock from approved nurseries (CDFA, 2019b; CDFA, 2020). Additionally, all vehicles and construction equipment shall be kept clean and free of debris that could track invasive species or pathogens onto the Project Site through routine exterior washing and removal of interior debris. A log of vehicle conditions shall be kept for all vehicles frequently entering and exiting the Project Site, and maintenance activities related to vehicle cleanliness shall occur following the evaluation that a vehicle is no longer in a clean condition.

Mitigation Measure 4.8-1 Stormwater Pollution Prevention Plan Best Management Practices

The following BMPs shall be included in the SWPPP or SWPPPs prepared for the Project construction in accordance with the Construction General Permit.

1. The construction contractor shall minimize the production of debris when cutting or demolishing portions of the over-water pier components or constructing new over-water components, and shall utilize netting, containment vessels, work platforms, or the equivalent to catch any falling debris.

2. During any over-water work, the construction contractor shall install a containment boom around the work area to contain floating debris, and shall provide a vessel to retrieve debris from the containment area at the end of each work day.
3. Straw bales, wattles, fiber rolls, gravel bags, or equivalent devices shall be installed around the perimeter of the pier and stockpiled materials that are exposed to the environment to prevent debris from being transported to the Bay via runoff.
4. The use of hazardous materials during construction shall be minimized to the extent practical, and the amount of hazardous materials stored on the pier or adjacent to the waterfront shall be limited to what is needed to immediately support construction activities. The quantities shall not exceed 55 gallons for a specific material. All hazardous materials shall be stored safely and securely in approved containers, under cover or in an approved storage shed or cabinet, and with adequate secondary containment. Fueling of generators and other equipment shall be conducted away from the pier edge and other locations where a spill could easily enter the Bay, and adequate spill cleanup materials shall be provided during all fueling operations.
5. Well-maintained equipment shall be used to perform the construction work, and, except in the case of a failure or breakdown, equipment maintenance shall be performed offsite. Equipment shall be inspected daily by the operator for leaks or spills. If leaks or spills are encountered, the source of the leak shall be identified, leaked material cleaned up, and the cleaning materials shall be collected and properly disposed of.
6. Inactive material stock piles must be covered and bermed at all times.
7. During the wet season, construction materials, including topsoil, chemicals, and quarried materials transported by barge (regardless of the season) shall be stored, covered, and isolated to prevent runoff losses and contamination of surface and groundwater.
8. Active debris boxes shall be covered during rain events to prevent contact with rainwater.
9. Sanitary facilities shall be provided for construction workers.
10. No concrete shall be stored onsite. After trucks are finished placing concrete, they shall be washed out in a designated area, and the wash water shall be contained within large plastic containers. Once dried, the residual concrete shall be appropriately disposed of offsite.
11. At the end of each work day (at a minimum), the part of the pier deck upon which construction activities have taken place that day shall be cleaned of particulates, sediment, and debris, by manual or mechanical means such as vacuuming or sweeping. Power washing is not an acceptable method for cleaning.

12. Non-stormwater discharges to the Bay shall be prohibited unless specified in the SWPPP and approved by the City and SFBRWQCB.
13. During construction, any barges performing work shall be moored in a position to capture and contain the debris generated during any substructure or in-water work. In the event that debris does reach the Bay, personnel in workboats within the work area shall immediately retrieve the debris for proper handling and disposal. All debris shall be disposed of at an authorized upland disposal site.
14. Construction waste shall be collected and transported to an authorized upland disposal area, per federal, state, and local laws and regulations.
15. All construction material, wastes, debris, sediment, rubbish, trash, fencing, etc., shall be removed from the Project Site once the Project is completed and transported to an authorized disposal area, in compliance with applicable federal, state, and local laws and regulations.
16. Encountered groundwater shall be removed from trenches and excavations in such a manner as to reduce potential contact with construction materials, construction personnel, and surface waters and shall be disposed of at an appropriately permitted facility such as a WWTP in accordance with the requirements of the NPDES permit.
17. Existing vegetation shall be retained where possible. To the extent feasible, grading activities shall be limited to the immediate area required for construction and remediation.
18. Temporary erosion control measures (such as silt fences, fiber rolls, vegetated swales, a velocity dissipation structure, staked straw bales, temporary revegetation, rock bag dams, erosion control blankets, and sediment traps) shall be employed for disturbed areas during the wet season.
19. No disturbed surfaces shall be left without erosion control measures in place during the wet season.
20. Construction area entrances and exits shall be stabilized with crushed aggregate.
21. Sediment shall be retained onsite by a system of sediment basins, traps, or other appropriate measures.
22. A spill prevention and countermeasure plan shall be developed, which identifies proper storage, collection, and disposal measures for potential pollutants (such as fuel, fertilizers, pesticides, etc.) used onsite.
23. Petroleum products shall be stored, handled, used, and disposed of properly in accordance with provisions of the CWA (33 USC sections 1251 to 1387).

24. Fuel and vehicle maintenance areas shall be established away from all drainage courses and designed to control runoff. When feasible fueling and vehicle maintenance shall be conducted offsite.
25. Disposal facilities shall be provided for soil wastes, including excess asphalt during construction and demolition.
26. The Applicant shall require all workers be trained in the proper handling, use, cleanup, and disposal of all chemical materials used during construction activities and provide appropriate facilities to store and isolate contaminants.
27. The Applicant shall require all contractors involved in the Project be trained on the potential environmental damages resulting from soil erosion prior to development by conducting a pre-construction conference. Copies of the project Erosion Control Plan (ECP) shall be distributed at this time. All construction bid packages, contracts, plans, and specifications shall contain language that requires adherence to the ECP.
28. Construction activities shall be scheduled to minimize land disturbance during peak runoff periods. Soil conservation practices shall be implemented during the fall or late winter to reduce erosion during spring runoff.
29. Creating construction zones and grading only the minimum required areas at a time shall minimize exposed areas. If possible during the wet season, grading on a particular zone shall be delayed until protective cover is restored on the previously graded zone.
30. Utility installations and decommissioning shall be coordinated to limit the number of excavations.
31. Preserving as much natural cover, topography, and drainage as possible, protect disturbed soils from rainfall during construction. Trees and shrubs shall not be removed unnecessarily.
32. Disturbed areas shall be stabilized as promptly as possible, especially on long or steep slopes. Recommended plant materials and mulches shall be used to establish protective ground cover. Vegetation such as fast-growing annual and perennial grasses shall be used to shield and bind the soil. Mulches and artificial binders shall be used until vegetation is established. Where truck traffic is frequent, gravel approaches shall be used to reduce soil compaction and limit the tracking of sediment. The Project shall use a preponderance of drought resistant species native to the Richmond area in the selection of vegetation, plants, mulches, or other plant material used in re-vegetation or soil stabilization.
33. Surface water runoff shall be controlled by directing flowing water away from critical areas and by reducing runoff velocity. Diversion structures such as terraces, dikes, and ditches shall collect and direct runoff water around vulnerable areas to prepared drainage

outlets. Surface roughening, berms, check dams, hay bales, use of permeable paving surfaces or similar measures shall be used to reduce runoff velocity and erosion.

34. Sediment shall be contained when conditions are too extreme for treatment by surface protection. Temporary sediment traps, filter fabric fences, inlet protectors, vegetative filters and buffers, or settling basins shall be used to detain runoff water long enough for sediment particles to settle out.

35. Topsoil removed during construction shall be carefully stored and treated as an important resource. Visqueen plastic and fiber rolls shall be deployed to cover and berm topsoil stockpiles to prevent runoff during storm events.

Implementation of the above measure is protective of water quality in the Bay and therefore protective of special-status fish and reptiles that may rely on Bay waters on the Project Site. Implementation of a Stormwater Pollution Prevention Plan would require BMPs throughout construction to avoid production of runoff with impaired quality. The SWPPP would additionally require final site stabilization prior to termination of permit coverage at the completion of construction, ensuring no land is left with bare soil or other potential runoff issues that could impair water quality.

Mitigation Measure 4.8-2 Demolition and Containment Plan

If the Pier renovation requires the removal or disturbance of the petroleum conveyance pipeline, then the Applicant shall develop and submit to the City for approval a Demolition and Containment Plan that would minimize the potential for contamination of the Bay from the disturbance or removal of the petroleum conveyance pipeline during pier renovation. The Plan must be submitted and approved before any work on the pier begins. The Plan shall include provisions for control of potential releases of piping materials and other materials into the Bay. The Demolition and Containment Plan shall include capture and associated disposal provisions of any residual petroleum products or any other substances that may be released from the pipeline during construction activities. Conditions of the Demolition and Containment Plan shall include the implementation of floating booms, debris nets, and other measures as necessary to provide containment of possible contaminants. A trained construction site monitor shall provide daily oversight of the pier renovation operation. Furthermore, this Plan will delineate containment protocols of hazardous materials and allowable quantities including materials stored on pier for cleaning. If hazardous materials are stored, appropriate documentation of each shall be kept onsite as safety data sheets. The City shall ensure that the Demolition and Containment Plan includes procedures for notification of and reporting of contaminant releases to the RWQCB, as well as RWQCB oversight during any pier construction.

Implementation of the above measure is protective of water quality in the Bay as well as sensitive eelgrass beds and therefore protective of special-status fish and reptiles that may rely on Bay waters and eelgrass beds on the Project Site.

Mitigation Measure 4.10-1 Construction Noise

In order to satisfy applicable City noise level limits at existing sensitive receptors, the following construction-related noise mitigation measures shall be implemented.

- All mobile or fixed noise-producing equipment used that are regulated for noise output by a federal, state, or local agency shall comply with such regulations while in the course of project activity.
- Electrically powered equipment shall be used instead of pneumatic or internal combustion powered equipment, where feasible.
- Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from noise-sensitive receptors.
- Project work area speed limits shall not exceed 15 mph during the construction period.
- Nearby sensitive receptors shall be notified of construction schedules so that arrangements can be made, if desired, to limit their exposure to short-term increases in ambient noise levels.
- Any engine-powered construction equipment located adjacent to residential uses for more than five days shall be shielded from those uses by temporary noise-reducing barriers.
- Comply with City ordinance requirements, including:
 - Use of pile drivers, sources of impulsive sound and jack hammers shall be prohibited on Sundays and holidays, except for emergencies or as approved in advance by the Building Official. General construction noise shall be limited to weekdays from 7:00 a.m. to 6:00 p.m. Pile driving and similar loud activities shall be limited to weekdays from 8:00 a.m. to 5:00 p.m. General construction noise on projects repairing, renovating, or adding to residential structures with one to five dwelling units shall be limited to the hours of 7:00 a.m. to 8:00 p.m. Monday through Friday and 9:00 a.m. to 6:00 p.m. on Saturdays, Sundays, and federal holidays. Pre-construction activities, including loading and unloading, cleaning of mechanical toilets, deliveries, truck idling, backup beeps, yelling, and radios also are limited to these construction noise hours.
 - No construction shall be permitted outside of these hours that creates construction noise, except in emergencies, including maintenance work on the City rights-of-way that might be required.
 - All construction equipment powered by internal combustion engines shall be properly muffled and maintained.
 - Unnecessary idling of internal combustion engines is prohibited.

- All stationary noise-generating construction equipment such as tree grinders and air compressors are to be located as far as is practical from existing residences.
- Quiet construction equipment, particularly air compressors, are to be selected whenever possible.

Mitigation Measure 4.10-5 Noise Impact Study – Sanitary Sewer Treatment Facility

If the Project includes the installation of an on-site sanitary sewer treatment facility, once the installment of this facility has been confirmed, and building plans are filed, prepare a site-specific noise impact study analyzing the facility operational equipment noise level to be conducted and noise generated by this facility. If the noise study determines that noise levels from operation of the on-site sanitary sewer treatment facility exceed acceptable levels for sensitive receptors established by the City, the following mitigation measures shall be implemented.

- Ensure that noise exposure associated with the selected facility equipment satisfies the applicable City noise level limits at proposed sensitive receptors.
- Construct solid noise barriers around the perimeter of the facility equipment area that effectively attenuate equipment noise exposure to a state of compliance with the applicable City noise limits at proposed sensitive receptors.

Implementation of the above measures is protective of special-status wildlife, specifically birds, which may be impacted by excessive construction or operation noise. Noise reducing measures above would reduce impacts to nesting birds that may be disturbed by production of excessive noise.

BIO-1

Prior to construction, EBRPD or a qualified botanist shall pin flag or mark locations of special-status plant species along the alignment. The Project shall avoid impacts to special-status plant species where possible, however, where impacts cannot be avoided, plants shall be translocated or replanted in the Project Site vicinity or nearest suitable habitat. Prior to the initiation of construction, a qualified botanist shall conduct a focused survey for marsh gumplant and Suisun marsh aster within the construction footprint during the appropriate blooming period (April through November). The survey shall be conducted in accordance with the CDFW’s Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFW, 2018b).

Mitigation Measure BIO-1 was included in the SEIR from the Initial Study completed for the construction and operation of the Bay Trail, the analysis of which is incorporated by reference in the SEIR. Implementation of the above measure is protective of special-status plants that may occur within the Bay Trail alignment. This measure avoids special-status plants where possible and provides for translocation or replanting in the event that avoidance is not possible.

BIO-2

If any construction activities (e.g., grubbing, grading, removal of one tree) are scheduled during the bird nesting season (typically defined by CDFW as February 1 to September 1), a qualified biologist shall conduct a pre-construction survey for nesting birds no more than 5 days prior to the start of work, or as otherwise specified by permit conditions. If the project is suspended and delayed for 10 or more days another nesting survey shall be conducted 2 days prior to resuming work. If the survey indicates the presence of nesting birds, a qualified biologist shall delineate a buffer zone where no construction may occur until the biologist has determined that all young have successfully fledged, or until otherwise approved by CDFW. The size of the buffer(s) shall be determined by the biologist in consultation with CDFW and be based on the nesting species and its sensitivity to disturbance.

Mitigation Measure BIO-2 was included in the SEIR from the Initial Study completed for the construction and operation of the Bay Trail, the analysis of which is incorporated by reference in the SEIR. Implementation of the above measure would reduce impacts to special status birds by identifying active nests prior to construction and providing nests with buffers. Buffers would prevent construction disturbance from causing adverse impacts to nesting birds.

BIO-3

Prior to ground-disturbing activities, a biologist shall conduct visual pre-construction surveys for California Ridgway's (formerly Clapper) rail and California black rail within suitable habitat and surrounding areas. Suitable habitat on the Project Site is limited to marsh and mud flat areas near Castro Point. If the rails or other sensitive species are observed on or near the Project Site, the biologist shall establish buffers around which no disturbance can occur until the biologist determines a work can proceed within the area or the species do not occur within the area.

Implementation of the above measure would reduce impacts to special status birds by identifying California Ridgway's (formerly Clapper) rail and California black rail and providing buffers around habitat in active use by these species. Buffers would prevent construction disturbance from causing adverse impacts to these species.

BIO-4

Measures shall be taken to avoid impacts to monarch butterflies if present onsite. If eucalyptus trees at the northern end of the Bay Trail are proposed for removal, a biologist shall conduct a survey for monarch butterflies during the winter roosting season when monarch butterfly roosting colonies would be expected to occur (typically October to February). If present, an avoidance plan shall be developed by a biologist for implementation during construction. If monarch butterflies are present, grading, excavation, and eucalyptus tree removal shall be restricted from August 1 through March 31.

Mitigation Measure BIO-4 was included in the SEIR from the Initial Study completed for the construction and operation of the Bay Trail, the analysis of which is incorporated by reference in the SEIR. Implementation of the above measure would reduce impacts to monarchs by identifying and avoiding

active roosts within eucalyptus habitat and providing any active roosts with a protective buffer until the end of the overwintering season. By identifying active roost trees and timing construction to avoid active roosts, the construction of the Bay Trail would have a less-than-significant impact on monarch butterflies.

Potential Significant Effect

As discussed under Impact 4.3.2, without appropriate mitigation, construction and operation of the Project may result in significant impacts to sensitive natural communities. Sensitive natural communities are communities that are of limited distribution statewide or within a county or region and are often vulnerable to environmental effects of projects. These communities may or may not contain special status plants or their habitat.

Summary of Specific Impact

Construction of the Project has the potential to convert several sensitive habitats into developed areas. Construction in the vicinity of sensitive habitats may additionally degrade sensitive habitats and generate a significant impact. Construction and operational production of artificial lighting has the potential to degrade sensitive eelgrass habitat. Operation of the Project would increase human traffic throughout the Project Site, which has the potential to cause degradation of sensitive habitat through introduction of invasive species and activity within sensitive habitat.

However, implementation of **Mitigation Measure 4.3-4, 4.3-6, 4.3-9, 4.3-11 through 4.3-18, 4.8-1, and 4.8-2** would reduce the potential for impacts to these species to a less-than-significant level. Mitigation Measure BIO-5 and BIO-6, incorporated by reference regarding construction and operation of the Bay Trail, would additionally reduce impacts to a less-than-significant level.

Finding

Alterations have been required or incorporated into the Project that substantially lessen potentially significant impacts as identified in the SEIR such that impacts to biological resources after mitigation are reduced to a less-than-significant level. Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Pursuant to PRC section 21081, subdivision (a)(1), the City finds that the Project's adherence to the following mitigation measures will reduce the potential impact of this significant effect to a less-than-significant level.

Mitigation Measure 4.3-4: Preservation and Protection of Eelgrass

Please refer to the description of **Mitigation Measure 4.3-4** located in section **Biological Resources**, under the discussion of Impact 4.3.1, above.

Implementation of the above measure would reduce impacts eelgrass beds by minimizing the potential for indirect impacts to this habitat type that may occur during construction and operation of the Project. No eelgrass beds will be directly removed by the Project. Monitoring would occur to ensure the efficacy of mitigation, and additional mitigation would occur should unforeseen impacts arise.

Mitigation Measure 4.3-6 Nighttime Lighting Plan

Please refer to the description of **Mitigation Measure 4.3-6** located in section **Biological Resources**, under the discussion of Impact 4.3.1, above.

Implementation of the above measure would reduce impacts to sensitive habitats by minimizing spillage of artificial light into sensitive eelgrass bed habitat.

Mitigation Measure 4.3-9 Maintenance of Sensitive Habitats

Please refer to the description of **Mitigation Measure 4.3-9** located in section **Biological Resources**, under the discussion of Impact 4.3.1, above.

Implementation of the above measure would reduce impacts to sensitive habitats by encouraging environmental stewardship of sensitive habitats by residents and guests. Ongoing stewardship of sensitive habitats would minimize traffic through these areas and would minimize ongoing associated risks.

Mitigation Measure 4.3-11 Coastal Scrub Habitat Impacts

Impacts to coastal scrub shall be mitigated at a 1.5:1 acre ratio, such that for each acre impacted, no less than 1.5 acres of in kind habitat shall be created, restored, or preserved. Prior to development, a preconstruction survey shall be performed to identify precise acreages of coastal scrub habitat within an impact area. Coastal scrub habitat shall be identified utilizing CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*. The following activities shall occur related to coastal scrub mitigation.

1. Invasive scrub habitat within the Open Space and not impacted by grading shall be removed and replaced with coastal scrub habitat similar to native coastal scrub habitat present on the Project Site. These acres shall be managed and monitored annually for a minimum of five years. A qualified biologist shall prepare an annual report on the status of habitat restoration activities with recommendations on adaptive management measures as necessary. Mitigation shall be deemed complete when, after five years of management and monitoring, the qualified biologist determines that the mitigation has achieved a 75 percent native plant cover within the coastal scrub areas. Additional years of management and reporting shall occur should mitigation fail to meet success criteria. These reports shall be maintained by the Applicant and be available to agencies upon request. Specific management and maintenance procedures shall be included within the Open Space Plan.

2. The coastal scrub habitat within the Open Space and not impacted by grading shall be preserved.
3. Of those acres defined in (2), habitat restoration and enhancement activities shall occur such that overall mitigation of (1) and (2) above and the replanting of graded areas result in mitigation at a ratio of not less than 1.5 acres restored and preserved per 1 acre of impact. Coastal scrub mitigation areas shall be managed and monitored for a total of five years to remove and prevent the further encroachment of invasive scrub. A qualified biologist shall prepare an annual report on the status of preserved habitat with recommendations on adaptive management for invasive species as necessary. These reports shall be maintained by the Project Proponent and be available to agencies upon request. Detailed management and maintenance procedures shall be included within the Open Space Plan identified by Mitigation Measure 4.3-12.
4. Grading areas that remove coastal scrub or invasive scrub habitat shall be replanted with coastal scrub habitat as possible in concurrence with or following stabilization of the grading area. Those acreages necessary to reach the mitigation goal of 1.5:1, should additional acreage be necessary beyond (1) and (3) above, shall be subject to the same monitoring, management, and reporting requirements as detailed in (1) above.

Areas of preservation and restoration shall be identified within the Open Space Plan (MM 4.3-12) at the time precise impact areas are quantified, during the design phase. Mitigation areas shall be in-kind based on the delineation of habitat based on CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*. Restoration and management efforts shall include an emphasis on creating and maintaining a native coastal grass understory as appropriate. Identification of coastal scrub preservation, restoration, and/or creation areas shall be reviewed and approved by the City through the Open Space Plan.

Guidance for mitigation activities shall be derived from the Long-Term Prospects for Restoration of Coastal Sage Scrub: Invasive Species, Nitrogen Deposition, and Novel Ecosystems and related references. These methods may include, but are not limited to the use of grazing, mulching, solarization, hand weeding, and other methods (Allen et al., 2019).

Implementation of the above measure would reduce impacts to sensitive coastal scrub habitat by requiring that impacts be offset in-kind on the Project Site at a 1.5:1 ratio. Mitigation would be subject to long-term management and held to defined success criteria.

Mitigation Measure 4.3-12 Dedicated Open Space

An Open Space Plan shall be established by the Applicant for the proposed open space and shoreline park that would be held in ownership by the City. The Plan shall act as a guide in implementing mitigation related to sensitive habitat preservation, creation, and restoration. The Plan shall ensure that compensatory actions required for impacts to sensitive habitats, including

coastal scrub and coastal terrace prairie are implemented and monitored as necessary in order to meet success criteria. The Open Space Plan shall additionally act as a binding agreement between the Applicant and the City to identify final impacts following lot development, to locate mitigation areas, and to assure completion of mitigation by the Applicant. The Open Space Plan shall include, at a minimum, the following.

- Approved activities within Open Space. The Open Space Plan shall restrict allowable activities near sensitive, natural habitats within the Open Space to those that are predominantly passive and include maintenance of trails, maintenance of environmental education signage, and establishment of public access along dedicated trails.
- Maintenance activities of trails such that trails are clearly defined and are not overgrown with foliage. These activities shall be designed to promote visitors to stay on pathways and to reduce the likelihood of disturbing sensitive habitat. Trail maintenance shall occur at least once annually and shall include the removal of invasive shrubs and herbs as possible. Qualified personnel shall be consulted in ongoing management of invasive vegetation along trails.
- Consistent with Mitigation Measure 4.3-21, compliance with the tree removal permits and Urban Greening Master Plan requirements on City land.
- A description of any habitat preservation, creation, or restoration completed under 4.3-11, 4.3-14, 4.3-16, 4.3-18, or 4.3-19 within Open Space for coastal scrub, coastal terrace prairie, mixed riparian, seasonal wetland, or ephemeral drainage habitats. This shall include a final statement of Project impact acreages by habitat type, and a map clearly defining where preservation and mitigation areas are located.
- A monitoring plan to ensure that compensatory actions required for impacts to coastal scrub and coastal terrace prairie habitats are implemented as necessary in order to meet success criteria. This measure reiterates the requirements of Mitigation Measure 4.3-2, 4.3-9, and 4.3-11.
- The Open Space Plan shall include provisions for the removal of invasive plants, and their replacement with native plant species, consistent with Mitigation Measure 4.3-10. Replacement shall emphasize the use of locally rare, culturally significant, or ecologically important species.
- Consistent with the requirements of Richmond Municipal Code Chapter 9.48, no pesticides shall be used within the Open Space. Only herbicides that do not contain the chemical atrazine shall be permitted.

A qualified biologist shall prepare the Open Space Plan, and a qualified biologist shall perform any recommended monitoring, reporting, and adaptive management recommendations to reach performance criteria as they relate to the mitigation measures referenced in the Open Space Plan regarding sensitive habitat mitigation required for the Project. The City shall review and approve

the Open Space Plan. The City shall consult with the CDFW, USFWS, and other agencies as appropriate. The Applicant shall be responsible for ensuring that the Open Space Plan is completed prior to ground disturbance and that all mitigation and monitoring occurs as detailed in the mitigation measures referenced in the Open Space Plan. As impacts are identified during preconstruction surveys, mapping within the Open Space Plan shall be updated to identify mitigation locations for replacement plantings.

Implementation of the above measure would reduce impacts to sensitive habitat by requiring maintenance of habitat mitigation locations that progress throughout project buildout. Additionally, this mitigation prohibits use of pesticides and limits the use of herbicides that may be harmful to sensitive habitats. Trail maintenance would additionally encourage guests and residents to avoid disturbing sensitive habitats by providing demarcated pathways.

Mitigation Measure 4.3-13 Vegetation Management within Planning Areas

Vegetation management shall be included as a component of the Covenants, Conditions, and Restrictions of the HOA and as a lease condition within the Commercial Association. The HOA and Commercial Association shall be responsible for ensuring that the following are achieved related to vegetation management.

- Landscaping established and maintained by the HOA or Commercial Association shall be consistent with the aesthetics and functionality of the landscape with an emphasis on the use of native plants within landscaping designs. Trees planted in these areas shall consist of those species native to the Project Site.
- Native vegetation shall be sourced locally as feasible.
- Landscaping shall not occur within the designated natural Open Space areas except as provided within the Open Space Plan or for the purpose of ground stabilization following construction.
- Vegetation removal shall not occur within the designated Open Space except as necessary for mitigation contained herein, such as removal of invasive plants, maintenance of hiking paths, or removal of dead or dying vegetation to reduce fire fuel load.

Additionally, the HOA and Commercial Association shall ensure that Project residents and employees minimize overall impacts to sensitive habitats through the following measures.

- The HOA and Commercial Association shall provide new residents and employees with information on native species and encourage their use on private landowner parcels.
- The HOA and Commercial Association shall provide new residents and employees with information on the sensitive habitats present on the Project Site and the importance of these habitats.

- The HOA and Commercial Association shall prohibit the planting of non-native tree species.
- The HOA and Commercial Association shall prohibit the use of pesticides. Only herbicides that do not contain the chemical atrazine shall be permitted.

Implementation of the above measure would reduce impacts to sensitive habitat by maximizing the use of native vegetation within development areas. This measure prohibits landscaping activities from disturbing open space areas where sensitive habitats may occur. Additionally, this mitigation prohibits use of pesticides and limits the use of herbicides that may be harmful to sensitive habitats.

Mitigation Measure 4.3-14 Mixed Riparian Habitat

Mixed riparian habitat shall be avoided as practical through design. Setbacks at a minimum of 50 feet, or the largest buffer possible when 50 feet is not feasible, shall be established with high-visibility fencing by a qualified biologist around all areas of avoided mixed riparian habitat. The biologist may require a larger setback after consideration of the soil types, slope between the buffer and construction, hydrology, vegetation, and runoff potential. Un-impacted mixed riparian habitat adjacent to impacted mixed riparian habitat shall also be demarcated with high visibility markers. A qualified biologist shall be present during development activities that ensue within 50 feet of the fenced riparian setbacks. The qualified biologist shall act as a construction monitor to ensure the fencing remains intact and that construction activities do not occur within these avoidance buffers. No staging of equipment or other construction-related activities shall occur within non-impacted mixed riparian habitat or buffers established by the qualified biologist.

Additionally, the Applicant shall provide CDFW with the proper notification of impacts to ephemeral drainages and associated riparian habitat for those impacted drainages supporting mixed riparian habitat. All compensatory action required through the appropriate LSAA permit for impacts to riparian habitat shall be adhered to. This shall include, but is not limited to, habitat preservation and/or habitat restoration of in kind habitat exceeding 1:1, or creation of habitat at a minimum of 1:1.

Mitigation for direct impacts to mixed riparian habitat not covered under an LSAA shall occur through a combination of habitat preservation and/or restoration and shall, at a minimum, include the following.

- Should mitigation occur through preservation, preservation shall occur at a minimum ratio of 2:1. Areas designated for preservation shall be maximized within designated open space, and shall not occur within residential lots. Those areas selected for preservation shall be approved by the City and shall be subject to the compensatory actions set forth in this mitigation. Preservation areas shall be identified within the Open Space Plan (MM 4.3-12).

- When mitigation occurs through the enhancement or restoration of habitat, mitigation shall occur at a minimum ratio of 2:1. Restoration and/or enhancement of habitat shall occur within designated open space as possible. Monitoring of mitigation activities shall be performed by a qualified biologist for a minimum of three years. The qualified biologist shall prepare an annual report on the progress of mitigation with identified management actions. These reports shall be submitted to the City and be available to agencies upon request. Mitigation shall be deemed complete once the qualified biologist has determined that the success or establishment of restoration or enhancement activities meets or exceeds 80 percent. The qualified biologist may utilize bank stabilization, percent native ground cover, relative ratios of the herbaceous, shrub, and tree layers, as well as other habitat quality indicators in order to determine the level of success. At a minimum, ground cover shall meet or exceed 80 percent, with a native plant cover percent meeting or exceeding that of impacted mixed riparian habitat. Additional years of management and reporting shall occur should mitigation fail to meet success criteria. Specific management and maintenance procedures shall be included within the Open Space Plan.

Implementation of the above measure would reduce impacts to sensitive riparian habitat by requiring that impacts be offset in-kind on the Project Site consistent with any necessary permit terms. Mitigation would be subject to long-term management and held to defined success criteria. Avoided riparian habitat would be protected with a construction buffer and monitored by a qualified biologist such that construction would not generate indirect impacts.

Mitigation Measure 4.3-15 Protection of Beach Strand

Replacement/restoration is not appropriate for this habitat type due to its inherent intrinsic value, role as habitat for plant and wildlife species (including special status species), increasing threats by development, and its currently limited distribution within the region. The Project shall be designed to avoid beach strand habitat. To ensure prevention of direct impacts and avoid indirect impacts to the beach strand habitat onsite during operation, the existing roads and pathways within and adjacent to beach strand habitat shall be used, and no new roadways in beach strand habitat shall be constructed. Improvement of the existing roadways that do not convert beach strand habitat may be implemented as necessary, but no new roadways shall be within beach strand habitat.

To avoid impacts during construction, setbacks at a minimum of 50 feet, or the largest buffer possible when 50 feet is not feasible, shall be established with high-visibility fencing by a qualified biologist around beach strand habitat before construction activities within 100 feet of that habitat begin. Larger setbacks of up to 100 feet may be required by the qualified biologist based on the soil type in the area where construction would occur, slope between the construction work and area with beach strand habitat, local hydrology, existing vegetative cover, and runoff potential of construction areas. A qualified biologist shall be present during any and all development activities that occur within 50 feet of the fenced beach strand setbacks to ensure no indirect impacts occur to beach strand habitat.

Implementation of the above measure would reduce impacts to sensitive beach strand habitat by prohibiting direct conversion of this habitat type. Beach strand would be protected with a construction buffer and monitored by a qualified biologist such that construction would not generate indirect impacts.

Mitigation Measure 4.3-16 Seasonal Wetlands, and Ephemeral Drainage Impacts

Consultation shall occur with USACE in order to verify the presence of jurisdictional wetlands and waters impacted by the Project. The Applicant shall obtain a CWA Section 404 permit from USACE for impacts to jurisdictional wetlands or waters, and a corresponding CWA Section 401 Water Quality Certification from the SFBRWQCB. Typical 404-permit mitigation occurs at a ratio of 1:1 acres created versus impacted and 2:1 acres restored/enhanced versus impacted, though individual permit conditions may vary.

The Applicant shall provide the required notification to CDFW under Section 1602 of the California Fish and Game Code for alteration of the ephemeral drainages and shall obtain an LSAA if required by CDFW prior to ground disturbance. The conditions of these permits, as well as any additional permits related to impacts to biological resources required for the Project, shall be adhered to.

Mitigation for direct impacts to seasonal wetlands and ephemeral drainages not covered under the permits listed above shall occur through a combination of habitat preservation, creation, and/or restoration and shall, at a minimum, include the following.

- Should mitigation occur through preservation, preservation shall occur at a minimum ratio of 2:1. Areas designated for preservation shall be maximized within designated open space, and shall not occur within residential lots. Those areas selected for preservation shall be approved by the City and shall be subject to the compensatory actions set forth in this mitigation and necessary permit conditions.
- Seasonal wetlands may be mitigated for through restoration of habitat at a 2:1 ratio, or creation of habitat at a 1:1 ratio. Restoration and/or creation of habitat shall occur within designated open space as possible. Monitoring of mitigation activities shall be performed by a qualified biologist for a minimum of three years consistent with the terms of necessary permits. The qualified biologist shall prepare an annual report on the progress of mitigation with identified management actions. These reports shall be submitted to the City and available to agencies upon request. Mitigation shall be deemed complete once the qualified biologist has determined that the success or establishment of restoration or habitat creation activities. The biologist may use a combination of habitat indicators such as ground stabilization, percent native ground cover, relative ratios of the herbaceous, shrub, and tree layers, as well as other habitat quality indicators in order to determine the level of success. At a minimum, native plant cover percent shall meet or exceeding that of impacted wetland habitat. Ephemeral drainage mitigation shall not be channelized and shall promote stable banks and native plant species. Additional years of management and reporting shall occur should mitigation fail to meet success criteria. Specific

management and maintenance procedures shall be included within the Open Space Plan.

- Ephemeral drainages shall be offset by no less than the linear feet length of impacts. Monitoring of mitigation activities shall be performed by a qualified biologist for a minimum of three years consistent with the terms of necessary permits. The qualified biologist shall prepare an annual report on the progress of mitigation with identified management actions. These reports shall be submitted to the City and available to agencies upon request. Mitigation shall be deemed complete once the qualified biologist has determined that the success or establishment of restoration or habitat creation. The biologist may use a combination of habitat indicators such as ground stabilization, percent native ground cover, relative ratios of the herbaceous, shrub, and tree layers, as well as other habitat quality indicators to determine the level of success. Ephemeral drainage mitigation shall not be channelized and shall promote stable banks and native plant species. Additional years of management and reporting shall occur should mitigation fail to meet success criteria. Specific management and maintenance procedures shall be included within the Open Space Plan.
- Other forms of mitigation, such as the purchase of mitigation credits from a bank approved by the permitting agency, may serve to replace the conditions above provided that measures are approved by the appropriate permitting agency.

Additionally, setbacks of 50 feet, or the largest setback possible when a full 50 feet is not feasible, shall be established by a qualified biologist around each of the seasonal wetlands or ephemeral drainage features within 100 feet of project development. The biologist may require a larger setback of up to 100 feet after consideration of the soil types, slope between the buffer and construction, hydrology, vegetation, and runoff potential. Setbacks shall be marked off with high visibility fencing prior to the commencement of construction. A qualified biologist shall be present during any and all construction activities that ensue within 50 feet of any buffer area of seasonal wetlands or ephemeral drainage. The qualified biologist shall act as a construction monitor to ensure that indirect impacts from construction to waters/wetlands do not occur and the fencing remains intact.

Implementation of the above measure would reduce impacts to sensitive seasonal wetlands and ephemeral drainages by requiring that impacts be offset in-kind and consistent with any necessary permit terms. Mitigation would be subject to long-term management and held to defined success. Avoided seasonal wetlands and ephemeral drainages would be protected with a construction buffer and monitored by a qualified biologist such that construction would not generate indirect impacts.

Mitigation Measure 4.3-17 Protection of Tidal Marsh

The tidal marsh habitat onsite shall be completely avoided. A minimum setback of at least 50 feet shall be established around the tidal marsh habitat to prevent any impacts during construction. The exact width of the tidal marsh setback may be larger based on specified conditions of associated permits from the BCDC, USACE, SFBRWQCB, or other jurisdictional agencies.

Prior to commencement of construction, high visibility fencing shall be installed to delineate the tidal marsh setback. A qualified biologist shall be present during any and all development activities that ensue within 50 feet of the fenced tidal marsh setback. The qualified biologist shall act as a construction monitor to ensure the fencing remains intact and that construction activities do not disturb habitat within this setback buffer.

Implementation of the above measure would reduce impacts to sensitive tidal marsh habitat by prohibiting direct conversion of this habitat type. Beach strand would be protected with a construction buffer and monitored by a qualified biologist such that construction would not generate direct or indirect impacts.

Mitigation Measure 4.3-18 Coastal Terrace Prairie Habitat Impacts

Impacts to coastal terrace prairie shall be mitigated at a 2:1 ratio, such that for each acre impacted, no less than two acres of in kind habitat shall be created, restored, or preserved. Prior to development, a preconstruction survey shall be performed to identify precise acreages of coastal terrace prairie habitat within an impact area. Coastal terrace prairie habitat shall be identified utilizing CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*. The following activities shall occur related to coastal terrace prairie mitigation.

1. Coastal terrace prairie habitat within the Open Space and not impacted by grading shall be preserved. These acres shall be managed and monitored for a total of five years to prevent significant increase in invasive grasses cover. A qualified biologist shall prepare an annual report on the status of preserved habitat with recommendations on adaptive management for invasive species as necessary. These reports shall be maintained by the Applicant and available to agencies upon request. Detailed management and maintenance procedures from the California Native Grasslands Association's Grassland Restoration and Management Resources shall be included within the Open Space Plan.
2. Invasive annual grassland habitat within the Open Space and not impacted by grading are suitable for restoration to a coastal terrace prairie composition and shall be restored such that the minimum 2:1 mitigation ratio is achieved. Areas where annual grasslands have been impacted by grading may also be areas that are suitable for restoration to coastal terrace prairie. These acres shall be managed and monitored annually for a minimum of five years. A qualified biologist shall prepare an annual report on the status of habitat restoration activities with recommendations on adaptive management measures as necessary. Mitigation shall be deemed complete when, after five years of management and monitoring, the qualified biologist determines that the mitigation has achieved successful conversion of annual grassland to coastal terrace prairie habitat, with a percent native grass cover equal to or exceeding the average percent cover of native grasses of preserved coastal terrace prairie. Additional years of management and reporting shall occur should mitigation fail to meet success criteria. These reports shall be maintained by the Applicant and be available to agencies upon request. Detailed management and maintenance procedures from the California Native Grasslands

Association's Grassland Restoration and Management Resources shall be included within the Open Space Plan.

3. Grading areas that remove coastal terrace prairie or annual grassland habitat shall be replanted with coastal terrace prairie habitat as possible in concurrence with or following stabilization of the grading area. Those acreages necessary to reach the mitigation goal of 2:1, should additional acreage be necessary beyond (1) and (2) above, shall be subject to the same monitoring, management, and reporting requirements as detailed in (2) above.

Areas of preservation and restoration shall be identified within the open space area at the time of impacts. Mitigation areas shall be in-kind based on the delineation of habitat based on CDFW's *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities*. Identification of coastal terrace prairie preservation, restoration, and/or creation areas shall be reviewed and approved by the City through the Open Space Plan.

Guidance for mitigation activities shall be derived from the California Native Grasslands Association's Grassland Restoration and Management Resources. These methods may include, but are not limited to, the use of soil management, grazing, mowing, and limited use of herbicide.

Implementation of the above measure would reduce impacts to sensitive coastal terrace prairie habitat by requiring that impacts be offset in-kind on the Projects Site at a 2:1 ratio. Mitigation would be subject to long-term management and held to defined success criteria to ensure fulfillment.

Mitigation Measure 4.8-1 Stormwater Pollution Prevention Plan Best Management Practices

Please refer to the description of Mitigation Measure 4.8-1 located in section **Biological Resources**, under the discussion of Impact 4.3.1 above.

Implementation of a Stormwater Pollution Prevention Plan would require BMPs throughout construction to avoid production of runoff with impaired quality that may degrade sensitive habitats. The SWPPP would additionally require final site stabilization prior to termination of permit coverage at the completion of construction, ensuring no land is left with such that bare soil and or other potential runoff issues that could impair water quality.

Mitigation Measure 4.8-2 Demolition and Containment Plan

Please refer to the description of **Mitigation Measure 4.8-2** located in section **Biological Resources**, under the discussion of Impact 4.3.1, above.

Implementation of the above measure is protective of water quality in the Bay as well as sensitive eelgrass beds through containment of debris that may otherwise impair water quality and generate turbidity that would impact Bay waters and eelgrass beds.

BIO-5

After construction is complete, EBRPD or the construction contractor shall replant native trees and native shrubs in the immediate vicinity of the Project Site at a 3:1 mitigation ratio, or a replacement ratio as determined by regulatory agencies and specified in environmental permits obtained through the Joint Aquatic Resources Permit Application if it results in a greater number of replacement trees.

Mitigation Measure BIO-5 was included in the SEIR from the Initial Study completed for the construction and operation of the Bay Trail, the analysis of which is incorporated by reference in the SEIR. Implementation of the above measure ensures that mitigating terms for impacts to native vegetation are carried out at an appropriate ratio.

BIO-6

During construction, the contractor shall avoid and minimize the spread of invasive or noxious weed species. Equipment shall be cleaned and free of weeds, and seeds prior to being used onsite. The EBRPD or a qualified contractor shall write a site-specific Invasive Plant Plan to specify implementation that shall avoid and minimize the introduction and spread of invasive plant species and seeds.

Mitigation Measure BIO-6 was included in the SEIR from the Initial Study completed for the construction and operation of the Bay Trail, the analysis of which is incorporated by reference in the SEIR. Implementation of the above measure requires the development of an Invasive Plant Plan. This Plan would minimize the risk that construction and operation of the Bay Trail would result in the spread of invasive species that would adversely impact sensitive habitats.

Potential Significant Effect

As discussed under Impact 4.3.3, without appropriate mitigation, construction of the Project may result in significant impacts to state or federally protected wetlands.

Summary of Specific Impact

Construction of the Project would result in the filling of wetlands that may be considered waters of the State or U.S. However, implementation of Mitigation Measure 4.3-16, 4.3-19, 4.8-1, and 4.8-2 would reduce the potential for impacts to wetlands and waters of the U.S. or State to a less-than-significant level. Mitigation Measure BIO-7, incorporated by reference regarding construction and operation of the Bay Trail, would additionally reduce impacts to a less-than-significant level.

Finding

Alterations have been required or incorporated into the Project that substantially lessen potentially significant impacts as identified in the SEIR such that impacts to biological resources after mitigation are reduced to a less-than-significant level. Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Pursuant to PRC section 21081, subdivision (a)(1), the City finds that the Project's adherence to the following mitigation measures will reduce the potential impact of this significant effect to a less-than-significant level.

Mitigation Measure 4.3-16 Seasonal Wetlands, and Ephemeral Drainage Impacts

Please refer to the description of **Mitigation Measure 4.3-16** located in section **Biological Resources**, under the discussion of Impact 4.3.2, above.

Implementation of the above measure would reduce impacts to seasonal wetlands and ephemeral drainages that may be considered waters of the U.S. or State by requiring that impacts be offset in-kind on the Project Site consistent with any necessary permit terms. Mitigation would be subject to long-term management and held to defined success criteria. Avoided seasonal wetlands and ephemeral drainages would be protected with a construction buffer and monitored by a qualified biologist such that construction would not generate direct or indirect impacts.

Mitigation Measure 4.8-1 Stormwater Pollution Prevention Plan Best Management Practices

Please refer to the description of Mitigation Measure 4.8-1 located in section **Biological Resources**, under the discussion of Impact 4.3.1 above.

Implementation of a Stormwater Pollution Prevention Plan would require BMPs throughout construction to avoid production of runoff with impaired quality that could degrade habitats that may be considered waters of the U.S. or State. The SWPPP would additionally require final site stabilization prior to termination of permit coverage at the completion of construction, ensuring no land is left with bare soil or other potential runoff issues that could impair water quality.

Mitigation Measure 4.8-2 Demolition and Containment Plan

Please refer to the description of **Mitigation Measure 4.8-2** located in section **Biological Resources**, under the discussion of Impact 4.3.1, above.

Implementation of the above measure is protective of water quality in the Bay, a traditional water of the U.S. and State, through containment of debris that may otherwise impair water quality and generate turbidity.

BIO-7

To reduce potential short-term impacts to the upland wetland, the contractor shall implement the following avoidance measures and BMPs:

- Install temporary silt fencing beyond the outer edge of the wetland boundary to prevent entry of fill into the wetland during construction. Temporary silt fencing would also reduce the likelihood of wildlife from entering the work area.

- Place temporary Environmentally Sensitive Area fencing where needed to prevent construction equipment and workers from entering the upland wetland.

Mitigation Measure BIO-7 was included in the SEIR from the Initial Study completed for the construction and operation of the Bay Trail, the analysis of which is incorporated by reference in the SEIR. Implementation requires full avoidance of the only habitat feature along the Bay Trail within the Project Site that may be considered a water of the U.S. or State. This habitat is protected against indirect impacts through setbacks required above. This was evaluated and determined to be a less-than-significant impact.

Potential Significant Effect

As discussed under Impact 4.3.4, without appropriate mitigation, construction of the Project may result in significant impacts to wildlife movement or use of nursery sites.

Summary of Specific Impact

The Project Site is relatively biologically isolated as it is surrounded on all sides by either open waters or urban development. However, the Bay Trail is a linear feature that extends well past the Project Site and parallels a significant stretch of the Bay. Prior analysis of the Bay Trail, incorporated by reference in the SEIR, determined that the Bay Trail could significantly impact wildlife movement should the trail utilize fencing along its length that posed a dispersal barrier to regional wildlife. However, it was determined that inclusion of Mitigation Measure BIO-8 reduced this impact to a less-than-significant level.

Finding

Alterations have been required or incorporated into the Project that substantially lessen potentially significant impacts as identified in the SEIR such that impacts to biological resources after mitigation are reduced to a less-than-significant level. Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Pursuant to PRC section 21081, subdivision (a)(1), the City finds that the Project's adherence to the following mitigation measures will reduce the potential impact of this significant effect to a less-than-significant level.

BIO-8

Fencing and other structures associated with development of the Bay Trail shall be designed and constructed in a manner that does not impede wildlife movement.

Mitigation Measure BIO-8 was included in the SEIR from the Initial Study completed for the construction and operation of the Bay Trail, the analysis of which is incorporated by reference in the SEIR. Implementation of the above measure would prohibit the use of fencing that would impede wildlife

movement across the Bay Trail. Avoidance of barrier fencing would reduce this impact to a less-than-significant level.

Potential Significant Effect

As discussed under Impact 4.3.5, without appropriate mitigation, construction and operation of the Project may result in conflict with local policies or ordinances protecting monarch butterflies and trees.

Summary of Specific Impact

The City of Richmond General Plan identifies monarch butterflies as sensitive species known to roost over winter near the Project Site. The Project would result in the removal of eucalyptus trees, which provide suitable monarch roosts. While this species is not currently known to roost on the Project Site, removal of an active roost would constitute a significant impact.

Additionally, the City Urban Greening Master Plan and Tree Preservation Ordinance apply to the removal of trees on land to be held in ownership by the City. The Project would result in limited removal of trees within the Open Space.

However, implementation of Mitigation Measures 4.3-12, 4.3-13, 4.3-20, and 4.3-21 would reduce the potential for conflict with local policies to a less-than-significant level. Mitigation Measures BIO-9 and BIO-10, incorporated by reference regarding construction and operation of the Bay Trail, would additionally reduce impacts to a less-than-significant level.

Finding

Alterations have been required or incorporated into the Project that substantially lessen potentially significant impacts as identified in the SEIR such that impacts to biological resources after mitigation are reduced to a less-than-significant level. Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Pursuant to PRC section 21081, subdivision (a)(1), the City finds that the Project's adherence to the following mitigation measures will reduce the potential impact of this significant effect to a less-than-significant level.

Mitigation Measure 4.3-12 Dedicated Open Space

Please refer to the description of **Mitigation Measure 4.3-11** located in section **Biological Resources, under the discussion of Impact 4.3.2, above.**

Implementation of the above measure would reduce impacts to sensitive habitat by requiring maintenance of Urban Greening tree planting locations throughout project buildout. Additionally, this mitigation requires long-term management of vegetation within the Open Space.

Mitigation Measure 4.3-13 Vegetation Management within Planning Areas

Please refer to the description of **Mitigation Measure 4.7-4** located in section **Biological Resources**, under the discussion of Impact 4.3.2, above.

Implementation of the above measure would require the use of native trees for tree plantings within the Planning Areas. This is consistent with the City of Richmond Urban Greening Master Plan.

Mitigation Measure 4.3-20 Protection of Monarch Butterflies

Should ground-disturbance activities commence within eucalyptus woodland within monarch over-wintering season (October 1 through February 28), a pre-construction survey shall be completed by a qualified biologist to determine the presence or absence of roosting monarch butterflies. Should no roosts be identified, no further mitigation would be necessary. Should active monarch butterfly roost trees be identified, the tree shall not be removed until after the qualified biologist has determined that the monarch butterflies have vacated the roost. Active roost trees shall be protected with a 100-foot construction buffer demarcated by a qualified biologist with high-visibility fencing or flagging around the outer boundary of the active roosting habitat. The 100-foot buffer could be reduced if, in consultation with CDFW or a qualified biologist, a shorter distance is deemed sufficient due to site conditions or the activity itself. The buffer shall remain until it is determined by the biologist that the roost is no longer active.

Implementation of the above measure would reduce impacts to monarchs by identifying and avoiding active roosts within eucalyptus habitat and providing any active roosts with a protective buffer until the roost is deemed vacant by a qualified biologist. By minimizing potential impacts to monarch butterflies, the Project is consistent with the City General Plan, which identifies monarchs as sensitive species.

Mitigation Measure 4.3-21 Compliance with Local Plans and Ordinances

The Project shall maximize the use of native trees consistent with the City Urban Greening Master Plan's recommendations on tree species and planting specifications. Trees removed on City land as a result of the Project shall be mitigated for in the following way.

- Permitted removal of native trees shall be replanted at an in-kind 2:1 ratio.
- Permitted removal of non-native trees shall be replaced with a native tree recommended within the Urban Greening Master Plan at a 2:1 ratio.
- Planted trees shall be monitored annually by a qualified biologist for a minimum of three years. Mitigation shall achieve a minimum success rate of 75 percent survival after three years. The annual report shall be submitted to the City and shall include information on tree planting locations, health of trees, diameter at breast height (if applicable), and the number and location of necessary plantings to replace failed trees. Additional years of monitoring and maintenance activities may be required to achieve success criteria.

- Use of compensatory tree plantings shall be maximized within public access areas such as parks and along roadsides, and spacing shall be consistent with the street-tree requirements in the City's Urban Greening Master Plan.

Implementation of the above measure would require that trees removed on City land be mitigated through compensatory plantings, generally in areas of public access. Planted trees would be monitored and replaced as needed in order to ensure establishment and success of mitigation. Use of compensatory plantings to offset permitted tree removal to further the goals of the Urban Greening Master Plan would be consistent with both the Urban Greening Master Plan and the City's tree preservation ordinance.

BIO-9

The EBRPD or its construction contractor shall obtain a tree removal permit from the City superintendent, or equivalent, for removal or pruning of trees at least three days prior to when work shall occur. Proposed tree removal shall be completed within 30 days of obtaining the permit.

Mitigation Measure BIO-9 was included in the SEIR from the Initial Study completed for the construction and operation of the Bay Trail, the analysis of which is incorporated by reference in the SEIR. Implementation of the above measure would require that the necessary permits for tree trimming or removal associated with the Bay Trail development be obtained prior to impacts. This would ensure consistency with the City's tree preservation ordinance and permitting requirements.

BIO-10

The construction contractor shall be responsible for providing, installing, and maintaining tree and shrub protection in active work areas for the duration of construction.

Mitigation Measure BIO-10 was included in the SEIR from the Initial Study completed for the construction and operation of the Bay Trail, the analysis of which is incorporated by reference in the SEIR. Implementation of the above measure would ensure that construction of the Bay Trail would not result in accidental removal of trees and vegetation without the appropriate permit. By avoiding unintended impacts, the construction of the Bay trail would be consistent with local policies protecting biological resources.

C. ENVIRONMENTAL EFFECTS OF THE PROJECT THAT CANNOT BE MITIGATED TO LESS THAN SIGNIFICANT.

None.

D. IMPACTS OF THE PROJECT THAT WILL NOT CREATE A SIGNIFICANT CUMULATIVE IMPACT OR WOULD MAKE A LESS THAN CUMULATIVELY CONSIDERABLE CONTRIBUTION TO SIGNIFICANT CUMULATIVE IMPACTS.

The Project Site is relatively isolated from a biological standpoint. The majority of cumulatively considered projects would largely occur in previously developed and urbanized areas, or as "infill" projects. For these

types of projects, the amount and quality of the biological resources at or near the sites are relatively low, and they are not anticipated to have significant cumulative impacts to biological resources. These projects were unlikely to result in take of special-status species, provided in-kind mitigation for cumulatively insignificant impacts to sensitive habitats, avoided impacts to or habitat important for wildlife movement, and are required to comply with local ordinances. Further with mitigation, the Project plus existing, planned, or proposed projects would not result in significant cumulative impacts to biological resources.

E. IMPACTS OF THE PROJECT THAT POTENTIALLY CREATE SIGNIFICANT CUMULATIVE IMPACTS OR WOULD MAKE A CUMULATIVELY CONSIDERABLE CONTRIBUTION TO SIGNIFICANT CUMULATIVE IMPACTS, BUT THAT CAN BE MITIGATED TO LESS THAN CUMULATIVELY CONSIDERABLE.

None.

F. CUMULATIVE EFFECTS OF THE PROJECT THAT CANNOT BE MITIGATED TO LESS THAN SIGNIFICANT.

None.

CULTURAL RESOURCES AND TRIBAL CULTURAL RESOURCES

A. ENVIRONMENTAL EFFECTS OF THE PROJECT FOUND TO HAVE NO IMPACT ON THE ENVIRONMENT, OR HAVE A LESS THAN SIGNIFICANT IMPACT ON THE ENVIRONMENT.

As discussed in SEIR, Section 4.4.4, there are a number of prehistoric and historic-era resources, all of which may be affected by the Project with the exception of the Naval Fuel Depot-associated buildings and structures, which have been found not eligible for listing on the National Register of Historic Places (NRHP) or California Register of Historical Resources (CRHR). Demolition of these buildings and structures will have no impact on the environment.

B. ENVIRONMENTAL EFFECTS OF THE PROJECT THAT ARE POTENTIALLY SIGNIFICANT, BUT THAT CAN BE MITIGATED TO LESS THAN SIGNIFICANT.

Potential Significant Effect

As discussed in Impact 4.4.1, without appropriate mitigation, the Project has the potential to cause a substantial adverse impact to the Winehaven Historic District.

Summary of Specific Impact

The 35 buildings and one structure related to the Winehaven Historic District are either already listed on the NRHP or have been recommended as eligible to the NRHP. Physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired would cause a significant effect on the environment.

Potential impacts would be mitigated, however, through the implementation of appropriate preservation measures and careful planning for new structures in compliance with approved design guidelines that comply with the Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties.

Finding

Alterations have been required or incorporated into the Project that substantially lessen these potentially significant effects as identified in the SEIR, such that environmental effects after mitigation are reduced to a less-than-significant level. Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the Final SEIR [Finding (1)].

Rationale for the Finding

Pursuant to PRC section 21081, subdivision (a)(1), the City finds that the Project's adherence to the following mitigation measures will reduce the potential impact of this significant impact to a less-than-significant level.

Mitigation Measure 4.4-1 Do Not Issue Building/Demolition Permits for the Winehaven District Until HPC Approves

The City shall not issue demolition permits associated with demolition or construction in the Winehaven Historic District until the HPC has reviewed the application to ensure that the building proposed to be demolished is not a contributor to the Winehaven District. If SHPO approves the Historic District amendment which clarifies the contributing and non-contributing features, demolition of non-contributing features shall be deemed approved and shall not require review by the HPC.

Mitigation Measure 4.4-2 Develop and Apply Design Guidelines for the Winehaven Historic District

The Project Applicant shall develop comprehensive Design Guidelines that comply with the Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties that will govern the rehabilitation of buildings within the Historic District as well as new construction within the Historic District. The Design Guidelines shall be reviewed and approved by the HPC prior to the issuance of demolition permits to ensure that they would result in a project that complies with the Secretary of the Interior's Standards for Rehabilitation; (2) would result in buildings that are compatible with the Historic District; (3) require preservation of the historic materials and character-defining features of the buildings, and repair instead of replacement of deteriorated features, where feasible; and (4) require replacement in kind should contributing elements of the internal railway system be removed to complete hazardous materials remediation in the vicinity of Buildings No. 1 and 10. In addition, the City shall not issue building permits associated with the Historic District until HPC staff concur that the design of the buildings associated with those permits conforms to the Design Guidelines as part of its review pursuant to

Zoning Code section 15.04.303.120. Provisions that must be included in the Design Guidelines include the following.

- a. All work within the Historic District shall be performed in keeping with the Secretary's Standards and Guidelines for the Treatment of Historic Properties (the "Standards").
- b. Alterations to contributing buildings shall be conducted in a sensitive manner consistent with the Standards, and will preserve materials, features, and finishes of contributing resources to the extent feasible. Deteriorated features will be repaired whenever feasible, and when not feasible, these features will be replaced "in kind," matching the original in design, color, texture, and materials, whether these materials are wood, masonry (e.g., brick, concrete, or stone), metal, or some other material.
- c. All Historic District contributing buildings shall be retained. Demolition of existing construction or removal of historically significant features shall be limited and shall meet requirements listed in the Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties. Any demolition activities shall be conducted in a manner that shall be sensitive to and protective of Historic District contributors and/or their character-defining features.
- d. Preserve contributing sections of the railway system except if doing so conflicts with remediation requirements. If preservation is not feasible, then the sections of railway tracks shall be replaced in kind.
- e. New buildings constructed within the Historic District boundary shall be consistent with the Standards, including Standard 9, which requires any new construction to be differentiated from but compatible with existing historic buildings.
- f. Prior to the alteration of any contributing buildings within the Historic District, the 1995 Historic American Building Survey documentation shall be reviewed and updated, if needed.
- g. Damaged or deteriorated brickwork throughout any brick structure shall be repaired or replaced to match the existing brickwork; if the painted-on Air Raid Shelter signs are removed, they shall be professionally photographed prior to damage or destruction.
- h. Any work involving the relocation of utilities, water, sewer, or electrical facilities shall avoid impacts to the visual character of the Historic District and its contributing buildings. Installation of any new utility features in visually prominent sites within the District or adjacent to its contributing buildings shall be avoided.
- i. Provide open space, or the impression of space, between Building No. 1 and any new construction immediately adjacent to it to the north or south. Maintain a clear line of sight through the gap south of Building 1 to the power house and hillside.

- j. Limit vertical development directly west of Building No. 1 between Building No. 1 and the Bay to small structures, such as kiosks or park amenities, which shall be sensitively designed and placed to maintain overall views between Building No. 1 and the Bay in keeping with the Standards.
- k. Any new public entrances added to Building #1 shall be designed to be compatible with the character of the building.
- l. Reconfiguration of Stenmark Drive should de-emphasize the physical division of the east and west portions of the Historic District. Use landscaping to help minimize the visual division.

CUL-1

The contractor shall be required to limit the depth of grading and subsurface activities within P-07-000277 to the depth of the Belt Line ballast (approximately 2 feet). If it is determined that the depth of subsurface activities would exceed the depth of the Belt Line ballast through P-07-000277, then a qualified archaeologist should be retained to monitor project ground-disturbing activities through Site P-07-000277. Archaeological monitors should be empowered to halt construction activities at the location of a discovery to review possible archaeological material and to protect the resource while the finds are being evaluated. Monitoring should continue until, in the archaeologist's judgment, cultural resources are not likely to be encountered. If deposits of prehistoric or historical archaeological materials are encountered during project monitoring, all work within 25 feet of the discovery should be redirected until the archaeologist assesses the finds, consults with agencies as appropriate, and makes recommendations for the treatment of the discovery. If avoidance of the archaeological deposit is not feasible, the archaeological deposits should be evaluated for their eligibility for listing in the CRHR. If the deposits are eligible, impacts to the deposits should be mitigated. Mitigation may include excavation of the archaeological deposit in accordance with a data recovery plan (see CEQA Guidelines section 15126.4(b)(3)(C)) and standard archaeological field methods and procedures; laboratory and technical analyses of recovered archaeological materials; preparation of a report detailing the methods, findings, and significance of the archaeological site and associated materials; and accessioning of archaeological materials and a technical data recovery report at a curation facility. Upon completion of the assessment, the archaeologist should prepare a report to document the methods and results of the assessment. The report should be submitted to the East Bay Regional Park District, the City of Richmond, and the NWIC at Sonoma State University upon completion of the resource assessment.

Implementation of Mitigation Measures 4.4-1 and 4.4-2, and CUL-1 would ensure that the buildings and structures that are contributing elements of the Winehaven Historic District will be appropriately protected and that new construction within the Winehaven Historic District will be appropriate to the historic setting. Thus, the potential adverse impact described above will be mitigated to a less-than-significant level.

Potential Significant Effect

As discussed in Impact 4.4.2, without appropriate mitigation, the Project has the potential to cause a substantial adverse change in the significance of an archaeological resource.

Summary of Specific Impact

As discussed in the SEIR, the Project site includes a number of archaeological resources, including prehistoric shell midden sites, prehistoric burial sites, and the historic Chinese Shrimp Camp. The prehistoric resources, CA-CCO-282, -283, 284, and -423 have been found not eligible for listing on the NRHP/CRHR due to the levels of disturbance identified during archaeological subsurface testing programs. However, the Chinese Shrimp Camp, CA-CCO-506H has been recommended eligible for listing on the NRHP/CRHR. Damage to the resource would cause a significant effect on the environment. While the Project Site has been disturbed or modified over time, the presence of several prehistoric archaeological resources within the site and in the vicinity indicates the potential for others to be uncovered during construction. Previously unknown archaeological sites also may occur within the Project Site. Damage to unique archaeological resources would be a significant environmental impact.

Finding

Potential impacts would be mitigated through the implementation of appropriate preservation measures including training of construction workers, on-site monitoring during ground-disturbing construction within 50 feet of known resources, the immediate halt of all work within 50 feet of any discovery of subsurface prehistoric or historic cultural resources in order to assess the significance of the find, per CEQA *Guidelines* section 15064.5, and the development of a Cultural Resources Data Recovery Plan prior to construction to guide the investigation of resources identified during construction. Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Pursuant to PRC section 21081, subdivision (a)(1), the City finds that the Project's adherence to the following mitigation measures will reduce the potential impact of this significant effect to a less-than-significant level.

Mitigation Measure 4.4-3 Archaeological Resource Avoidance and Monitoring

- a. The Applicant shall retain a qualified professional archaeologist and tribal monitor(s) to monitor any ground-disturbing activities associated with widening Stenmark Drive or constructing utility systems that are (a) within a 50-foot radius of the mapped boundaries of CA-CCO-284 and (b) anticipated to extend 2.0 feet or more below the current ground surface. If intact features, burials, or diagnostic artifacts are found during construction, the archaeologist shall stop work within a 50-foot radius of the find investigate, document, or otherwise recover the finds in accordance with current professional standards and the unanticipated discoveries requirements (see below). Work shall not resume in the stop-work area until the archeologist determines work can safely proceed.

- b. The Applicant shall maintain a protective buffer of 50 feet around CA-CCO-506H during construction. CA-CCO-506H is located away from most development and infrastructure improvements, however the full extent of subsurface deposits is unknown. Any construction that could extend more than 2.0 feet below ground surface shall, wherever feasible, remain outside the buffer established for CA-CCO-506H. The Applicant shall retain a qualified professional archaeologist and tribal monitor(s) to monitor any ground-disturbing activity within the buffer that is expected to exceed 2.0 feet below surface. If intact features, burials, or diagnostic artifacts are found during construction, the archaeologist shall stop work within a 50-foot radius of the find, investigate, document, or otherwise recover the finds in accordance with current professional standards and Mitigation Measure 4.4-4. Work shall not resume in the stop-work area until the archeologist determines work can safely proceed.
- c. Any project-related construction or grading shall avoid the known boundaries of CA-CCO-283 by a minimum of 50 feet in any direction whenever feasible. Prior to construction, orange construction fencing shall be placed along the 50-foot buffer line and shall remain in place until construction in the vicinity is complete. Where soil-disturbing activities approach closer than 50 feet, the Applicant shall retain a qualified professional archaeologist and tribal monitor to monitor any ground-disturbing activity within the buffer. If intact features, burials, or diagnostic artifacts are found during construction, the archaeologist shall stop work within a 50-foot radius of the find, investigate, document, or otherwise recover the finds in accordance with current professional standards and Mitigation Measure 4.4-4, and, if applicable, Mitigation Measure 4.4-5. Work shall not resume in the stop-work area until the archeologist determines work can safely proceed.
- d. Prior to the beginning of grading (including ground-clearing, grubbing, tree removal, demolition, retaining wall demolition/construction/shoring) or any other ground-disturbing activities, a qualified professional archaeologist and tribal monitor(s) shall administer a cultural resources awareness training program to all construction workers who will be performing grading or construction work. The program shall include a review of the types of finds that could occur, regulatory requirements, and a list of contacts (with telephone numbers) in case of accidental discoveries. The training program shall be repeated periodically as new construction workers are added to the project and all personnel shall be required to sign an acknowledgement that they have received training. A hardhat sticker shall be designed and issued to each individual who completes the training program.

Mitigation Measure 4.4-4 Unanticipated Discoveries of Archeological Resources

The project proponent shall retain a qualified professional archaeologist to inspect areas under construction beyond the 50-foot limit minimally twice a month during the initial construction phases. If unidentified cultural resources or Tribal Cultural Resources (TCRs) are encountered during ground-disturbing activities, work within 50 feet of the discovery shall halt and the qualified archaeologist shall evaluate the resource's significance through a study of its features and artifacts. Construction activities can continue in areas 50 feet away from the find and not associated with the cultural resource location. If the resource is determined not to be significant,

no further archaeological investigation or mitigation shall be required. If the find is determined to be a potentially significant archeological resource or TCR, a qualified archaeologist, in consultation with the Planning Director or designee at the City of Richmond, the project proponent, and the tribal monitor, where a potential TCR, shall determine whether preservation in place is feasible.

The Project Proponent has retained a qualified professional archaeologist to develop a Cultural Resources Data Recovery Plan (CRDRP) in consultation with the City, Applicant, and Native American community.

Treatment of unique archaeological resources shall follow the applicable requirements of PRC section 21083.2. Treatment for most resources would consist of (but would not be not limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim of targeting the recovery of important scientific data contained in the portion(s) of the significant resource to be impacted by the project. The CRDRP shall include provisions for analysis of data in a regional context; reporting of results within a timely manner and subject to review and comments by the appropriate Native American representative, where applicable, before being finalized; curation of artifacts and data at a local facility acceptable to the City and appropriate Native American representative, if applicable; and dissemination of final confidential reports to the appropriate Native American representative, if applicable, the Northwest Information Center of the California Historical Resources Information System and the City.

Where preservation in place is infeasible in light of project design or layout, the CRDRP shall be followed to determine the archaeological significance of the find, in consultation with the tribal monitor. The relevant provisions of the CRDRP, up to and including Data Recovery, shall be completed prior to the resumption of construction activities within the vicinity of the find.

CUL-1

The contractor shall be required to limit the depth of grading and subsurface activities within P-07-000277 to the depth of the Belt Line ballast (approximately 2 feet). If it is determined that the depth of subsurface activities would exceed the depth of the Belt Line ballast through P-07-000277, then a qualified archaeologist should be retained to monitor project ground-disturbing activities through Site P-07-000277. Archaeological monitors should be empowered to halt construction activities at the location of a discovery to review possible archaeological material and to protect the resource while the finds are being evaluated. Monitoring should continue until, in the archaeologist's judgment, cultural resources are not likely to be encountered. If deposits of prehistoric or historical archaeological materials are encountered during project monitoring, all work within 25 feet of the discovery should be redirected until the archaeologist assesses the finds, consults with agencies as appropriate, and makes recommendations for the treatment of the discovery. If avoidance of the archaeological deposit is not feasible, the archaeological deposits should be evaluated for their eligibility for listing in the CRHR. If the deposits are eligible, impacts to the deposits should be mitigated. Mitigation may include excavation of the archaeological deposit in accordance with a data recovery plan (see CEQA Guidelines section 15126.4(b)(3)(C)) and standard archaeological field methods and procedures; laboratory and

technical analyses of recovered archaeological materials; preparation of a report detailing the methods, findings, and significance of the archaeological site and associated materials; and accessioning of archaeological materials and a technical data recovery report at a curation facility. Upon completion of the assessment, the archaeologist should prepare a report to document the methods and results of the assessment. The report should be submitted to the East Bay Regional Park District, the City of Richmond, and the NWIC at Sonoma State University upon completion of the resource assessment.

Implementation of Mitigation Measures 4.4-3 and 4.4.4, and CUL-1 would ensure that any significant archaeological discoveries uncovered by ground disturbing activities would be appropriately protected. Thus, the potential adverse impact described above will be mitigated to a less-than-significant level.

Potential Significant Effect

As discussed in Impact 4.4.3, without appropriate mitigation, the Project has the potential to cause a substantial adverse impact to human remains. This impact would be reduced to a less-than-significant level after mitigation.

Summary of Specific Impact

Human remains have been identified at sites CA-CCO-283 and CA-CCO-284. While these sites have been disturbed by past impacts, the potential exists that remains associated with these or other sites may be exposed by construction associated with the Project. Impacts to human remains would be significant.

Finding

Mitigation has been incorporated into the Project to substantially lessen these potentially significant effects as identified in the SEIR, so that environmental effects after mitigation are reduced to a less-than-significant level. Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Pursuant to PRC section 21081, subdivision (a)(1), the City finds that the Project's adherence to the following mitigation measure will reduce the potential impact of this significant effect to a less-than-significant level.

Mitigation Measure 4.4-5 Discovery of Human Remains

If human remains are encountered during construction activities, work within 50 feet of the find shall halt immediately and the County Coroner shall be notified in accordance with California HSC section 7050.5 and a qualified archeologist also shall be notified. The coroner will examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands, as per section 7050.5(b) of the HSC. If the coroner determines that the remains are those of a Native American, the coroner will contact the NAHC by phone within 24 hours of

making that determination, as per section 7050(c) of the HSC. The Applicant will act on notification of a discovery of Native American human remains in compliance with Section 5097.9 of the California PRC. The Applicant and the professional archaeologist are required to contact the Most Likely Descendent (MLD), as determined by the NAHC, regarding the remains. The MLD, in cooperation with the property owner and the lead agencies, will determine the ultimate disposition of the remains. The MLD has 48 hours from the time of being granted access to the site by the landowner to inspect the discovery and provide recommendations to the landowner for the treatment of the human remains and any associated grave goods. In the event that no descendant is identified or the descendant fails to make a recommendation for disposition, the landowner may, with appropriate dignity, reinter the remains and burial items on the property in a location that will not be subject to further disturbance.

CUL-2 Subsurface disturbance related to the construction of the trail shall be limited to the depth of asphalt and fill associated with Burma Road. If it is determined that the depth of trail construction will exceed the depth of asphalt and fill of Burma Road (2 feet), then it is recommended that an archaeological and/or Native American monitor be present during subsurface activities through Site P-07-000162.

CUL-3 Any human remains encountered during project ground disturbing activities should be treated in accordance with California HSC § 7050.5. The District and the County of Contra Costa should verify that the following directive has been included in the appropriate contract documents: "If human remains are uncovered, work within 25 feet of the discovery shall be redirected and the County Coroner notified immediately. At the same time, an archaeologist shall be contacted—if one is not already on site—to assess the situation and consult with agencies as appropriate. Project personnel shall not collect or move any human remains or associated materials. If the human remains are of Native American origin, the coroner must notify the NNAHC within 24 hours of this identification. The NAHC will identify a Native American MLD to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods."

Implementation of Mitigation Measure 4.4-5 and CUL-2 and CUL-3 would ensure that any human skeletal remains uncovered by ground disturbing activities would be appropriately protected. Thus, the potential adverse impact will be mitigated to a less-than-significant level.

Potential Significant Effect

As discussed in Impact 4.4.4, without appropriate mitigation, the Project has the potential to cause a substantial adverse change in the significance of Tribal Cultural Resources.

Summary of Specific Impact

As discussed in the EIR, the Project site includes a number of archaeological resources, including prehistoric shell midden and burial sites. During the Native American community consultation process, sites CA-CCO-282, -283, 284, and -423 were declared to be TCRs by the Confederated Villages of Lisjan. Additionally, Guidiville Rancheria representatives identified several plant species which may have

been deliberately planted within the Project site by their ancestors and identified the eelgrass beds as a reason for Native American occupation of the Project Site area.

Finding

Potential impacts would be mitigated through the incorporation of Native American monitors, construction worker training, deliberate planting of the species identified by Guidiville Rancheria, incorporation of interpretive panels explaining the history of the Project site, and the protections for the eelgrass beds incorporated into Section 4.3, Biological Resources. Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Pursuant to PRC section 21081, subdivision (a)(1), the City finds that the Project's adherence to the following mitigation measures will reduce the potential impact of this significant effect to a less-than-significant level.

Mitigation Measure 4.4-6 Tribal Monitor During Ground Disturbing Activities

The project proponent shall invite the Lisjan tribe to participate in monitoring ground-disturbing activities and shall fund the monitoring activities of the monitors selected by Lisjan. Monitoring shall be required during ground-disturbing activity within 50 feet of known cultural resource/TCR locations as well as for response to unanticipated discoveries. Invitations and proposed contracts for tribal monitors shall be sent to the tribes at least two months prior to when ground-disturbing activities are anticipated to occur. The invitations shall request that the tribes agree to the proposed contracts and all related arrangements at least one month before activities begin. In addition, Guidiville shall be notified when monitored ground-disturbing activity is going occur, Guidiville shall be allowed the opportunity to observe (unpaid) during those occasions, and Guidiville shall receive copies of studies produced if and when cultural resources are discovered during construction.

Mitigation Measure 4.4-7 Care of Tribal Cultural Resources

The Applicant shall include the four culturally significant plants identified as TCRs (*Dichelostemma multiflorum*, *Dichondra donnelliana*, *Elymus glaucus* ssp. *jepsonii*, and *Grindelia stricta* var. *platyphylla*) in vegetation buffers (with interpretive signs) in an area within the Project Site that is open to visitors, including members of the Tribe. The Tribe must be able to harvest the plants if desired. In addition, the Project shall construct and/or rehabilitate an uphill trail east of the proposed development that contains periodic interpretive panels, sitting areas, and learning exhibits that tell the story of the early inhabitants of the area. If allowed by the San Francisco Bay Conservation and Development Commission, interpretative panels with the Project Site's history should also be placed near the beach.

To the extent feasible, archaeological resources CA-CCO-282 and CA-CCO-423 shall be avoided by at least 50 feet in all directions. Prior to construction, orange construction fencing shall be

placed along the 50-foot buffer line around CA-CCO-282 and CA-CCO-423 and shall remain in place until construction in the vicinity is complete. If soil-disturbing activities approach closer than 50 feet, the Applicant shall ensure that, at a minimum, one qualified professional archaeological monitor and one of the retained tribal monitors are monitoring that specific activity, without simultaneous monitoring responsibilities elsewhere. Additionally, one qualified professional archaeological monitor and one of the retained tribal monitors shall be present to observe removal of the tennis court surface and for construction disturbances below the tennis court until soils or formations are encountered which pre-date human occupation.

If intact features, burials, or diagnostic artifacts are found during construction, work shall halt within the 50-foot radius until the find can be investigated, documented, or otherwise treated in accordance with current professional standards and Mitigation Measure 4.4-4, and, if applicable, Mitigation Measure 4.4-5. Work shall not resume in the stop-work area until the archaeologist determines work can safely proceed.

Every effort will be made to supply advance notice of the need for Native American monitors, however if tribal monitors do not appear at the agreed-upon date and time of work, construction shall proceed so long as a qualified archaeologist is present.

CUL-1

The contractor shall be required to limit the depth of grading and subsurface activities within P-07-000277 to the depth of the Belt Line ballast (approximately 2 feet). If it is determined that the depth of subsurface activities would exceed the depth of the Belt Line ballast through P-07-000277, then a qualified archaeologist should be retained to monitor project ground-disturbing activities through Site P-07-000277. Archaeological monitors should be empowered to halt construction activities at the location of a discovery to review possible archaeological material and to protect the resource while the finds are being evaluated. Monitoring should continue until, in the archaeologist's judgment, cultural resources are not likely to be encountered. If deposits of prehistoric or historical archaeological materials are encountered during project monitoring, all work within 25 feet of the discovery should be redirected until the archaeologist assesses the finds, consults with agencies as appropriate, and makes recommendations for the treatment of the discovery. If avoidance of the archaeological deposit is not feasible, the archaeological deposits should be evaluated for their eligibility for listing in the CRHR. If the deposits are eligible, impacts to the deposits should be mitigated. Mitigation may include excavation of the archaeological deposit in accordance with a data recovery plan (see CEQA Guidelines section 15126.4(b)(3)(C)) and standard archaeological field methods and procedures; laboratory and technical analyses of recovered archaeological materials; preparation of a report detailing the methods, findings, and significance of the archaeological site and associated materials; and accessioning of archaeological materials and a technical data recovery report at a curation facility. Upon completion of the assessment, the archaeologist should prepare a report to document the methods and results of the assessment. The report should be submitted to the East Bay Regional Park District, the City of Richmond, and the NWIC at Sonoma State University upon completion of the resource assessment.

CUL-2

Subsurface disturbance related to the construction of the trail shall be limited to the depth of asphalt and fill associated with Burma Road. If it is determined that the depth of trail construction will exceed the depth of asphalt and fill of Burma Road (2 feet), then it is recommended that an archaeological and/or Native American monitor be present during subsurface activities through Site P-07-000162.

Implementation of Mitigation Measures 4.4-6 and 4.4-7 and Bay Trail mitigation measures CUL-1 and CUL-2 would ensure that tribal cultural resources would be appropriately protected.. Thus, the potential adverse impact described above will be mitigated to a less-than-significant level.

C. ENVIRONMENTAL EFFECTS OF THE PROJECT THAT CANNOT BE MITIGATED TO LESS THAN SIGNIFICANT.

None.

D. IMPACTS OF THE PROJECT THAT WILL NOT CREATE A SIGNIFICANT CUMULATIVE IMPACT OR WOULD MAKE A LESS THAN CUMULATIVELY CONSIDERABLE CONTRIBUTION TO SIGNIFICANT CUMULATIVE IMPACTS.

None.

E. IMPACTS OF THE PROJECT THAT POTENTIALLY CREATE SIGNIFICANT CUMULATIVE IMPACTS OR WOULD MAKE A CUMULATIVELY CONSIDERABLE CONTRIBUTION TO SIGNIFICANT CUMULATIVE IMPACTS, BUT THAT CAN BE MITIGATED TO LESS THAN CUMULATIVELY CONSIDERABLE.

Consistent with the Richmond General Plan 2030 EIR, the cumulative analysis for impact on cultural tribal resources considers the broad regional system of which the resources are a part, i.e. the San Francisco Bay Area. The Richmond General Plan 2030 EIR acknowledges that the Richmond General Plan 2030, together with cumulative development, has the potential to adversely affect significant historical, archeological, and tribal resources. However, the Project's impacts on cultural and tribal resources will be reduced to a less-than-significant level with the incorporation of the proposed mitigation measures. Accordingly, the Project would not make a cumulatively considerable contribution to this significant cumulative impact. No mitigation is required beyond implementation of the Project mitigation measures.

F. CUMULATIVE EFFECTS OF THE PROPOSED PROJECT THAT CANNOT BE MITIGATED TO LESS THAN SIGNIFICANT.

None.

ENERGY

A. ENVIRONMENTAL EFFECTS OF THE PROJECT FOUND TO HAVE NO IMPACT ON THE ENVIRONMENT, OR HAVE A LESS THAN SIGNIFICANT IMPACT ON THE ENVIRONMENT.

As explained in Impact 4.5.2, the Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. The Project would be implemented in accordance with the applicable California Building Energy Efficiency Standards (likely 2022 or later). Additionally, the fire and police station portion of the Project will be in compliance with the Green Building Requirements for City Building and Traditional Public Work Projects, as defined in Richmond Municipal Code Chapter 6.45. The renovations of the contributing buildings to the Historic District would improve the energy efficiency of the buildings by fixing failing building envelopes, insulating where feasible, and, pursuant to Title 24, Part 8, the California Historic Building Code, meeting the standards of Title 24, Part 6, The California Energy Code, except where the historical significance or character-defining features are threatened when installing new nonhistorical lighting and space conditioning system components, devices, appliances and equipment. As shown in Appendix M of the Draft SEIR, the Project is consistent with the applicable goals and policies of the General Plan Energy and Climate Change Element. As shown in Appendix N of the Draft SEIR, the Project is consistent with all applicable climate action plan strategies. Accordingly, the Project would not conflict with a State or local plan for renewable energy or energy efficiency. This is a less-than-significant impact, and no mitigation is required.

B. ENVIRONMENTAL EFFECTS OF THE PROJECT THAT ARE POTENTIALLY SIGNIFICANT, BUT THAT CAN BE MITIGATED TO LESS THAN SIGNIFICANT.

Potential Significant Effect

As explained in Impact 4.5.1, without mitigation, implementation of the Project could result in significant environmental impacts wasteful, inefficient, or unnecessary consumption of energy resources.

Summary of Specific Impact

Project construction would consume energy primarily from fuel energy consumed by construction vehicles and equipment. The operational phase would consume energy for multiple purposes including, but not limited to, building heating and cooling, refrigeration, lighting, electronics, office equipment, commercial machinery (including kitchen appliances), and vehicle trips. Project operation would consume energy in two primary forms: (1) on-site energy use; and (2) transportation energy use. This is a potentially significant impact.

Finding

Changes or alterations have been required in, or incorporated into, the Project that substantially lessen these potentially significant impacts as identified in the SEIR, so that environmental effects after mitigation are reduced to a less-than-significant level. Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Fuel consumed during construction would be temporary in nature and would not represent a significant demand on available fuel. There are no unusual project characteristics that would necessitate the use of construction equipment that would be less energy-efficient than at comparable construction sites in the region or State. As described in SEIR Section 4.2.5.2, construction of the Project would use all Tier 4 Final off-road equipment, except for paving equipment. This would reduce fuel consumption and increase energy efficiency of construction equipment compared to equipment without Tier 4 engines. Mitigation Measure 4.2-1 (f) would reduce energy consumption by requiring the contractor to minimize equipment idling time. These mitigation measures would reduce fuel and energy use during all stages of construction and avoid the wasteful, inefficient, or unnecessary consumption of fuel energy. Additionally, the Project would decrease the energy associated with material extraction and construction by reusing existing buildings rather than constructing new buildings to meet existing City demand for commercial and residential space. Therefore, construction of the Project would not result in inefficient, wasteful, or unnecessary consumption of fuel energy.

The Project includes a number of design measures that would reduce transportation fuel and water consumption, thereby reducing the energy associated with Project operations. These design measures, as well as additional energy conserving measures, have been incorporated into **Mitigation Measure 4.2-2**. These measures would reduce the consumption of electricity, gasoline, and natural gas; therefore, with incorporation, energy usage for Project operation will not be wasteful, inefficient, or unnecessary.

As discussed in SEIR Section 4.13, the Project includes a number of components that result in an overall reduction in VMT. Trips generated by the Project would be “captured” internally from trips between the various uses within the Project Site, eliminating the need for these trips to travel to areas outside of the Project Site. Additionally, the total trips generated by the Project are expected to be reduced based on the proposed Transportation Demand Management (TDM) plan identified by **Mitigation Measure 4.13-6**. The reduction in VMT due to internal capture and TDM results in a reduction in gasoline consumption compared to a project that did not provide a mix of uses and TDM, and ensures that the project is not using vehicle fuel in a wasteful or inefficient manner.

Mitigation Measure 4.2-1 (f) Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points.

Mitigation Measure 4.2-2 Operational Emissions

Please refer to the description of **Mitigation Measure 4.2-2** located in section **Air Quality and Greenhouse Gases**, under the discussion of Impact 4.2.1 above.

Mitigation Measure 4.13-6 Transportation Demand Management Program

In addition to the TDM measures incorporated into the Project design (SEIR Section 3.4.3.4), the Applicant shall implement the following strategies to reduce vehicle trips generated by the Project.

1. BART Shuttle – The Project shall include a frequent (20-minute headways) direct weekday shuttle service between the Project Site and the Richmond BART Station for two hours during both the peak morning and evening commute periods. This service could be operated by a private contractor or by AC Transit. Shuttles shall be electric and fully accessible to passengers using wheelchairs and other mobility services and should have the capacity to transport bicycles. It is also recommended the Project explore providing a real-time smart-phone app that tracks real-time arrivals to make shuttle use more reliable and convenient.
2. Guaranteed Ride Home – The Project shall include a guaranteed ride home program which would provide employees and commuters who rideshare to work with a reimbursed ride home in the event of unexpected circumstances.
3. Preferential Parking for Carpoolers – The building management shall offer free or discounted preferential carpool parking for eligible commuters. To be eligible for carpool parking, the carpool shall consist of three or more people. The building management shall monitor and provide adequate carpool spaces to meet and exceed potential demand.
4. Preferential Parking for Vanpools – The building management shall offer free or discounted preferential vanpool parking for eligible commuters. The building management shall monitor and provide adequate carpool spaces to meet and exceed potential demand.
5. Commute Center – The Project shall provide a commute information center that may include an information board or kiosk located in a common gathering area. The kiosk will contain transportation information, such as Emergency Ride Home, transit schedules, bike maps, and 511 ride-matching.
6. Bi-Annual Employee Transportation Surveys – The Project shall conduct surveys to determine the transportation and travel characteristics of the employees working onsite. The goal of the survey would be to identify the best practices for shifting employees to alternative transportation or high occupancy vehicle modes.
7. On-Site Amenities – The Project shall provide a minimum of three trip reducing on-site amenities. Typical features could include: banks, grocery stores, clothes cleaners, exercise facilities, child care center, etc. The goal of the Project would be to provide as many of these amenities as is feasible.

C. ENVIRONMENTAL EFFECTS OF THE PROJECT THAT CANNOT BE MITIGATED TO LESS THAN SIGNIFICANT.

None.

D. IMPACTS OF THE PROJECT THAT WILL NOT CREATE A SIGNIFICANT CUMULATIVE IMPACT OR WOULD MAKE A LESS THAN CUMULATIVELY CONSIDERABLE CONTRIBUTION TO SIGNIFICANT CUMULATIVE IMPACTS.

As explained in Impact 4.5.3, development of the Project, in combination with other development within the City and PG&E's service boundaries, would result in the permanent and continued use of electricity and natural gas resources. As discussed in SEIR Section 4.14, a will-serve letter sent by PG&E acknowledges the willingness and availability of PG&E to serve the Project Site, based on the energy use requirements of the Project and considerations of anticipated growth in the PG&E service area. Additionally, the General Plan Draft Environmental Impact Report identifies a less-than-significant impact to energy resources in the General Plan buildout scenario. Development of the Project will be consistent with the goals and policies of the General Plan and responds to existing demand for commercial and residential uses in the City and in the region. Several aspects of the Project would help manage the amount and efficiency of energy consumption and would ensure that the related consumption is not inefficient, wasteful, or unnecessary or place a significant demand on regional energy supplies. Overall, the Project, combined with past, present, and other foreseeable development in the area, would not result in a significant cumulative impact due to energy use.

E. IMPACTS OF THE PROJECT THAT POTENTIALLY CREATE SIGNIFICANT CUMULATIVE IMPACTS OR WOULD MAKE A CUMULATIVELY CONSIDERABLE CONTRIBUTION TO SIGNIFICANT CUMULATIVE IMPACTS, BUT THAT CAN BE MITIGATED TO LESS THAN CUMULATIVELY CONSIDERABLE.

None.

F. CUMULATIVE EFFECTS OF THE PROPOSED PROJECT THAT CANNOT BE MITIGATED TO LESS THAN SIGNIFICANT.

None.

GEOLOGY, SOILS, AND MINERAL RESOURCES

A. ENVIRONMENTAL EFFECTS OF THE PROJECT FOUND TO HAVE NO IMPACT ON THE ENVIRONMENT, OR HAVE A LESS THAN SIGNIFICANT IMPACT ON THE ENVIRONMENT.

As discussed in SEIR Section 4.6.5.3, the Project does not propose the use of septic tanks, and sewers would be available for the disposal of wastewater; therefore, no impact from the use of septic tanks would occur as a result of the Project.

As discussed in SEIR Section 4.6.5.3, the Project Site is not located in a known mineral resource area of recovery site delineated in the General Plan or by the State Division of Mining and Geology; therefore, no impact related to mineral resources would occur as a result of the Project.

B. ENVIRONMENTAL EFFECTS OF THE PROJECT THAT ARE POTENTIALLY SIGNIFICANT, BUT THAT CAN BE MITIGATED TO LESS THAN SIGNIFICANT.

Potential Significant Effect

As discussed in Impact 4.6.1 of the EIR, without mitigation, the Project Site is in a seismically active area and also is subject to liquefaction. Although the Project would not exacerbate these existing environmental features, the SEIR identifies the impact of the environment on existing and proposed future buildings as a potentially significant adverse effect.

Summary of Specific Impact

The Project Site is expected to experience a magnitude 6.7 earthquake or greater in the next 25 years, which could cause considerable ground shaking and serious structural damage. The current condition of several buildings located within the Historic District present the risk of loss, injury, or death from collapse during strong seismic activity; in particular historic Buildings No. 1, 6, and 13 pose the greatest risk. Additionally, some areas around the Project Site possess a moderate to very high potential for liquefaction which encroach into various Planning Areas proposed under the Project. Such areas susceptible to liquefaction pose the potential to experience lateral spreading and landslides. In the absence of proper engineering, the structural integrity of both existing and proposed buildings on the Project Site are threatened as a result of potential seismic activity.

Finding

Prior to construction of any new buildings or parking structures, a California Registered Civil Engineer or Geotechnical Engineer shall prepare a final geotechnical report that provides design-grade specifications for structural engineering of all new construction and retrofitting of historic buildings, compliant with the CBC, which would incorporate the CGS Special Publication 117A guidelines, or the CHBC, as applicable. In accordance with the California Building Code, every new structure, and portion thereof, including nonstructural components that are permanently attached to structures and their supports and attachments, shall be designed and constructed to resist the impacts of earthquake motions in accordance with its standards. Therefore, the approved geotechnical report would substantially lessen impacts associated with ground shaking to a less-than-significant level. For existing historic structures, general recommendations for seismic retrofit and structural reinforcement are presented in a Historic Building Structural Assessment Report (Appendix E of 2011 FEIR). The recommendations include, but are not limited to, a seismic retrofit according to the CBSC and FEMA NEHRP standards. Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Pursuant to PRC section 21081, subdivision (a)(1), the City finds that the Project's adherence to the following mitigation measure will reduce the potential impact to a less-than-significant level.

Mitigation Measure 4.6-1 Final Design-Level Geotechnical Report

The following measures shall be implemented to prevent the loss of life or property as a result of development on unstable or expansive soils. Prior to construction of any new buildings or parking structures, a California Registered Civil Engineer or Geotechnical Engineer shall prepare a final geotechnical report that provides design-grade specifications for structural engineering of all new construction and retrofitting of historic buildings. The Project proponent¹ shall submit the final design-level geotechnical report for the City Planning and Building Services Department for review and approval. The report must be compliant with the CBC and incorporate CGS Special Publication 117A guidelines. According to the CBC Chapter 18, the geotechnical report must include, at a minimum, the following.

- A plot showing the location of the soil investigations
- A complete record of the soil boring and penetration test logs and soil samples
- A record of the soil profile
- Elevation of the water table, if encountered
- Recommendations for foundation type and design criteria, including but not limited to: bearing capacity of natural or compacted soil; provisions to mitigate the effects of expansive soils; mitigation of the effects of liquefaction, differential settlement and varying soil strength; and the effects of adjacent loads
- Expected total and differential settlement
- Deep foundation information in accordance with CBC section 1803.5.5
- Special design and construction provisions for foundations of structures founded on expansive soils, as necessary
- Compacted fill material properties and testing in accordance with CBC section 1803.5.8
- Controlled low-strength material properties and testing in accordance with CBC section 1803.5.9

The report shall also consider the effects of seismic hazard in accordance with CBC section 1803.7.

It is the responsibility of the Project Proponent¹ to provide for engineering inspection and certification that earthwork and construction have been performed in conformity with recommendations contained in the report. All recommendations provided in the final design-level geotechnical report must comply with ASCE 7 minimum load requirements.

¹ “Project Proponent” shall include the land owner, applicant, or developer for that site or phase of development at the time the mitigation is due.

Recommendations made as a result of these investigations to protect new structures and reduce impacts from geological hazards shall be incorporated into project design and verified through implementation of the Mitigation Monitoring and Reporting Plan. These measures are anticipated to include requirements to construct foundations designed to resist movements of expansive soils and removal of unstable soils and replacement with suitable fill or engineered materials. Based on the geotechnical study (Appendix I of the 2011 FEIR), suitable fill material is available onsite to replace hazardous soils.

If the geotechnical report indicates the presence of critically expansive soils or other issues that could lead to structural defects, a certification of completion of the requirements of the geotechnical report shall be submitted to the City Planning and Building Services Department prior to issuance of building permits. This shall be noted on the Improvement Plans; in the conditions, covenants, and restrictions (CC&R); and on the Informational Sheet filed with the Final Subdivision Map(s). The geotechnical feasibility memo, dated September 19, 2019 and included as Appendix R [of the Draft SEIR], indicated the presence of potentially expansive soils and landslides, that must be addressed in a design-level geotechnical report. At a minimum, the following recommendations of the preliminary geotechnical feasibility memo shall be adhered to.

1. If liquefaction is identified, risks shall be avoided by not developing in those areas, by designing structures and improvements for the potential ground movement due to liquefaction, or by reducing the liquefaction hazard through ground improvement or densification. The magnitude of any potential liquefaction in development areas would be assessed prior to determining which method, if any, is needed.
2. Where landslides and colluvium overlap with planned building areas, the landslide debris or colluvium shall be removed and replaced with engineered fill. In areas where deposits lie outside development areas, there shall be a development setback from the area or construction of a toe buttress fill and debris bench. Seismically induced landslide hazards shall be reduced by using engineered stabilization of landslides and removal of colluvial deposits.
3. If lateral spreading hazards are identified, the Applicant would ensure risks are avoided by setting back development from areas subject to significant lateral movement, stabilization of the liquefiable soil along the shoreline, or improvement to the liquefiable soil.
4. If expansive soil is identified, building damage due to volume changes shall be reduced by: (1) using a mat foundation that is designed to resist the settlement and heave of expansive soil (such as post-tensioned), (2) deepening the foundations to below the zone of moisture fluctuation, i.e., by using deep footings or drilled piers, and/or (3) using footings at normal shallow depths but bottomed on a layer of select fill having a low expansion potential.

5. Existing undocumented, non-engineered fill shall be removed and recompacted in development areas.

Implementation of Mitigation Measure 4.6-1 above would reduce the significant adverse impacts to existing and proposed buildings from seismic activity to a less-than-significant level as a result of preparing a final design-level geotechnical report.

Potential Significant Effect

As discussed in Impact 4.6.2 of the SEIR, the NRCS Web Soil Survey map shows that the majority of the Project Site has a high potential for erosion as a result of steep slopes and low infiltration rates. Areas proposed for construction and development are not anticipated to occur on steep slopes; therefore, erosion potential is lower but still high. In addition, during Project construction, the Project could remove vegetation, increasing the potential for erosion, creating a potentially significant impact.

Summary of Specific Impact

As part of the Project, approximately 300,000 cubic yards of soil would be exported and corrective grading would not exceed a slope of 2:1 to accommodate Project components. Additionally, the Project would involve vegetation removal to accommodate Project components. Also, while many of the affected areas have already been disturbed by previous development, potential impacts would occur if disturbed areas are not stabilized with temporary erosion control measures. Additionally, the construction of the Bay Trail on the Project Site, as well as proposed off-site improvements on previously disturbed and paved roadways, may include exposed soils that could erode during rain and high wind events. In the absence of mitigation, disturbed areas that are not stabilized with temporary erosion control measures, could result in potential impacts.

Finding

Such impacts would be avoided through the implementation of BMPs for erosion control and a site-specific SWPPP on the Project Site, as is required by an NPDES General Construction Permit. Additionally, the City's Excavation, Grading, and Earthwork Construction Ordinance requires preparation of interim and final Erosion and Sediment Control Plans, including construction and permanent erosion control measures, which would reduce additional impacts. Therefore, the implementation of BMPs and a site-specific SWPPP would substantially lessen impacts associated with erosion and loss of topsoil to a less-than-significant level. Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Pursuant to PRC section 21081, subdivision (a)(1), the City finds that the Project's adherence to the following mitigation measure will reduce the potential impact of this significant effect to a less-than-significant level.

Mitigation Measure 4.8-1 Stormwater Pollution Prevention Plan Best Management Practices

Please refer to the description of Mitigation Measure 4.8-1 located in section **Biological Resources**, under the discussion of Impact 4.3.1 above.

Mitigation Measure GEO-1

The East Bay Regional Park District (EBRPD) or a qualified contractor shall be required to develop a SWPPP and obtain coverage under the Construction General Permit. To obtain coverage, the EBRPD shall be required to submit and certify the SWPPP and the Permit Registration Documents in the Stormwater Multiple Application Tracking and Reporting System (SMARTS) at least 14 days prior to any ground disturbance.

Mitigation Measure GEO-2

The contractor shall be required to implement the SWPPP throughout construction of the Project until stabilization criteria have been met and a Notice of Termination of coverage under the Construction General Permit has been filed in SMARTS.

Implementation of Mitigation Measures 4.8-1, GEO-1, and GEO-2 would reduce impacts related to soil erosion and loss of topsoil to a less-than-significant level through the implementation of BMPs and a site-specific SWPPP.

Potential Significant Effect

As discussed in Impact 4.6.3 of the SEIR, without mitigation, low-lying western portions of the Project Site, which consist of fill materials and soft Bay Mud, could create unstable soil conditions and potentially cause landslides, lateral spreading, subsidence, liquefaction, or collapse. The Project would not exacerbate this condition, but the SEIR identifies it as a potentially significant adverse effect.

Summary of Specific Impact

Fill materials are located at depths ranging from approximately 3.5 to 9 feet bgs and development areas A, D, E, F, G, and H are proposed for portions of the Project Site known to contain fill materials. Should undocumented, non-engineered fill materials be left in place, this could create unstable soil conditions and subsequently cause settlement of a building or cause landslides. In the absence of mitigation, such environmental impacts could adversely affect the Project.

Finding

Such impacts would be avoided through the use of a final design-level geotechnical report to determine the stability of soil underneath development and identify site-specific measures to address lateral spreading, subsidence, liquefaction, or collapse. Additionally, temporary dewatering during construction and permanent foundation subdrainage would increase soil stability. Therefore, the implementation of an approved geotechnical report and performing dewatering procedures would substantially lessen impacts associated with unstable soils to a less-than-significant level. Therefore, the City hereby finds that

changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Pursuant to PRC section 21081, subdivision (a)(1), the City finds that the Project's adherence to the following mitigation measure will reduce the potential impact of this significant effect to a less-than-significant level.

Mitigation Measure 4.6-1 Final Design-Level Geotechnical Report

Please refer to the description of Mitigation Measure 4.6-1 located in section **Geology, Soils, and Mineral Resources**, under the discussion of Impact 4.6.1 above.

Mitigation Measure 4.6-2 Shallow Groundwater

The lower areas of the Project Site are likely to have shallow groundwater conditions. During underground construction in these areas, temporary dewatering procedures should be anticipated to lower the free water so that excavation and working areas are kept reasonably dry and stable during construction. Additionally, to reduce long-term effects from potential rises in groundwater, buildings shall be underlain by foundation subdrainage to collect and discharge accumulations of water.

Implementation of Mitigation Measures 4.6-1 and 4.6-2 would reduce impacts associated with development on unstable soil to a less-than-significant level through the use of a final design-level geotechnical report and performing temporary dewatering procedures in lower areas of the Project Site likely to have shallow groundwater conditions.

Potential Significant Effect

As discussed in Impact 4.6.4 of the SEIR, proposed construction could experience damage from expansive soils and natural and/or differential settlement or be located on geologic unit or soil that is unstable, or that would become unstable, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse, and thus creating a potentially significant adverse effect on the Project.

Summary of Specific Impact

The Project Site has potentially expansive soils, which could cause cracking of foundations and pavement and has the potential to damage Project-related site improvements, resulting from the shrinking and swelling of expansive soils. In the absence of mitigation, should development take place on top of expansive soils, there would be a strong likelihood that damage to the Project from the environment would occur as a result.

Finding

This impact on the Project would be less than significant due to compliance with applicable codes and regulations, such as a site-specific geotechnical investigation of the Project Site in areas associated with construction, which utilizing standard current engineering practices would evaluate the site for potential expansive and unstable soils. The final geotechnical report of the Project Site would include recommendations to mitigate any potential hazards associated with expansive and/or unstable soils, if any. Additionally, in areas where expansive soils are identified, building damage due to volume changes shall be reduced through the required use of mat foundations, deepening foundations, or engineered fill. Therefore, the implementation of an approved geotechnical report would substantially lessen impacts associated with expansive soils to a less-than-significant level. Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Pursuant to PRC section 21081, subdivision (a)(1), the City finds that the Project's adherence to the following mitigation measure will reduce the potential impact of this significant effect on the Project to a less-than-significant level.

Mitigation Measure 4.6-1 Final Design-Level Geotechnical Report

Please refer to the description of Mitigation Measure 4.6-1 located in section **Geology, Soils, and Mineral Resources**, under the discussion of Impact 4.6.1 above.

Implementation of Mitigation Measure 4.6-1 would reduce impacts associated with expansive soils to a less-than-significant level through the use of a final design-level geotechnical report by locating areas where expansive soils exist prior to construction.

Potential Significant Effect

As discussed in Impact 4.6.5 of the SEIR, there is a possibility that unknown paleontological resources would be encountered during construction activities, thus creating a potentially significant adverse effect.

Summary of Specific Impact

Although no unique paleontological or geological resources are known to exist within the Project Site or within the corridors of the off-site improvements, and geologic formations that underlie the Project Site have a low probability of containing paleontological resources, there is still a chance that paleontological materials exist in undiscovered areas and could be damaged by construction.

Finding

Continued construction upon exposed paleontological materials would likely cause destruction of these resources. As a result, construction must cease if there is a find and consultation by a qualified paleontologist and/or appropriate agency would reduce impacts associated with newly uncovered paleontological resources to a less-than-significant level. Therefore, the City hereby finds that changes or

alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Pursuant to PRC section 21081, subdivision (a)(1), the City finds that the Project's adherence to the following mitigation measure will reduce the potential impact of this significant effect to a less-than-significant level.

Mitigation Measure 4.6-3 Cease Work and Consult with a Qualified Paleontologist

The potential for paleontological resources shall be addressed during cultural resources awareness training. In the event that any paleontological resources are discovered during construction-related earth-moving activities, all work within 50 feet of the resources shall halt and a qualified paleontologist or registered geologist shall be retained to assess the significance of the find. If any find is determined to be significant by the qualified professional, then appropriate agency and project representatives and the paleontologist/geologist shall meet to determine the appropriate course of action. All significant paleontological materials recovered shall be subject to scientific analysis and curation at an appropriate facility, and a paleontologist/geologist shall prepare a report according to current professional standards.

Implementation of Mitigation Measure 4.6-3 would reduce impacts associated with newly discovered paleontological resources to a less-than-significant level by halting all earth-moving activities within a 50-foot radius of a newly discovered paleontological resource and retaining a qualified paleontologist or registered geologist to assess the significance of the find prior to continuing construction-related activities.

C. ENVIRONMENTAL EFFECTS OF THE PROJECT THAT CANNOT BE MITIGATED TO LESS THAN SIGNIFICANT.

None.

D. IMPACTS OF THE PROJECT THAT WILL NOT CREATE A SIGNIFICANT CUMULATIVE IMPACT OR WOULD MAKE A LESS THAN CUMULATIVELY CONSIDERABLE CONTRIBUTION TO SIGNIFICANT CUMULATIVE IMPACTS.

The region is subject to seismicity and soils that can create issues for buildings. Placing buildings in the region generally does not exacerbate these existing environmental conditions and there are not existing cumulative impacts. Implementation of the provisions of the City of Richmond's Building Code, the National Pollutant Discharge Elimination System permit requirements, the General Plan 2030 Safety Policies, as well as local permitting requirements, would ensure that potential site-specific geotechnical conditions and soil conditions would be addressed fully in the design of future development and that the potential impacts from existing environmental conditions would be less-than-significant on the Project. Local permitting requirements for construction would address regional stormwater, geotechnical, seismic, and mining hazards. Other development projects would also follow appropriate state or federal permitting

procedures; therefore, less-than-significant cumulative impacts related to geology, soils, or mineral resources would occur. No cumulative impacts to paleontological resources would occur.

E. IMPACTS OF THE PROJECT THAT POTENTIALLY CREATE SIGNIFICANT CUMULATIVE IMPACTS OR WOULD MAKE A CUMULATIVELY CONSIDERABLE CONTRIBUTION TO SIGNIFICANT CUMULATIVE IMPACTS, BUT THAT CAN BE MITIGATED TO LESS THAN CUMULATIVELY CONSIDERABLE.

None.

F. CUMULATIVE EFFECTS OF THE PROPOSED PROJECT THAT CANNOT BE MITIGATED TO LESS THAN SIGNIFICANT.

None.

HAZARDS, HAZARDOUS MATERIALS, AND WILDFIRE

A. ENVIRONMENTAL EFFECTS OF THE PROJECT FOUND TO HAVE NO IMPACT ON THE ENVIRONMENT, OR HAVE A LESS THAN SIGNIFICANT IMPACT ON THE ENVIRONMENT.

As discussed in Impact 4.7.9 of the SEIR, the Project Site is located in close proximity to the Chevron®-Richmond Refinery that produces, stores, and transports hazardous materials onsite, and of these hazardous materials, the 2011 FEIR analyzed potential risks associated with anhydrous NH₃ by utilizing a 2007 Marine Research specialist study. The conclusion of this study determined that the dispersion of an accidental release of anhydrous NH₃ would be affected by current topography and wind patterns in the area. Furthermore, the 2011 FEIR concluded that the presence of mitigation measures, technical safe guards, and environmental conditions gave the accidental release of NH₃ from the Chevron®-Richmond Refinery a low probability of occurring. Since the 2011 FEIR, the Chevron®-Richmond Refinery has commenced with its Modernization Project, which will include upgrades to its current facilities. While these facility upgrades would increase the quantity of NH₃ that could be stored onsite, the new facilities would also include the installation of new NH₃ pipeline that would enhance safety. Because of the before mentioned factors, the adverse risk associated with the release of anhydrous NH₃ from the Chevron®-Richmond Refinery was determined to be less than significant. The Project would have no effect on this existing refinery risk.

B. ENVIRONMENTAL EFFECTS OF THE PROJECT THAT ARE POTENTIALLY SIGNIFICANT, BUT THAT CAN BE MITIGATED TO LESS THAN SIGNIFICANT.

Potential Significant Effect

As discussed in Impact 4.7.1 in the SEIR, without appropriate mitigation, the Project could create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

Summary of Specific Impact

Hazardous Materials Transportation-Related Impacts

Remediation would occur as part of the Project prior to construction, which is specified in SEIR Section 3.5.2. During the on-site remediation, contaminated soil would be removed from onsite, underground storage tanks (USTs) would be demolished and removed, and certain portions of the Beltway Railway would be removed. In addition to the remediation, limited hazardous materials would be conveyed to and from the Project Site during the estimated 7- to 9-year construction period, such as paints, paint thinners, lubricants, and diesel fuel. Should the hazardous materials generated during the remediation and utilized during construction not be transported properly, it could lead to an accidental release and this would be a potentially significant adverse effect to the environment.

After completion of remediation and construction, the Project would be transporting onsite select hazardous materials during operations, including limited quantities of diesel, cleaning products, and pesticides. Additionally, the Project under Wastewater Treatment A would require the transport of chemicals for the on-site wastewater treatment plant in 15- to 55- gallon drums. Similar to construction, negligence during transport of the before mentioned hazardous materials could cause an accidental spill and thus contaminate the environment and threaten human health. This is a potentially adverse impact.

Hazardous Materials Use-Related Impacts

As described above, the Project would utilize hazardous materials during construction and operation. Should these hazardous materials be stored in large quantities and/or misused, then this could be potentially significant effect. Additionally, under Wastewater Treatment Variant A of the Project, an onsite wastewater treatment plant would operate to treat the onsite generated wastewater. This would require storage of chemicals, such as sodium hypochlorite, to fulfill this task. These chemicals could be stored in 15- to 55-gallon drums, and if not handled properly, could also be a potentially significant impact in addition to the other operation hazardous materials.

Hazardous Materials Disposal-Related Impacts

As specified in the above section concerning hazardous materials transport, the Project would generate hazardous materials that would need to be disposed of primarily from the remediation process and limited quantities from construction. These hazardous materials that would require disposal include California-certified hazardous material soil, demolished USTs, demolished buildings that could contain asbestos and/or lead paint, and limited quantities of hazardous materials from construction. If these hazardous materials are not disposed of properly, then these could pose a potentially significant impact to the environment and human health.

Operations of the Project would also require the disposal of limited hazardous materials, including for the on-site wastewater treatment should Wastewater Treatment Variant A be implemented and approved. If not disposed of properly, operation of the Project could cause potentially significant effects.

Off-Site Infrastructure Hazardous Materials Impacts

Hazardous materials used during construction of the off-site infrastructure improvements for the Project would be similar to the Project Site. If not transported, stored, used and disposed of properly, the

hazardous materials could spill and cause similar effects as onsite construction. However, operation of the off-site infrastructure would require very limited quantities of hazardous materials because they would only be needed for occasional maintenance. Still, they could cause an adverse environmental effect if not transported, stored, handled and disposed of properly. This could be a potentially significant impact.

Finding

During remediation and construction (including the off-site infrastructure improvements), the hazardous materials that would be transported, stored, handed and disposed of according to applicable State and federal regulations. Furthermore, onsite, the best management practices (BMPs) specified in the 2012 Soil and Groundwater Management Plan (Appendix D of Appendix G in the Draft SEIR; SGWMP) would be adhered to. This includes the remediation generated hazardous materials that would require disposal at a proper landfill facility, which both Kettleman Hills Facility and Republic Services, Inc. have confirmed willingness and capacity to accept these materials. Furthermore, Mitigation Measure 4.7-4 would reduce the potential risk of accidental release by following the standards set forth by the RWCQB. In addition to the before mentioned mitigation measures, Bay Trail Mitigation Measures HAZ-1 and HAZ-2 would reduce the potential hazardous material risks associated with constructing the Bay Trail segment through the Point Molate Site. Because of these measures and the mitigation measures, the potential adverse effects from hazardous materials would be reduced to less than significant.

Operation of the Project would follow applicable State and federal regulations with regards to hazardous material transport, storage, handling and disposal, which includes Wastewater Treatment Variant A should it be approved and implemented. Therefore, the potential adverse effects associated with operation-related hazardous materials would be reduced to less than significant.

With these specified measures and mitigation measures, the Projects potentially adverse impacts related to hazardous material transport, storage, usage, and disposal would be reduced to less than significant.

Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Pursuant to PRC section 21081, subdivision (a)(1), the City finds that the Project's adherence to the following mitigation measures will reduce the potential impact of this significant effect to a less-than-significant level.

Mitigation Measure 4.7-4 Compliance with Regulatory Oversight During Remediation

Cleanup of environmental contamination shall be conducted under the oversight of, and in direct coordination with, the Regional Water Quality Control Board. Remediation shall be completed to cleanup standards established by the Regional Board as protective of human health and the environment. Cleanup standards will likely vary for each portion of the site, based upon the contaminants detected, the planned use of the site, technical feasibility, and any other factors

deemed relevant by the Water Board. Any and all development shall be consistent with deed restrictions or other land use covenants that the Regional Board deems adequate to protect human health and the environment.

Bay Trail Mitigation Measure HAZ-1

Exclusionary fencing shall be installed to keep users from accessing abandoned buildings and other structures that pose a physical hazard. Fencing shall also be installed in areas where hazardous building materials may be present and where contaminated soils occur near the proposed alignment and would not be capped. This may include areas along the eastern edge of Burma Road, the perimeter of buildings at the drum lot, and the inside perimeter of the drum lot.

Bay Trail Mitigation Measure HAZ-2

The final Plan, Specification and Estimate (PS&E) for the Project shall identify areas where arsenic shall be addressed and require the contractor to comply with the NFD SGWMP, the project-specific soil management plan, and air monitoring plan. The contractor shall be required to prepare and Health and Safety Plan. Implementation of the project-specific soil management plan and air monitoring plan, and preparation and implementation of the Health and Safety Plan shall be conducted with oversight by a Certified Industrial Hygienist. During construction, areas of known elevated arsenic shall be either capped in place, relocated and capped, or access discouraged to prohibit users. Areas where soils containing arsenic above background occur beneath the footprint of the trail shall be covered with a minimum of 1 foot of clean fill material. Soils shall not be transported between City and Chevron properties (i.e. between Segment A and Segment B). The Lead Agency shall document that the City has informed/contacted the SFBRWQCB two weeks prior to construction, as required by the SGWMP.

Implementation of the mitigation measures specified above would ensure that hazardous materials are managed to the standards specified by the Regional Water Quality Control Board, which would help reduce the probability of the mishandling of hazardous materials on- and offsite. HAZ-1 and HAZ-2 would ensure that construction of the Bay Trail component of the Project would not expose the environment or human to health risks, such as arsenic.

Potential Significant Effect

As discussed in Impact 4.7.2 in the SEIR, without appropriate mitigation, the Project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Summary of Specific Impact

As specified in SEIR Section 3.5.2, extensive remediation would be required as part of implementation of the Project in order to be compliant with SFBRWQCB Order No. R2-2011-0087 and to ensure that the Project Site is safe for residential and commercial development. This includes the excavation of soil classified as California-regulated Non- Resource Conservation and Recovery Act hazardous waste, removal of USTs and select Beltway Railway segments, groundwater monitoring, possible removal of

transformers, and removing building debris after the demolition of select onsite buildings that could contain asbestos and/or lead paint. If these hazardous materials are mismanaged during the remediation process, they could become a human health risk. Furthermore, unknown contaminated soil or groundwater could be discovered on-site during remediation and/or construction. This could be an adverse environmental and human health risk if the discovery is not managed properly.

Construction and operation would both utilize and store limited quantities of hazardous materials onsite. If these hazardous materials were not managed properly, they could expose people to adverse health risks. Additionally, if Wastewater Treatment Variant A is implemented, the on-site wastewater treatment would increase the quantity of hazardous materials onsite.

Finding

On-Site remediation and construction would follow all applicable State and federal regulations concerning the transport and storage of onsite hazardous materials, such as OSHA and Cal-OSHA regulations. This would reduce potential for an accident release. Furthermore, implementation of the Project would follow the BMPs specified in the 2012 SGWMP. The SGWMP includes measures for both proper handling of hazardous materials and the prevention of accidental release. These measures also include procedures for the accidental discovery of onsite contamination. The measures within the SGWMP would reduce the probability of both the construction workers being exposed to hazardous material-related adverse health risks, and an accident hazardous material release. Furthermore, the majority of excavated soils from onsite are expected to be non-hazardous and would be disposed of accordingly at the Altamont Landfill, Kirby Canyon, Kettleman Hills Facility, or another equivalent facility. Excavated soil that is considered California-regulated hazardous waste would be hauled and transported offsite according to State and federal transportation standards and the applicable BMPs in the SGWMP. The contaminated soil would be disposed at an appropriate facility, such as the Kettleman Landfill Facility. All of these factors combined would reduce the chance of accidental release during transport. Finally, during remediation, Mitigation Measure 4.7.4 would be implemented to reduce the potential impacts from hazardous materials during remediation.

The storage of hazardous materials onsite both during construction and operation are not anticipated to increase the risk of a hazardous material because of the limited quantity that would be onsite. The majority of the chemicals stored onsite would not create a significant environmental impact if a spill occurred because of the small quantities. For the small quantity of diesel stored onsite, the storage tanks would be self-contained and equipped with leak detectors. The largest quantity of chemicals would be at the WWTP if Wastewater Treatment Variant A is selected and approved for the Project. However, these chemicals would be stored in a secure location and only qualified personnel would be permitted to handle them, as required by existing state laws.

With these specified measures and mitigation measures, the Project would have a less than significant impact related to creating a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Pursuant to PRC section 21081, subdivision (a)(1), the City finds that the Project's adherence to the following mitigation measure will reduce the potential impact of this significant effect to a less-than-significant level.

Mitigation Measure 4.7-4 Compliance with Regulatory Oversight During Remediation

Please refer to the description of **Mitigation Measure 4.7-4** located in section **Hazards**, under the discussion of Impact 4.7.1, above.

Implementation of the mitigation measure specified above would ensure that the Project Site's existing hazardous materials are managed to the standards specified by the Regional Water Quality Control Board. This would reduce the probability of the mishandling of hazardous materials on- and offsite and prevent exacerbating impacts from existing hazardous materials during remediation.

Potential Significant Effect

As discussed in Impact 4.7.3 in the SEIR, without appropriate mitigation, the Project will be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, could create a significant hazard to the public or to the environment.

Summary of Specific Impact

As specified in SEIR Section 3.2.6, the Project Site currently has deed restrictions in place because of the contamination caused from the former Navy fueling operations onsite. These operations ceased in 1995 and remediation is ongoing. Several areas on the Cortese list exist onsite (for more information on the Cortese listed sites, including history, please refer to Appendix G in the Draft SEIR), but none were identified offsite in the vicinity of the off-site infrastructure improvements.

IR Site 1: Former Landfill

Remedial actions have been performed to address the potential human health and environmental impacts within the former landfill area. Furthermore, no development is intended for this area under the Project, and the current land use restrictions in place that will remain. However, adverse environmental impacts could result if the soil cap restrictions currently at the landfill were not maintained according to the Site Post Closure Maintenance and Monitoring Plan.

IR Site 2: Sandblast Grit Areas

Commercial and residential areas are planned under the Project for IR Site 2. Currently, lead and nickel concentrations detected in IR Site 2 exceed the residential ESL for Pb and the construction worker ESL

for nickel. If implementation of the Project proceeds without remediation, then heavy metal in the soil could cause adverse health risks to potential park maintenance workers and future residential site users.

IR Site 3: Treatment Ponds Area

IR Site 3 has undergone remediation since the publication of the 2011 FEIR that consisted of the removal of approximately 100,000 cy of soil, and under the Project it is proposed for new uses. Despite this remediation and the submittal of a Remediation Action Completion Report that the SFBRWQCB has concurred with, the SFBRWQCB has not officially approved the on-site remediation.

IR Site 4: Drum Lot 1, Drum Lot 2, and Building 87

Both Drum Lot 1 and 2 were used for storing fuel for offsite transport, and Drum Lot 2 had sandblasting activities conducted there as well. Building 87 was utilized for multiple purposes, including as a supply warehouse, repair shop, and storage for pesticides. Under the Project, the northern and shoreline areas and Drum Lot 1 and Drum Lot 2 would be developed with residential and commercial development. As stated in SEIR Section 3.5.2, risk assessment and remediation (if required) of IR Site 4 would be conducted as part of the Project. In the worst-case scenario, vapor mitigation would be required at Drum Lot 2 in the northwest portion and soil removal would be required to reduce potential risk to future site users. If remediation is required, the remedial plans will be developed under the oversight of the SFBRWQCB to ensure that human health and the environment are protected during remediation activities. Thus, development of IR Site 4 by the Project in its current condition, without remediation, could exacerbate its existing potentially significant risk to the public and environment.

Underground Storage Tanks

Under the Project, several components are planned throughout the Project Site where USTs are located. The proposed project components include residential units and commercial development, but deed restrictions are still in place for residential development in the vicinity of USTs until the USTs are regulatory closed and approved by the SFBRWQCB. Furthermore, to develop the Project Site, large USTs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 15, 17, 18, 19 and 20; the 15 small USTs; and the 13,000-gallon tank at Building 6 would be removed under the Project. The remaining USTs would not be subject to removal.

Finding

All of the Cortese listed sites would undergo remediation that is detailed in SEIR Section 3.5.2. Remediation would adhere to the SFBRWQCB's remediation requirements, and work in accordance with the SFBRWQCB's requirements would ensure the necessary steps for reducing potential adverse risks to less than significant are taken. Mitigation Measure 4.7-4 would also require the Project to adhere to the SFBRWQCB's requirements when remediating the Project Site. The Project would also follow the procedures and measures set forth in the 2012 SGWMP to reduce potential adverse effects. In addition to these factors, each Cortese list site would not pose a significant environmental effect for the reasons described below. Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

IR Site 1: Former Landfill

Under the Project, the soil cap on the landfill that is preventing the potential spread of contamination would remain in place. In addition, the current land use restrictions would ensure that no residential development would occur in the near vicinity of the area. City would continue to maintain the soil cap and monitoring would continue in accordance with Site 1 Post Closure Maintenance and Monitoring Plan. The water treatment system would continue to operate at IR Site 1 to remove low levels of petroleum hydrocarbons contained in seepage collected from the landfill toe. These treatment activities are regularly reviewed for effectiveness and appropriateness of operations. For development within 1,000 feet of IR Site 1, the standards and procedures stipulated in CCR Title 27, Subchapter 5 for post-closure land use of former landfills would be adhered to. Consequently, the Project would not exacerbate the risks associated with hazardous materials at IR Site 1.

IR Site 2: Sandblast Grit Disposal Areas

As specified in SEIR Section 3.5.2, soil excavation would be part of the remediation process under the Project and this would remove the lead contaminated soil from IR Site 2. Furthermore, BMPs in the 2012 SGWMP include measures for soil management to prevent impacts to the public and environment. Consequently, the Project would not exacerbate the risks associated with hazardous materials at IR Site 2.

IR Site 3: Treatment Pond Area

The Project would allow the continued monitoring of HOPs as long as the contingency groundwater trench is maintained. Neither this trench nor the groundwater would be disturbed as a result of the Project. Should groundwater treatment be identified as necessary during implementation of the Project, then remediation would be in accordance with the SFBRWQCB's requirements. Should dewatering be required, then the BMPs specified in the site specific SGWMP would be adhered to. This would prevent potential adverse effects from the existing contamination. Finally, any groundwater extracted onsite would be considered contaminated until proven otherwise. Consequently, the Project would not exacerbate the risks associated with hazardous materials at IR Site 3.

IR Site 4: Drum Lot 1 and 2

Under the Project, risk assessment at IR Site 4 would be conducted as part of the Project and remediation would occur if it is deemed necessary. If necessary, based on soil gas testing, soil removal could be required at Drum Lot 1 and a vapor intrusion mitigation system could be required for construction at Drum Lot 2. This work would be conducted in compliance with remediation plans approved by the SFBRWQCB and constructed with oversight from the SFBRWQCB. Regardless, as required by the SFBRWQCB, a site specific SGWMP would be developed and would contain similar BMPs as the 2012 SGWMP. Consequently, the Project would not exacerbate the risks associated with hazardous materials at IR Site 4.

Underground Storage Tanks

In the worst-case scenario estimates, the large hillside USTs would require approximately 1,800 cy of additional soil to be removed per UST due to petroleum contamination. The demolished USTs materials

would be hauled offsite in addition to the excavated soil. These activities would be done in adherence to the requirements of SFBRWQCB Order R2-2011-087, Task 6 - UST Removal Plan and to the applicable BMPs in the SGWMP, such as soil removal BMPs. Consequently, the Project would not exacerbate the risks associated with the USTs.

In addition everything specified above, Bay Trail Mitigation Measure HAZ-4 would be implemented specifically for the Bay Trail segment traversing the Project Site.

With these specified measures and mitigation measures described above, the Project would have a less than significant impact related to Cortese-listed sites.

Rationale for the Finding

Pursuant to PRC section 21081, subdivision (a)(1), the City finds that the Project's adherence to the following mitigation measure will reduce the potential impact of this significant effect to a less-than-significant level.

Mitigation Measure 4.7-4 Compliance with Regulatory Oversight During Remediation

Please refer to the description of **Mitigation Measure 4.7-4** located in section **Hazards**, under the discussion of Impact 4.7.1, above.

Bay Trail Mitigation Measure HAZ-4

The contractor shall adhere to and incorporate the relevant conditions contained in the 2012 NFD SGWMP. Prior to Project construction, a project specific soils management plan and or equivalent health and safety plan shall be prepared by the contractor under the direction of a certified industrial hygienist, and reviewed by the City of Richmond for consistency with existing contractual requirements.

Implementation of the mitigation measures specified above would ensure that hazardous materials are managed to the standards specified by the Regional Water Quality Control Board, which would help reduce potential for exacerbating onsite Cortese listed site.

Significant Effect

As discussed in Impact 4.7.4 in the SEIR, without appropriate mitigation, the Project could impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan by blocking or impairing access of Stenmark Drive.

Summary of Specific Effect

Employees from Chevron®-Richmond Refinery could utilize Stenmark Drive as an evacuation route. Additionally, although not within an adopted plan, I, residents from the northern San Pablo Peninsula area

may use Stenmark Drive as an evacuation route as well. If Stenmark Drive were to be blocked or otherwise impaired during an emergency situation or evacuation, a significant impact could occur.

Finding

Employees from the Chevron® Richmond Refinery would primarily utilize routes towards the core of the City connecting directly to Castro Street, and these routes do not include Stenmark Drive. During construction of the Project, including for the off-site infrastructure improvements, Mitigation Measure 4.13-5 would be implemented to maintain Stenmark Drive as passable at all times by coordinating with local emergency service providers at least two weeks in advance of any construction activities that would affect traffic flow on Stenmark Drive.

During operations, Stenmark Drive is the only vehicle access route. Mitigation Measure 4.7-1 requires the development and implementation of a site-specific emergency response plan (ERP) to ensure the safety of Project residents and employees during an emergency. The ERP shall identify protocols, such as emergency evacuation routes via land and water and appropriate situations to shelter-in-place, in the event of an earthquake, wildfire, or chemical release. Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Pursuant to PRC section 21081, subdivision (a)(1), the City finds that the Project's adherence to the following mitigation measure will reduce the potential impact of this significant effect to a less-than-significant level.

Mitigation Measure 4.7-1 Emergency Response Plan

Prior to the issuance of the first building permit, a site-specific ERP will be developed under the Project to ensure safe evacuation of the Project Site during an emergency in a manner that does not interfere with existing evacuation plans and procedures for sheltering in place. The ERP shall identify protocols for evacuation and recommendations regarding emergency supply kits and HEPA filter masks that can be accessed in the case of an earthquake, wildfire, and chemical release. The ERP shall require that the Project Site include a warning system and identify the location of warning devices, such as sirens, on the Project Site and describe how the warning system would be integrated with the Contra Costa Health Services (CCHS) and Community Warning System (CWS). The ERP also shall identify the locations of appropriate refuge areas and emergency evacuation routes, and will address the need for one or more places where people can shelter-in-place as a contingency to evacuation. The ERP shall require community informational sessions to inform citizens of the evacuation procedures, refuge locations, and shelter-in-place procedures and how to appropriately respond during an emergency. Furthermore, signage will be posted on the Project Site that will inform residents and visitors of the location of refuge areas and places to shelter in place. The ERP also shall require the Project proponent to coordinate its emergency plans with CCHS to ensure an adequate level of emergency preparedness for Project Site visitors. Additionally, the ERP shall require the Project proponent¹ to coordinate with the Water Emergency Transportation Authority (WETA) to provide emergency response planning and coordinated water-escape services.

Mitigation Measure 4.13-5 Impacts to Emergency Access During Construction

The Applicant shall coordinate all construction activities that would affect traffic flow on Stenmark Drive with local emergency service providers at least two weeks in advance of construction. Emergency service providers shall be notified of the timing, location, and duration of construction activities. All roads shall remain passable to emergency service vehicles at all times. Stenmark Drive shall remain passable to through traffic 24 hours a day, seven days a week to provide access to and from other land uses located on the San Pablo Peninsula. In the event that portions of Stenmark Drive must be closed temporarily, reasonable detours shall be provided such that access to the San Pablo Yacht Harbor and other adjacent land uses is not restricted.

The ERP shall identify protocols, such as emergency evacuation routes via land and water and appropriate situations to shelter-in-place, in the event of an earthquake, wildfire, or chemical release. Implementation of the ERP would reduce the potential impact to a less-than-significant level by reducing the traffic on Stenmark Drive during emergency situations. Implementation of the Mitigation Measure 4.13-5 specified above would require that Stenmark Drive would be accessible 24-hours, 7 days a week as an evacuation route during construction. Furthermore, during operations, the ERP would ensure that not only evacuation routes are established, but also information to the public, emergency supply kits, shelter-in-place options, and a warning alarm system. These mitigation measures combined would reduce significant effect to less than significant by reducing the traffic flow on Stenmark Drive during emergency situations.

Implementation of the mitigation measures specified above would ensure that that the Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan by blocking or impairing access of Stenmark Drive.

Potentially Significant Effect

As discussed in Impact 4.7.5 in the SEIR, without appropriate mitigation, the Project could expose its residents and structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

Summary of Specific Effect

The San Pablo Peninsula, and therefore the Project Site, have been classified as Very High Fire Hazard Severity Zone by the City. Moderate on-site fuel loading from dead organic debris was observed during Project Site visits from dead organic debris related to eucalyptus woodlands and associated ladder fuels, and fuel loading on the Project Site increases the risk of significant loss, injury, or death involving wildland fires resulting in a potentially significant impact. Furthermore, during construction, dry vegetation in the area could be ignited from construction machinery.

Finding

During implementation of the Project, all regulations pertaining to constructing and maintaining development in a Very High Fire Hazard Severity Zone would be adhered to. This includes adherence to the City Zoning Ordinance regulations regarding this issue, such as City Resolution 192-95. This resolution details specific vegetation management standards. In addition to following regulations, Mitigation Measure 4.3-13 would require an Open Space Plan that would include measures for reducing fuel onsite compared to existing conditions.

Construction machinery onsite could increase the fire ignition risk, but Mitigation Measure 4.7-2 would reduce this probability. In addition to this mitigation measure, Mitigation Measure 4.7-3 requires implementation of a wildfire emergency response plan (WERP). This would reduce the potential adverse risk from wildfires on the Project by ensuring Project residents and employees know what to do in an event of a wildfire.

Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Pursuant to PRC section 21081, subdivision (a)(1), the City finds that the Project's adherence to the following mitigation measure will reduce the potential impact of this significant effect to a less-than-significant level.

Mitigation Measure 4.3-13 Vegetation Management within Planning Areas

Please refer to the description of **Mitigation Measure 4.7-4** located in section **Biological Resources**, under the discussion of Impact 4.3.2, above.

Mitigation Measure 4.7-2 Fire Prevention during Construction

Any construction equipment that normally includes a spark arrester shall be equipped with an arrester in good working order. This includes, but is not limited to, vehicles, heavy equipment, and chainsaws. During construction, all construction personnel shall have a cell phone or radio system in order to activate 911 if required, a handheld pressurized horn that can be utilized to alert others during an emergency, and be trained in how to properly inform 911 of their work location. All construction vehicles shall be equipped with a 4/ABC or larger fire extinguisher. Every work area shall have one water type fire extinguisher and one round-tip shovel available within 10 feet. Staging areas and areas slated for development using spark-producing equipment shall be cleared of dried vegetation or other materials that could serve as fire fuel. To the extent feasible, the contractor shall keep these areas clear of combustible materials in order to maintain a firebreak. Furthermore, all vegetation mowing activities shall be completed prior to noon. During hot work (e.g. welding), a fire watch shall be utilized 30 minutes during and after the hot work is completed.

Mitigation Measure 4.7-3 Wildfire Emergency Response Plan

Prior to issuance of the first building permit, a site-specific WERP shall be developed by qualified personnel with expertise in wildfire management and in coordination with the Richmond Fire Department. This WERP shall have pre- and post-wildfire response measures. The pre-wildfire response measures shall include actions to reduce damage to property anticipated from wildfire events and ensure evacuation routes are kept clear (e.g. sandbags to mitigate possible landslide and flood damage). The post-wildfire response measures will include fire suppression damage repair and emergency stabilization measures. Fire suppression damage repair could include immediate actions to minimize soil erosion impacts resulting from fire suppression activities that can occur before the wildfire is completely contained. Emergency stabilization could include identifying impending threats to safety and property and then actions immediately implemented to mitigate these identified threats. These actions could include the installation of water run-off and erosion control structures, removal of burnt vegetation, and installation of warning signs.

The WERP will also include standards for a five-year long-term recovery and restoration plan to rehabilitate any burned areas. These measures could include restoring burned habitat, reforestation, monitoring fire effects, and treating noxious weed infestations. This would be prepared by qualified personnel with burned area restoration expertise and in coordination with and to the approval of the Richmond Fire Department. Prior to the issuance of the first building permit, the WERP shall be submitted to the Richmond Fire Department for review and approval.

Implementation of the mitigation measures specified above would ensure that Project would reduce its potential to ignite fires during construction. Furthermore, during operation, Mitigation Measure 4.3-12 would reduce fuel loading on the Project Site compared to existing conditions, and consequently reduce

the chances of fire potentially starting. If a wildfire does occur, Mitigation Measure 4.7-3 includes pre- and post-wildfire measures to reduce the potential adverse effects to safety and property during a wildfire event.

Significant Effect

As discussed in Impact 4.7.6 in the SEIR, without appropriate mitigation, due to slope, prevailing winds, and other factors, the Project Site has high wildfire risks, and thereby could expose project occupants to smoke/ash from a wildfire and also risk exposing the residents, employees, and visitors to the uncontrolled spread of a wildfire.

Summary of Specific Effect

The Project Site is characterized by several vegetation types (including highly flammable eucalyptus forests), steep slopes, moderate temperatures, mean relative humidity between 60 and 80 percent, summers with low precipitation, and moderate wind speeds with occasional strong and hot winds known as “Diablo Winds.” These factors in combination with the Project Site’s Very High Fire Hazard Severity Zone designation means that the San Pablo Peninsula is highly susceptible to fire, and people who are onsite could also be vulnerable to smoke/ash from a wildfire. The Project does not exacerbate this existing environmental condition.

Finding

The Project would not exacerbate existing wildfire risk and mitigation measures would reduce other wildfire risks. With regards to the local topography and winds, the Project would not alter the Project Site’s slopes in a manner that would exacerbate wildfire risk (e.g. increasing the steepness beyond two to one ratio) nor would it create wind tunnels or other structures that would accelerate wind speeds. The Project Site’s open space areas would be subject to Mitigation Measure 4.3-13 that would require implementation of an active vegetation management plan to reduce fuel-loading. Onsite development would adhere to City Council Resolution 192-95 (Appendix S in the Final SEIR) to reduce fuel-loading, and development in itself would reduce fuel-loading compared to unmanaged open space. In addition to these, the Project would follow City fire codes, and the on-site fire substation in combination with new water infrastructure would result in improved response times and firefighting capabilities. The Project would also include measures to reduce the effects of smoke inhalation effects indoors, and outdoors with implementation of Mitigation Measure 4.7-1. The Project would implement Mitigation Measure 4.7-3 for preparation of a WERP for the Project in coordination from Richmond Fire Department for a wildfire event for safe evacuation of the residents.

Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Pursuant to PRC section 21081, subdivision (a)(1), the City finds that the Project's adherence to the following mitigation measure will reduce the potential impact of this significant effect to a less-than-significant level.

Mitigation Measure 4.3-13 Vegetation Management within Planning Areas

Please refer to the description of **Mitigation Measure 4.7-4** located in section **Biological Resources**, under the discussion of Impact 4.3.2, above.

Mitigation Measure 4.7-1 Emergency Response Plan

Please refer to the description of **Mitigation Measure 4.7-1** located in section **Hazards**, under the discussion of Impact 4.7.4 above.

Mitigation Measure 4.7-3 Wildfire Emergency Response Plan

Please refer to the description of **Mitigation Measure 4.7-3** located in section **Hazards**, under the discussion of Impact 4.7.5, above.

Implementation of the mitigation measures specified above would ensure that that fuel loading onsite in the open-space areas and, if a wildfire were to occur, that emergency supply kits with personal protective equipment for smoke inhalation would be available.

Potentially Significant Effect

As discussed in Impact 4.7.7 in the SEIR, without appropriate mitigation, the Project requires the construction of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk during construction from possible sparks from use of construction equipment.

Summary of Specific Effect

On- and off-site infrastructure improvements are components of the Project. These include widening Stenmark Drive and installing potable water mains, a wastewater collection system, and underground power lines in combination with using existing infrastructure. Construction equipment could temporarily increase fire risk during construction and subsequently result in a potentially significant impact. Operation of the infrastructure would have low impacts to wildfire risk, because they would not be combustible or induce sparks. Power lines and gas lines would be located underground, as required by the City and PG&E, and would be properly maintained to reduce fire risk.

Finding

During construction, Mitigation Measure 4.7-2 would be implemented to reduce the probability of accidentally starting a fire during construction. With regards to operations, power lines and gas lines would be located underground pursuant to existing law, infrastructure would be regularly maintained, and

onsite fuel loading would be maintained to minimal levels through adhering to City Council Resolution 192-95 (Appendix S in the Draft SEIR) and implementing Mitigation Measure 4.3-13. This impact would be thus reduced to less than significant. Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Pursuant to PRC section 21081, subdivision (a)(1), the City finds that the Project's adherence to the following mitigation measure will reduce the potential impact of this significant effect to a less-than-significant level.

Mitigation Measure 4.3-13 Vegetation Management within Planning Areas

Please refer to the description of **Mitigation Measure 4.7-4** located in section **Biological Resources**, under the discussion of Impact 4.3.2, above.

Mitigation Measure 4.7-2 Fire Prevention during Construction

Please refer to the description of **Mitigation Measure 4.7-2** located in section **Hazards**, under the discussion of Impact 4.7.5, above.

Implementation of the mitigation measures specified above would ensure that that fuel loading onsite in the open-space areas would be reduced. Furthermore, construction equipment would be required to have, if applicable, fully functioning spark arresters and vegetation would be cleared before spark-inducing equipment is used.

Potentially Significant Effect

As discussed in Impact 4.7.8 in the SEIR, without appropriate mitigation, the Project could expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

Summary of Specific Effect

The environment would be changed after a wildfire event with, most prominently, vegetation being burned to incinerated. Vegetation removed would cause soil retention to be reduced and the ground would be unable to absorb water as readily. These effects could contribute to several environmental events, such erosion, debris flows, mud flows and landslides. The Project Site has varying susceptibility to landslides and no flood risk because the Project would be designed to continue to direct stormwater to the Bay. Consequently, the loss of vegetation due to a wildfire could possibly increase the potential for a landslide on the Project Site. Landslides and other wildfire-induced hazards could be very dangerous to public health and cause substantial property damage.

Off-Site infrastructure would not have structures and be primarily located underground. Consequently, off-site infrastructure would not result in the exposure of people or structures to adverse indirect effects of

wildfires with the exception of Stenmark Drive. There is a limited landslide risk as a result of post-fire slope instability.

Finding

The Project would implement Mitigation Measure 4.7-3. This would require that a WERP be prepared in coordination from Richmond Fire Department and be implemented during a wildfire event. In addition, implementation of Mitigation Measure 4.7-1 would reduce the initial adverse safety risks from wildfire environmental changes by ensuring safe evacuation from affected areas, thereby improving post-fire conditions on the Project Site compared to what they would be without the Project. Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Pursuant to PRC section 21081, subdivision (a)(1), the City finds that the Project's adherence to the following mitigation measure will reduce the potential impact of this significant effect from the environment to a less-than-significant level.

Mitigation Measure 4.7-1 Emergency Response Plan

Please refer to the description of **Mitigation Measure 4.7-1** located in section **Hazards**, under the discussion of Impact 4.7.4 above.

Mitigation Measure 4.7-3 Wildfire Emergency Response Plan

Please refer to the description of **Mitigation Measure 4.7-3** located in section **Hazards**, under the discussion of Impact 4.7.5, above.

Implementation of the mitigation measures specified above would ensure that pre- and post-wildfire measures are included in a WERP and that an emergency response plan (ERP) is designed and implemented. The wildfire measures include minimizing impacts from fire suppression activities and mitigating impending threats to safety and property, such as erosion stabilization. Furthermore, the WERP would specifically include an action to develop a long-term recovery and restoration plan to remediate the burned areas.

C. ENVIRONMENTAL EFFECTS OF THE PROJECT THAT ARE SIGNIFICANT, BUT THAT CANNOT BE MITIGATED TO LESS THAN SIGNIFICANT.

None.

D. IMPACTS OF THE PROJECT THAT WILL NOT CREATE A SIGNIFICANT CUMULATIVE IMPACT OR WOULD MAKE A LESS THAN CUMULATIVELY CONSIDERABLE CONTRIBUTION TO SIGNIFICANT CUMULATIVE IMPACTS.

None.

E. IMPACTS OF THE PROJECT THAT POTENTIALLY CREATE SIGNIFICANT CUMULATIVE IMPACTS OR WOULD MAKE A CUMULATIVELY CONSIDERABLE CONTRIBUTION TO SIGNIFICANT CUMULATIVE IMPACTS, BUT THAT CAN BE MITIGATED TO LESS THAN CUMULATIVELY CONSIDERABLE.

Potential Significant Effect

As discussed in Impact 4.7.10 of the Draft SEIR, the project site is the location of hazardous materials sites, and the project has the potential to affect evacuation. Summary of Specific Impact The Project during construction and operations would not require hazardous material use, transportation, or disposal, and therefore would result in little risk to the public. The majority of cumulative projects are non-industrial developments that would also not require hazardous material use, transportation, or disposal. The cumulative projects and the Project would be obligated to adhere to federal, State, and local laws and regulations. Furthermore, Mitigation Measure 4.7-4 would ensure the Project's remediation process would adhere to the requirements set forth by the SFBRWQCB. This would reduce the potential of a cumulative impact from occurring. Subsequently, cumulative impacts with regards to the routine use, transportation, or disposal of hazardous materials would be considered less than significant and the construction and operation of the Project would not cause, in combination of past, present, and reasonably foreseeable future projects, a significant cumulative impact.

On-site remediation and construction would follow all applicable State and federal regulations concerning the transport and storage of onsite hazardous materials, such OSHA and Cal-OSHA regulations. This would reduce potential for an accident release. Similar to the Project, the cumulative projects would be obligated to adhere to federal, State, and local laws and regulations as well. Furthermore, implementation of the Project would follow the BMPs specified in the 2012 SGWMP for both proper handling of hazardous materials and the prevention of accidental release. After remediation of the Project Site and during operations, no large quantities of hazardous materials would require transportation or storage. Therefore, the potential for accidental releases of hazardous materials would be very low. Furthermore, the foreseeable cumulative projects included in Table 5-1 of the SEIR would not require hazardous material usage because they are mostly non-industrial. Consequently, the potential for accidental releases of the large quantities of hazardous materials from these cumulative projects would not be high. Finally, the Project and cumulative projects would be required to follow applicable federal, State, and local regulations. This reduces the potential for accidental releases of hazardous materials, and therefore the cumulative impact would be less than significant and the construction and operation of the Project would not cause, in combination of past, present, and reasonably foreseeable future projects, a significant cumulative impact.

The on-site Cortese List sites would be remediated, and would in the future not create a significant hazard to the public or environment. The cumulative projects would be required to perform Cortese List record searches before development. If found and considered significant, the cumulative projects would

adhere to applicable regulations and implement mitigation. Therefore, the Project and the cumulative project sites together would not create a significant hazard due to location on sites on the Cortese list. This cumulative impact would be less than significant and the construction and operation of the Project would not cause, in combination of past, present, and reasonably foreseeable future projects, a significant cumulative impact.

Emergency response and safe evacuation routes from the Project Site in the event of a hazard would be ensured with implementation of Mitigation Measures 4.7-1 and 4.7-3. The only other existing or reasonably foreseeable project on San Pablo Peninsula is the Chevron® Modernization Project that would add 29 new employees. The Chevron® Modernization Project EIR determined that the Modernization Project's cumulative impact was limited primarily to the Chevron® property boundaries and with mitigation would be less than significant. The Project is a residential and commercial development that would not involve high fire risk activities on the Chevron® property boundary nor would it interfere with Chevron's® on-site fire management. Therefore, the Project would not significantly contribute to Chevron's® onsite cumulative fire risk impact. Because, the Chevron® property impacts are contained to the Chevron® property, evacuation from the Chevron® property would not result in a substantive amount of additional evacuation traffic, and evacuating routes from the Chevron® property would likely use different routes than the Project; it would not significantly increase traffic volume, and Chevron's® current evacuation routes are not likely to utilize Stenmark Drive. Therefore, no cumulative impact related to interference with emergency response or evacuation plan exists and the construction and operation of the Project would not cause, in combination of past, present, and reasonably foreseeable future projects, a significant cumulative impact.

The entire San Pablo Peninsula is designated as a Very High Fire Severity Zone by the City. The Chevron® Modernization Project EIR determined that cumulative impacts were limited primarily to the Chevron® property boundaries and with mitigation would be less than significant. The Project would not interfere with Chevron's® on-site fire management or cause fire risk on that property. Furthermore, both Chevron® and the Project have mitigation measures to reduce the potential for exacerbating wildfire risk. The Project has further mitigation measures reducing potential existing environmental issues caused post wildfire effects and has a mitigation measure that requires an evacuation plan. The Chevron® property would not result in a substantive amount of additional evacuation traffic and are highly probable to use different routes, such that Project traffic would not interfere with Chevron's evacuation and emergency response plan. Therefore, the Project would not contribute to Chevron's® onsite fire risk. There is no significant cumulative impact related to fire hazards, and the construction and operation of the Project would not cause, in combination of past, present, and reasonably foreseeable future projects, a significant cumulative impact.

Finding

The implementation of Mitigation Measures 4.7-1, 4.7-2, 4.7-3, 4.7-4, and 4.3-13 and Bay Trail mitigation measures HAZ-1, HAZ-2, and HAZ-3 would ensure that the project would not contribute to a cumulative impact. Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Pursuant to PRC section 21081, subdivision (a)(1), the City finds that the Project's adherence to the following mitigation measure will reduce the potential impact of this significant effect to a less-than-significant level.

Mitigation Measure 4.3-13 Vegetation Management within Planning Areas

Please refer to the description of Mitigation Measure 4.7-4 located in section Biological Resources, under the discussion of Impact 4.3.2, above.

Mitigation Measure 4.7-1 Emergency Response Plan

Please refer to the description of Mitigation Measure 4.7-1 located in section Hazards, under the discussion of Impact 4.7.8 above.

Mitigation Measure 4.7-2 Fire Prevention during Construction

Please refer to the description of Mitigation Measure 4.7-2 located in section Hazards, under the discussion of Impact 4.7.5, above.

Mitigation Measure 4.7-3 Wildfire Emergency Response Plan

Please refer to the description of Mitigation Measure 4.7-3 located in section Hazards, under the discussion of Impact 4.7.5, above.

Mitigation Measure 4.7-4 Compliance with Regulatory Oversight During Remediation

Please refer to the description of Mitigation Measure 4.7-4 located in section **Hazards**, under the discussion of Impact 4.7.1 above.

Bay Trail Mitigation Measure HAZ-1

Please refer to the description of Bay Trail Mitigation Measure HAZ-1 located in section Hazards, under the discussion of Impact 4.7.1, above.

Bay Trail Mitigation Measure HAZ-2

Please refer to the description of Bay Trail Mitigation Measure HAZ-2 located in section Hazards, under the discussion of Impact 4.7.1, above.

Bay Trail Mitigation Measure HAZ-4

Please refer to the description of Bay Trail Mitigation Measure HAZ-4 located in section Hazards, under the discussion of Impact 4.7.2, above.

Mitigation Measure 4.13-5 Impacts to Emergency Access During Construction

Please refer to the description of Mitigation Measure 4.13-5 located in section Hazards, under the discussion of Impact 4.7.4, above.

No mitigation is required beyond implementation of the Project mitigation measures.

F. CUMULATIVE EFFECTS OF THE PROPOSED PROJECT THAT CANNOT BE MITIGATED TO LESS THAN SIGNIFICANT.

None.

HYDROLOGY AND WATER QUALITY

A. ENVIRONMENTAL EFFECTS OF THE PROJECT FOUND TO HAVE NO IMPACT ON THE ENVIRONMENT, OR HAVE A LESS THAN SIGNIFICANT IMPACT ON THE ENVIRONMENT.

Operation of utility improvements and the widening of Stenmark Drive would not interfere with hydrology or water resources beyond what is analyzed for construction of off-site infrastructure. Additionally, operation of off-site infrastructure would not significantly impact hydrology or water quality. Therefore, the Project would not result in a significant adverse impact to hydrology and water quality as a result of off-site infrastructure and no mitigation is necessary.

As discussed in Impact 4.8.2 of the SEIR, no use of groundwater resources is proposed for the Project, and fresh water would be provided by the public water supply system. Dewatering may be necessary to facilitate construction, however any dewatering would be permitted through the SFBRWQCB and would not result in a permanent impact on the basin's groundwater quantity. As a result, the Project would not substantially deplete groundwater supplies or interfere with groundwater recharge. Therefore, the Project would not result in a significant adverse impact to groundwater supply and no mitigation is necessary.

B. ENVIRONMENTAL EFFECTS OF THE PROJECT THAT ARE POTENTIALLY SIGNIFICANT, BUT THAT CAN BE MITIGATED TO LESS THAN SIGNIFICANT.

Potential Significant Effect

As discussed in Impact 4.8.1 of the SEIR, without appropriate mitigation, the construction and operational phase of the Project has potential to affect the quality of water leaving the Project Site, as the result of the increase in stormwater pollution, which could in turn affect the quality of receiving waters (local waterways, San Francisco Bay).

Summary of Specific Impact

Construction-Related Impacts to Water Quality

The Project Site, Bay Trail, and the off-site improvement area are expected to experience increased levels of stormwater pollution, which also has the potential to reach groundwater, as a result of the construction activities such as grading, excavation, and other construction-related activities that could result in temporary violation of any water quality standards or WDRs or otherwise substantially degrade

surface or groundwater quality due to sedimentation caused by soil disturbance or oil and grease from construction vehicles. Such pollutants can include oils, fuels, heavy metals, pesticides, and other constituents of concern that originate on rooftops, parking lots, and other impervious surfaces, or released from construction vehicles that are subsequently washed into local waterways during storm events. Pollutants also include sedimentation caused by erosion from such activities as ground clearing for construction, chemicals used for lawn and garden maintenance, and litter. Furthermore, construction activities such as dewatering for underground development or severe rain during construction could result in the release of chemical contaminants into the Bay, which could be toxic to sensitive wildlife or the benthic community in and within proximity of the Project. In the absence of mitigation, new and increased levels of urban land use on the Project Site and off-site improvements can increase the level of stormwater pollution that could ultimately wash to the Bay and violate water quality standards, or substantially affect the quality of groundwater, resulting in a potentially significant impact.

Operation-Related Impacts to Water Quality

Development of the Project would add impervious surfaces to the Project Site due to residential and commercial development in currently undeveloped areas, which would result in an increase in the amount of surface run-off at the Project Site. Additionally, over irrigating landscaped areas on the Project Site could result in the runoff of recycled water into nearby drainages or the Bay. The use of recycled water on the Project Site would be the result of the proposed Wastewater Treatment Plant (WWTP). Constituents associated with recycled water that have the potential to degrade groundwater include salinity, nutrients, pathogens (represented by coliform bacteria), disinfection by-products (DBP), constituents of emerging concern (CEC), and endocrine disrupting chemicals (EDC); however, recycled water would only be used on a small portion of the Project Site and the percolation of precipitation on the Project Site would dilute any constituents that enter the groundwater.

Finding

During construction, on- and off-site development under the Project would be subject to the NPDES Construction General Permit requirements, which include preparation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP would include a description of construction materials, practices, and equipment storage and maintenance, a list of pollutants likely to contact stormwater, site-specific erosion and sedimentation control practices, a list of provisions to eliminate or reduce discharge of materials to stormwater, and BMPs for fuel and equipment storage. The SWPPP would also include BMPs that would reduce the transportation of pollutants offsite. Further, compliance with state and federal regulations including the CWA and BCDC requirements would also occur through the permitting process. In addition, a SGWMP was approved by the SFBRWQCB in 2012, for activities that may disturb soil or produce groundwater at the Project Site.

The Project would incorporate LID features to comply with the Municipal Regional Permit (MRP) Provision C.3 treatment requirements, which help to prevent increases in runoff and pollutant discharges from projects. An on-site WWTP would meet the State's Water Reclamation Requirements for Recycled Water Use, and would disinfect through the use of UV light, which would stop the potential to degrade groundwater quality. Overall, the Project would incorporate treatment ponds and other LID features,

stormwater outfall energy dissipaters, and wastewater treatment to prevent any violation to water quality standards or otherwise substantially degrade surface or groundwater quality.

Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Pursuant to PRC section 21081, subdivision (a)(1), the City finds that the Project's adherence to the following mitigation measures will reduce the potential impact of this significant effect to a less-than-significant level.

Mitigation Measure 4.8-1 Stormwater Pollution Prevention Plan Best Management Practices

Please refer to the description of Mitigation Measure 4.8-1 located in section **Biological Resources**, under the discussion of Impact 4.3.1 above.

Mitigation Measure 4.8-2 Demolition and Containment Plan

Please refer to the description of **Mitigation Measure 4.8-2** located in section **Biological Resources**, under the discussion of Impact 4.3.1, above.

Mitigation Measure 4.8-3 Chevron® Cooperative Agreement

If Wastewater Treatment Variant A is selected, the Applicant shall establish a cooperative agreement with Chevron® prior to the issuance of building permits to set out terms and conditions related to the conveyance of recycled wastewater from the Project Site to the Chevron®-Richmond Refinery for subsequent reuse at the Chevron®-Richmond Refinery. The agreement shall clarify that all of the treated wastewater that is not used for irrigation on the Project Site will be directed to the Chevron®-Richmond Refinery, and thus all of the terms and conditions in the agreement will pertain to that amount. Execution of this agreement would not cause Chevron® to exceed the limits of recycled water use defined in existing permits, and no water would be discharged tributary to the Bay under any circumstances. The treatment, conveyance, and use of recycled water shall be in accordance with Title 22 and all other applicable laws. The agreement shall have an expiration date no sooner than 30 years from the development of the Project, and wastewater shall not be treated at the Project Site until this agreement is established.

Mitigation Measure HYD-1

Implement GEO-1 and GEO-2.

Mitigation Measure HYD-2

The Lead Agency shall obtain permits from SFBRWQCB to ensure compliance with CWA Section 401.

Implementation of Mitigation Measures 4.8-1, 4.8-2, 4.8-3, HYD-1, and HYD-2 above would reduce the significant adverse impacts to hydrology and water quality on the Project Site as a result of stormwater pollution to a less-than-significant level.

Potential Significant Effect

As discussed in Impact 4.8.3 of the SEIR, without appropriate mitigation, the development of the Project could substantially alter the existing drainage pattern of the Project Site in a manner that could result in siltation or erosion onsite, increase runoff resulting in on-site flooding, provide substantial additional sources of polluted runoff, or impede or redirect flood flows.

Summary of Specific Impact

Development of the Project, including off-site improvements, would involve soil and groundwater remediation, and construction of structures, roadways, parking lots, and infrastructure that would require grading, excavation, and other construction-related activities that could alter drainage patterns in a manner that could cause soil erosion at accelerated rates. Pollutants that could be released into stormwater runoff due to accelerated soil erosion from possible alteration of drainage patterns of the Project Site and discharged into the Bay would include oil, gasoline and diesel motor fuel, industrial solvents, and other chemicals existing in contaminated soil or necessary for construction. Therefore, construction of the Project could substantially alter the existing drainage pattern of the Project Site in a manner that could result in siltation or erosion onsite, increase runoff resulting in onsite flooding, provide substantial additional sources of polluted runoff, or impede or redirect flood flows. If not properly managed, contaminants may come into contact with rainfall and runoff. These contaminants could be entrained in runoff and/or infiltrate into the subsurface or affect local waterways as well as the Bay. This is a significant adverse impact that would be less than significant with implementation of the mitigation measure described below.

Finding

As discussed above, the potential alteration of drainage patterns of the Project Site could result in accelerated soil erosion and increased polluted runoff from the Project Site. **Mitigation Measure 4.8-1** and **Mitigation Measure 4.8-2** require the preparation of a SWPPP and a Demolition and Containment Plan, in accordance with the Construction General Permit, which identify pollution control practices to prevent and minimize pollutants from reaching stormwater runoff. The SWPPP would be required to include BMPs that have been demonstrated to be effective at achieving Basin Plan water quality objectives and maintaining beneficial uses. The project-specific BMPs identified in **Mitigation Measure 4.8-1**, would reduce runoff from exposed soil, control stormwater runoff, and prohibit the discharge of pollutants to the Bay. With implementation of these mitigation measures, the impact would be less than significant. Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Pursuant to PRC section 21081, subdivision (a)(1), the City finds that the Project's adherence to the following mitigation measure will reduce the potential impact of this significant effect to a less-than-significant level.

Mitigation Measure 4.8-1 Stormwater Pollution Prevention Plan Best Management Practices

Please refer to the description of Mitigation Measure 4.8-1 located in section **Biological Resources**, under the discussion of Impact 4.3.1 above.

Mitigation Measure 4.8-2 Demolition and Containment Plan

Please refer to the description of **Mitigation Measure 4.8-2** located in section **Biological Resources**, under the discussion of Impact 4.3.1, above.

Implementation of Mitigation Measures 4.8-1 and 4.8-2 above would define flow diversions, containment, and treatment protocols to avoid erosion and preserve stormwater quality prior to discharge and reduce the impact from increased discharge of pollutants in the runoff due to accelerated soil erosion and sediments runoff to a less-than-significant level.

Potential Significant Effect

As discussed in Impact 4.8.4 of the SEIR, without appropriate mitigation, the existing pier, which is the only infrastructure located within a potential flood zone due to sea level rise, has the potential to discharge hazardous materials into Bay waters.

Summary of Specific Impact

The existing pier, which may be retrofitted for passenger use under the Project, has the potential to discharge hazardous materials into Bay waters. If not properly managed, contaminants may come into contact with rainfall and runoff. These contaminants could be entrained in runoff, or be the result of a spill, and come into contact with Bay waters. This is a significant adverse impact that would be less than significant with implementation of the mitigation measure described below.

Finding

As a result of the implementation of a SWPPP and Demolition and Containment Plan, proper containment of potential contaminants would be required, and thus hazardous materials present on the pier are expected to be limited to small quantities of cleaning supplies that would be properly containerized to minimize the potential for release; therefore, in the event that flooding would inundate the pier, the potential for pollution would be less than significant. Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Pursuant to PRC section 21081, subdivision (a)(1), the City finds that the Project's adherence to the following mitigation measure will reduce the potential impact of this significant effect to a less-than-significant level.

Mitigation Measure 4.8-1 Stormwater Pollution Prevention Plan Best Management Practices

Please refer to the description of Mitigation Measure 4.8-1 located in section **Biological Resources**, under the discussion of Impact 4.3.1 above.

Mitigation Measure 4.8-2 Demolition and Containment Plan

Please refer to the description of **Mitigation Measure 4.8-2** located in section **Biological Resources**, under the discussion of Impact 4.3.1, above.

Implementation of Mitigation Measures 4.8-1 and 4.8-2 above would reduce the impact to a less-than-significant level.

Potential Significant Effect

As discussed in Impact 4.8.5 of the SEIR, without appropriate mitigation, the implementation of the Project could result in water conditions that conflict with or obstruct implementation of a water quality control plan or a sustainable groundwater management plan.

Summary of Specific Impact

Construction of the Project would require grading, excavation, and other construction-related activities that could result in temporary violation of any water quality standards or WDRs or otherwise substantially degrade surface or groundwater quality due to sedimentation caused by soil disturbance or oil and grease from construction vehicles. Development of the Project would add impervious surfaces to the Project Site due to residential and commercial development in currently undeveloped areas. This would increase the amount of surface run-off at the Project Site, and could potentially degrade surface or groundwater quality.

Finding

The Project would be required to meet the requirements of the Contra Costa Clean Water Program and the MRP, in addition to the implementation of various mitigation measures, which would address any potential impacts to water quality resulting from the development and operation of the Project. Therefore, the City finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Pursuant to PRC section 21081, subdivision (a)(1), the City finds that the Project's adherence to the following mitigation measure will reduce the potential impact of this significant effect to a less-than-significant level.

Mitigation Measure 4.8-1 Stormwater Pollution Prevention Plan Best Management Practices

Please refer to the description of Mitigation Measure 4.8-1 located in section **Biological Resources**, under the discussion of Impact 4.3.1 above.

Mitigation Measure 4.8-2 Demolition and Containment Plan

Please refer to the description of **Mitigation Measure 4.8-2** located in section **Biological Resources**, under the discussion of Impact 4.3.1, above.

Mitigation Measure 4.8-3 Chevron® Cooperative Agreement

Please refer to the description of Mitigation Measure 4.8-3 located in section **Hydrology and Water Quality**, under the discussion of Impact 4.8.1 above.

Mitigation Measure HYD-1

Please refer to the description of Mitigation Measure HYD-1 located in section **Hydrology and Water Quality**, under the discussion of Impact 4.8.1 above.

Mitigation Measure HYD-2

Please refer to the description of Mitigation Measure HYD-2 located in section **Hydrology and Water Quality**, under the discussion of Impact 4.8.1 above.

Implementation of Mitigation Measures 4.8-1, 4.8-2, 4.8-3, HYD-1, and HYD-2 above would reduce the impact to a less-than-significant level.

C. ENVIRONMENTAL EFFECTS OF THE PROJECT THAT CANNOT BE MITIGATED TO LESS THAN SIGNIFICANT.

None.

D. IMPACTS OF THE PROJECT THAT WILL NOT CREATE A SIGNIFICANT CUMULATIVE IMPACT OR WOULD MAKE A LESS THAN CUMULATIVELY CONSIDERABLE CONTRIBUTION TO SIGNIFICANT CUMULATIVE IMPACTS.

None.

E. IMPACTS OF THE PROJECT THAT POTENTIALLY CREATE SIGNIFICANT CUMULATIVE IMPACTS OR WOULD MAKE A CUMULATIVELY CONSIDERABLE

CONTRIBUTION TO SIGNIFICANT CUMULATIVE IMPACTS, BUT THAT CAN BE MITIGATED TO LESS THAN CUMULATIVELY CONSIDERABLE.

Potential Significant Effect

As discussed in Impact 4.8.6 of the Draft SEIR, without appropriate mitigation, the implementation of the Project, in combination with other projects within the watershed, could impact hydrology and water quality.

Summary of Specific Impact

The San Francisco Bay and San Pablo Bay are identified as impaired for a broad range of pollutants including dichloro-diphenyl-trichloroethane (DDT), mercury, and PCBs. Additionally, salt intrusion, subsidence, and water quality impacts have been identified within the East Bay Plain Groundwater Subbasin. As such, decades of urban, agricultural, and industrial development have resulted in significant cumulative hydrology and water quality impacts to both surface and groundwater. Surface run-off as a result of the Project could potentially further degrade water quality, which make a cumulatively considerable contribution to significant cumulative impacts.

Finding

With regards to surface water quality, construction of the Project would be conducted under a SWPPP, a Demolition and Containment Plan, a Covenant to Restrict the Use of Property, and a SGWMP. These plans incorporate BMPs that have been demonstrated to be effective at achieving Basin Plan water quality objectives and maintaining beneficial uses, and would ensure that potential pollutants are not allowed to enter the soil or groundwater. The project-specific BMPs identified in the mitigation measures, would reduce runoff from exposed soil, control stormwater runoff, and prohibit the discharge of pollutants to the Bay. Likewise, during operation of the Project, compliance with MRP Provision C.3 treatment requirements would ensure stormwater from the development areas would be routed through treatment ponds prior to discharge to the Bay. Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Pursuant to PRC section 21081, subdivision (a)(1), the City finds that the Project's adherence to the following mitigation measure will reduce the potential impact of this significant effect to a less-than-significant level.

Mitigation Measure 4.8-1 Stormwater Pollution Prevention Plan Best Management Practices

Please refer to the description of Mitigation Measure 4.8-1 located in section **Biological Resources**, under the discussion of Impact 4.3.1 above.

Mitigation Measure 4.8-2 Demolition and Containment Plan

Please refer to the description of **Mitigation Measure 4.8-2** located in section **Biological Resources**, under the discussion of Impact 4.3.1, above.

Mitigation Measure 4.8-3 Chevron® Cooperative Agreement

Please refer to the description of Mitigation Measure 4.8-3 located in section **Hydrology and Water Quality**, under the discussion of Impact 4.8.1 above.

Mitigation Measure HYD-1

Please refer to the description of Mitigation Measure HYD-1 located in section **Hydrology and Water Quality**, under the discussion of Impact 4.8.1 above.

Mitigation Measure HYD-2

Please refer to the description of Mitigation Measure HYD-2 located in section **Hydrology and Water Quality**, under the discussion of Impact 4.8.1 above.

Implementation of Mitigation Measures 4.8-1, 4.8-2, 4.8-3, HYD-1, and HYD-2 above would reduce the Project's contribution to significant cumulative impacts to a less-than-cumulatively considerable.

F. CUMULATIVE EFFECTS OF THE PROPOSED PROJECT THAT CANNOT BE MITIGATED TO LESS THAN SIGNIFICANT.

None.

LAND USE AND PLANNING

A. ENVIRONMENTAL EFFECTS OF THE PROJECT FOUND TO HAVE NO IMPACT ON THE ENVIRONMENT, OR HAVE A LESS THAN SIGNIFICANT IMPACT ON THE ENVIRONMENT.

There are no existing communities on the Project Site or in the vicinity of the Project Site. Furthermore, all existing buildings on the Project Site are vacant and land uses adjacent to the Project Site are either industrial or undeveloped land. As a result, the Project would not physically divide an established community and no significant adverse impact would occur, as discussed in SEIR Section 4.9.5.3. Therefore, the Project would not result in a significant adverse impact here and no mitigation is necessary.

As discussed in Impact 4.9.1, the Project would require a General Plan amendments and rezoning to allow for the proposed development. If the City uses its legislative discretion to approve the General Plan amendment and rezoning that are the core of the Project, the Project, including the reasonably foreseeable future development anticipated by the Planned Area District, would not conflict with any applicable City land use plan, policy, or regulation (including, but not limited to the General Plan, Specific Plan, Reuse Plan, or Zoning Ordinance) adopted for the purpose of avoiding or mitigating an

environmental impact. Further, the portions of the Project that would be developed outside of the jurisdiction of the San Francisco Bay Conservation and Development Commission Bay Plan (BCDC) would contain uses that would not be consistent with the following Recreation Policies: No. 4-a, No. 4-b, and No 4-c of the Bay Plan. However, the BCDC does not have jurisdiction over this portion of the Project and as presented and discussed in Appendix O of the Draft SEIR, the Project would be consistent with applicable polices from the Bay Plan within the areas of BCDC jurisdiction. In addition, the Project would not proceed until it obtains a modification to the Bay Plan, at which point it would be consistent with the Bay Plan. Therefore, the Project would result in a less-than-significant impact and no mitigation is required.

B. ENVIRONMENTAL EFFECTS OF THE PROJECT THAT ARE POTENTIALLY SIGNIFICANT, BUT THAT CAN BE MITIGATED TO LESS THAN SIGNIFICANT.

None.

C. ENVIRONMENTAL EFFECTS OF THE PROJECT THAT CANNOT BE MITIGATED TO LESS THAN SIGNIFICANT.

None.

D. IMPACTS OF THE PROJECT THAT WILL NOT CREATE A SIGNIFICANT CUMULATIVE IMPACT OR WOULD MAKE A LESS THAN CUMULATIVELY CONSIDERABLE CONTRIBUTION TO SIGNIFICANT CUMULATIVE IMPACTS.

The Richmond General Plan 2030 EIR did not identify any cumulative land use or planning policy impacts, and the Project would be consistent with the overall vision of General Plan 2030 to redevelop Point Molate with a mix of uses, and with the amendment of the General Plan, would be consistent with the General Plan. Similarly, the Project would not proceed until it obtains a modification to the Bay Plan for Project components located outside the BCDC jurisdiction area, at which point it would be consistent with the Bay Plan. Additionally, as stated above, the Project would not physically divide an established community, disrupt neighboring land uses, and would not conflict with any applicable land use plan, policy, or regulation of any agency with jurisdiction over the project. Further, all future development in the City would also be reviewed for consistency with the General Plan designations and policies by the City, in accordance with the requirements of CEQA and the State zoning and planning laws. Accordingly, the Project, together with past, present, existing, pending and reasonably foreseeable future projects, would not result in significant cumulative adverse impacts to land use and no mitigation is necessary.

E. IMPACTS OF THE PROJECT THAT POTENTIALLY CREATE SIGNIFICANT CUMULATIVE IMPACTS OR WOULD MAKE A CUMULATIVELY CONSIDERABLE CONTRIBUTION TO SIGNIFICANT CUMULATIVE IMPACTS, BUT THAT CAN BE MITIGATED TO LESS THAN CUMULATIVELY CONSIDERABLE.

None.

F. CUMULATIVE EFFECTS OF THE PROPOSED PROJECT THAT CANNOT BE MITIGATED TO LESS THAN SIGNIFICANT.

None.

NOISE

A. ENVIRONMENTAL EFFECTS OF THE PROJECT FOUND TO HAVE NO IMPACT ON THE ENVIRONMENT, OR HAVE A LESS THAN SIGNIFICANT IMPACT ON THE ENVIRONMENT.

As explained in SEIR Section 4.10.5.4, the Project would not result in significant impacts related to exposure of people to excessive noise levels based on proximity to public airports or private airstrips. The Project Site is not located within the vicinity of a private airstrip, airport land use plan, or within 2 miles of a public airport; therefore, further discussion of this issue was not included within the Draft SEIR.

As explained in SEIR Section 4.10.5.4, the Project would not result in significant impacts related to ambient noise or ground-borne noise during the operation of the off-site infrastructure. The off-site infrastructure includes utilities improvements and the widening of Stenmark Drive. The utility improvements would not generate noise or ground-borne vibrations during operation. Therefore, the discussion of utility-related off-site infrastructure improvements was not included within the Draft SEIR. The widening of Stenmark Drive would allow additional traffic into the Project Site, and this impact is examined within impacts from traffic-related noise.

As explained in Impact 4.10.2 in the SEIR, operation of the Project would not result in the generation of substantial increase in ambient noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

The associated increases in traffic noise levels resulting from the Project along I-580 and I-80 would be well below the established criteria provided in SEIR Section 4.10.5.2. Therefore, off-site traffic noise impacts related to increases in traffic along I-580 and I-80 due to the Project are less than significant. The predicted existing plus project noise levels are well within compliance of the applicable General Plan and Richmond Municipal Code noise level limits along the roadways containing substantial noise level increases, and there are no identified sensitive receptors along those roadway segments. Therefore, off-site traffic noise impacts related to increases in traffic resulting from the implementation of the Project are identified as being less than significant.

Commercial and multi-family uses would bring the possibility of noise conflicts due to operations of roof-mounted air handling units associated with building HVAC equipment. The nearest identified existing noise-sensitive receptor is located approximately 3,800 feet from the nearest proposed commercial/multi-family residential uses within the Project Site. At this distance, Project HVAC noise levels would be immeasurable over the ambient noise environment at the closest sensitive receptor. As a result, this impact would be less than significant.

The proposed commercial and residential uses would also include refuse collection activities. Noise conflicts may arise when garbage pickup occurs adjacent to proposed residential uses at nighttime or in the early morning. The nearest identified existing noise-sensitive receptor is located approximately 3,800 feet from the nearest proposed new use within the Project Site. At this distance, Project refuse collection noise levels would be immeasurable over the ambient noise environment at the closest sensitive receptor. As a result, this impact would be considered less than significant.

Under Wastewater Treatment Variant A, the Project would include the installation of a new on-site sanitary sewer treatment facility. At the nearest residences located 1 mile away, noise exposure from normal operations at the on-site wastewater treatment facility would be immeasurable over the ambient noise environment and completely inaudible. Therefore, this impact is less than significant.

B. ENVIRONMENTAL EFFECTS OF THE PROJECT THAT ARE POTENTIALLY SIGNIFICANT, BUT THAT CAN BE MITIGATED TO LESS THAN SIGNIFICANT.

Potential Significant Effect

As explained in Impact 4.10.1 of the SEIR, during construction of the Project and associated off-site improvements, heavy equipment would be used for grading excavation, paving, and building construction, which would increase ambient noise levels when in use. This is a potentially significant impact.

Summary of Specific Impact

The nearest noise-sensitive receptors to the proposed planning areas where construction would occur have been identified as boat residences at the Point San Pablo Yacht Harbor (north) and a residential development (southeast). The Point San Pablo Yacht Harbor and nearest residence to the south are located approximately 3,200 and 5,500 feet from construction activities which would occur within the Project Site, respectively. Between the Project Site and the San Pablo Yacht Harbor, there is an existing hill measuring 229 feet above sea level, and between the Project Site and the nearest existing residences in Point Richmond located over a mile away, there is an existing hill measuring 197 feet above sea level which would provide substantial shielding of project construction activities. Construction noise levels would be imperceptible at the nearest receptors. Furthermore, worst-case Project construction noise exposure at the nearest sensitive receptors is also expected to be well below applicable City noise level limits for single-family residential uses. As a result, this impact would be less than significant.

The Project also includes the widening of Stenmark Drive from the eastern Project Site boundary to the I-580 connection. Heavy equipment associated with these activities would increase ambient noise levels when in use. The nearest existing noise-sensitive receptors to the transportation and/or utility infrastructure improvement work area along Stenmark Drive have been identified as residences to the southeast. Specifically, the nearest residence of this neighborhood maintains a separation of approximately 2,000 feet from the Project work area along Stenmark Drive. As shown in detail in Impact 4.10.1 in the Draft SEIR, the worst-case Project construction equipment noise exposure from transportation improvements along Stenmark Drive would be well below measured ambient noise levels at the nearest residences. Further, worst-case noise exposure from Stenmark Drive transportation

improvements at the nearest sensitive receptors is also expected to be well below applicable City noise level limits for single-family residential uses. As a result, this impact is less than significant.

The Project may also include the undergrounding or relocating of utility power poles, the installation of a new force main, and the installation of one or more new lift stations. The nearest existing noise-sensitive receptors to the wastewater infrastructure improvement work areas have been identified as residences along Western Drive, Tewksbury Avenue, and Marine Street – located as close as 50 feet away. It is possible that a portion of the heavy equipment associated with Project wastewater infrastructure improvements could result in temporary short-term increases over ambient maximum noise levels at those residences. Further, it is possible that those noise levels could exceed the applicable City noise level limits. Therefore, this impact is considered to be potentially significant.

Finding

Mitigation Measure 4.10-1 will be implemented in order to reduce construction noise impacts from wastewater infrastructure improvement work and reduce the impacts to less-than-significant level. Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Implementation of **Mitigation Measure 4.10-1**, as described below, would reduce the impact to a less-than-significant level.

Mitigation Measure 4.10-1 Construction Noise

Please refer to the description of Mitigation Measure 4.10-1 located in section **Biological Resources**, under the discussion of Impact 4.3.1 above.

Potential Significant Effect

As explained in Impact 4.10.3 of the SEIR, during project construction, heavy equipment would be used for grading excavation, paving, and building construction, which would generate localized vibration in the immediate vicinity of the construction. This is a potentially significant impact.

Summary of Specific Impact

Vibration levels generated from on-site construction activities and off-site infrastructure improvements at the nearest off-site sensitive receptors are predicted to be well below the thresholds for damage to structures and the thresholds for annoyance. Therefore, on-site construction within the Project Site and off-site infrastructure improvements would not result in excessive ground-borne vibration levels at nearby existing off-site sensitive receptors. This impact is less than significant.

The Project includes construction within the Winehaven Historic District. Vibration levels generated from on-site construction activities have the potential to impact historic resources within the Historic District. Therefore, this impact is considered to be potentially significant.

Finding

Implementation of **Mitigation Measure 4.10-2** would require a pre-construction survey and structural integrity inspection to determine the appropriate vibration damage threshold that should be applied to the historic resources within the Historic District. Additionally, vibration monitoring would be required during all construction activities within the Historic District. Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the Final [Finding (1)].

Rationale for the Finding

Implementation of **Mitigation Measure 4.10-2** would reduce the impacts from construction-related vibration on historic resources to a less-than-significant level.

Mitigation Measure 4.10-2 Construction Vibration

In order to reduce potential vibration impacts to historic resources, the following construction-related vibration mitigation measures shall be implemented.

- Prior to the start of any ground-disturbing activity, the Project proponent shall engage a historic architect or qualified historic preservation professional and a structural engineer to undertake a pre-construction survey of historical resource(s) within the Historic District to document and photograph the buildings' existing conditions, including areas of existing damage which may be worsened by vibration impacts.
- Prior to the start of construction, a structural engineer, working with a historic architect and acoustical engineer, shall establish a maximum vibration level that shall not be exceeded at each historic building, based on existing conditions, character-defining features, soils conditions, and anticipated construction practices in use at the time. The maximum vibration levels would not to exceed 500 feet since at that distance, vibration from common construction equipment would be below the threshold that could impact historic structures. To ensure that vibration levels do not exceed the established standard, when construction occurs within 500 feet of a historic building, a qualified acoustical/vibration consultant shall monitor vibration levels at each structure within the Historic District using appropriate monitoring equipment and shall prohibit vibratory construction activities that generate vibration levels in excess of the standard. Should vibration levels be observed in excess of the standard, construction shall be halted immediately and alternative construction techniques put in practice, such as using less equipment or proceeding with hand methods.
- Any structural areas identified in the pre-construction surveys that show existing damage or that the survey identified as being susceptible to vibration damage from construction-related activities

shall be subject to continuous monitoring during construction by vibration monitors. Such monitors shall be installed at appropriate locations as determined by the structural engineer. These monitors shall be capable of measuring continuous data and sending the data in real time to several different parties including, but not limited to, the Structural Engineer and the Acoustical Engineer to ensure that vibration levels do not exceed the maximum vibration levels identified for each historic building. The vibration monitors shall generate an instant email alert when the thresholds are exceeded so that immediate corrective action is taken. The qualified acoustical/vibration consultant shall conduct regular periodic inspections of each building within the Historic District. Should damage to a building occur as a result of ground disturbing activity on the Project Site, the building(s) shall be remediated to its pre-construction condition at the conclusion of ground-disturbing activity on the Project Site.

Potential Significant Effect

As explained in Impact 4.10.4, future traffic noise levels at Project-created sensitive receptors could cause ambient noise levels to exceed acceptable levels. This could cause a conflict with City policies.

Summary of Specific Impact

This impact is relative to the applicable City noise level limits for Project-created sensitive receptors in the Project location. Traffic noise levels could cause ambient noise levels to exceed the exterior noise normally acceptable levels at residences located along Stenmark Drive.

Finding

Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

To ensure City noise requirements are met, **Mitigation Measure 4.10-3** requires preparation of a building-specific noise impact study and implementation appropriate noise attenuation measures if exterior noise levels would exceed the normally acceptable noise levels when low-density residential uses are proposed along Stenmark Drive. The noise study would be required to be conducted after the proposal for development of residential uses is filed. Implementation of **Mitigation Measure 4.10-3** would reduce the impact to a less-than-significant level.

Mitigation Measure 4.10-3 Noise Impact Study – Single-Family or Townhome

Along with the plans submitted for building and/or grading permits for development of a single-family home or townhome along Stenmark Drive, a building-specific noise impact study shall be submitted for City review to determine if exterior noise at the building's property line would exceed 65 dBA. If so, then the building would be required to incorporate measures, such as use of sound rated door and window assemblies, mechanical ventilation, careful siting or use of

landscaping for outdoor recreation areas, or other methods to reduce interior noise levels to 45 dBA CNEL and provide noise shielding.

Potential Significant Effect

As explained in Impact 4.10.5 of the SEIR, operation of commercial and multi-family components of the Project could result in the possibility of noise impacts at Project-proposed sensitive receptors.

Summary of Specific Impact

Commercial and multi-family components of the Project bring the possibility of noise impacts associated with roof-mounted air handling units used for building HVAC. In addition, commercial and multi-family buildings can have loading and unloading areas and refuse areas that generate noise during garbage collection.

Finding

Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Implementation of **Mitigation Measure 4.10-4** would require commercial and multi-family buildings to comply with certain noise attenuation measures, including screening HVAC equipment and for garbage collection and commercial loading and unloading areas. Implementation of **Mitigation Measure 4.10-4** would reduce the potential for rooftop HVAC noise to bother residents and reduce the impact to a less-than-significant level.

Mitigation Measure 4.10-4 Noise Impact Study – Commercial and Multi-Family

Along with the plans submitted for building and/or grading permits for development of commercial and multi-family residential uses, a building-specific noise impact study shall be submitted for City review to demonstrate that interior noise levels for nearby current and proposed sensitive receptors have been reduced to 45 dBA CNEL. The following mitigation measures can be implemented for commercial and multi-family residential uses to reduce noise exposure to the desired level:

- Ensure that noise exposure associated with the selected mechanical equipment satisfies the applicable City noise level limits at proposed sensitive receptors.
- Screen rooftop mechanical equipment to attenuate noise exposure.
- Locate mechanical equipment on the rooftop of commercial buildings away from sensitive receptors.

- Refuse dumpsters and commercial loading and unloading areas shall be located as far as reasonably possible from the outdoor activity areas of proposed residential buildings. Commercial refuse containers shall also be located such that buildings shield nearby residential uses from noise generated by loading/unloading operations and garbage collection activities.
- Use of sound rated door and window assemblies for multi-family residential buildings, if required.

Potential Significant Effect

As explained in Impact 4.10.6 of the Draft SEIR, operation of the WWTP component of the Project could result in the possibility of noise impacts at Project-proposed sensitive receptors. This is a potentially significant impact.

Summary of Specific Impact

The Project includes the option of installing a new on-site sanitary sewer treatment facility located on the southern end of the Project Site, approximately 350 feet from the nearest proposed residential uses. Noise generated from this treatment facility could exceed applicable noise level limits established by the City at the Project's nearby sensitive receptors. Implementation of Mitigation Measure 4.10-5 would reduce the noise impacts related to exposure of future residents to Project wastewater treatment facility operational noise over thresholds to a less-than-significant level.

Finding

Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Mitigation Measure 4.10-5 requires preparation of a site-specific noise impact study analyzing the facility operational equipment noise level to be conducted once the installment of this facility has been confirmed and building plans are filed, as well as implementation of specific mitigation measures to address any noise exceedances identified in the study. Implementation of **Mitigation Measure 4.10-5** would reduce the noise impacts related to exposure of future residents to Project wastewater treatment facility operational noise over thresholds to a less-than-significant level.

Mitigation Measure 4.10-5 Noise Impact Study – Sanitary Sewer Treatment Facility

Please refer to the description of Mitigation Measure 4.10-5 located in section **Biological Resources**, under the discussion of Impact 4.3.1 above.

Potential Significant Effect

As explained in Impact 4.10.7 of the SEIR, construction of the Project could result in the possibility of noise impacts for Project sensitive receptors. This is a potentially significant impact.

Summary of Specific Impact

The Project is proposed to be constructed continuously over several years with the possibility of some planning areas being completed while other areas are constructed. In this circumstance, Project construction could increase ambient noise levels above allowable limits at sensitive receptors already living in the Project Site. But implementation of Mitigation Measure 4.10-1 would ensure that such activities do not create nuisance noise.

Finding

Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Implementation of **Mitigation Measure 4.10-1** would ensure that construction activities do not create nuisance noise at proposed sensitive receptors.

Mitigation Measure 4.10-1 Construction Noise

Please refer to the description of Mitigation Measure 4.10-1 located in section **Biological Resources**, under the discussion of Impact 4.3.1 above.

C. ENVIRONMENTAL EFFECTS OF THE PROJECT THAT CANNOT BE MITIGATED TO LESS THAN SIGNIFICANT.

None.

D. IMPACTS OF THE PROJECT THAT WILL NOT CREATE A SIGNIFICANT CUMULATIVE IMPACT OR WOULD MAKE A LESS THAN CUMULATIVELY CONSIDERABLE CONTRIBUTION TO SIGNIFICANT CUMULATIVE IMPACTS.

As explained in Impact 4.10.8 of the SEIR, cumulative operations of the Project would not result in the generation of substantial increase in ambient noise levels in excess of standards established in the local general plan or noise ordinance, or other applicable standards regulating noise.

The predicted cumulative plus project noise levels are well within compliance of the applicable General Plan and Richmond Municipal Code noise level limits along the roadways containing substantial noise level increases, and there are no identified sensitive receptors along those roadway segments. Therefore,

traffic resulting from the implementation of the Project would not combine with cumulative off-site traffic noise to create a significant cumulative noise impact.

The Project would have the potential to result in on-site operational noise from use of fans for HVAC, truck loading and unloading, refuse collection, and wastewater treatment plant operation. The Project Site is surrounded by water, open space hillsides, and industrial development, with no nearby undeveloped areas. There are no reasonably foreseeable projects that could occur near the Project such that cumulative noise would combine to exceed the City's noise standards and create a significant cumulative noise impact. Further, as discussed above, the nearest identified existing noise-sensitive receptor is located approximately 3,800 feet from the nearest proposed commercial/residential uses within the Project Site. As a result, the Project would not contribute to any significant cumulative noise impact this receptor could experience.

The Project's vibrations from the construction of the Project would combine with the vibrations of other nearby construction projects occurring at the same time. As noted above, other than the Bay Trail project, there are no foreseeable future projects that could occur at the same time and close enough to the Project for vibrations to add together. Therefore, there is no significant cumulative impact related to groundborne vibrations from construction noise and the Project would not create one. Project's operations would not create noise that could generate significant groundborne vibrations and there is no existing significant cumulative impact related to groundborne vibrations for which the Project could contribute.

E. IMPACTS OF THE PROJECT THAT POTENTIALLY CREATE SIGNIFICANT CUMULATIVE IMPACTS OR WOULD MAKE A CUMULATIVELY CONSIDERABLE CONTRIBUTION TO SIGNIFICANT CUMULATIVE IMPACTS, BUT THAT CAN BE MITIGATED TO LESS THAN CUMULATIVELY CONSIDERABLE.

None.

F. CUMULATIVE EFFECTS OF THE PROPOSED PROJECT THAT CANNOT BE MITIGATED TO LESS THAN SIGNIFICANT.

None.

POPULATION AND HOUSING

A. ENVIRONMENTAL EFFECTS OF THE PROJECT FOUND TO HAVE NO IMPACT ON THE ENVIRONMENT, OR HAVE A LESS THAN SIGNIFICANT IMPACT ON THE ENVIRONMENT.

As discussed in SEIR Section 4.11.5.3, the Project would be built within the proposed site boundaries where no housing is located. Therefore, there will be no displacement of either existing housing or people, nor would it necessitate the need to construct replacement housing elsewhere, are a result of the project. Additionally, the construction of the Project would not result in an impact related to unplanned population growth, as sufficient existing housing is available to house any workers relocating from out of the area to work on the Project, and additional housing would not be needed.

As discussed in Impact 4.11-1 of the SEIR, the operation of the Project, which could generate up to approximately 5,773 new residents under the residential-heavy scenario, could result in direct population growth within the City of Richmond, as a result of new housing and new permanent employment opportunities. However, such growth would not be unplanned growth, and the Project residences and employment buildings would aid the City in accommodating its population growth projected to occur by 2040 and ease the City's existing and projected housing shortage. Additionally, the City's high rate of unemployment compared to the nation, State, and County, suggests that a substantial number of jobs could be accommodated by the local labor pool, and the City's Local Employment Ordinance would require the Project to hire a portion of local residents. Furthermore, although development of on-site and off-site infrastructure could potentially indirectly lead to future growth, all infrastructure would be developed and sized so as to serve the new development, and not to accommodate future, unplanned growth. Moreover, infrastructure, including roads and utilities, already exists on the Project Site and in the vicinity indicating that development of infrastructure is not restricting development of the surrounding area. Therefore, the Project would not induce direct or indirect substantial unplanned population growth as a result of the operation of the project, and thus the impact would be less-than-significant and no mitigation is required.

B. ENVIRONMENTAL EFFECTS OF THE PROJECT THAT ARE POTENTIALLY SIGNIFICANT, BUT THAT CAN BE MITIGATED TO LESS THAN SIGNIFICANT.

None.

C. ENVIRONMENTAL EFFECTS OF THE PROJECT THAT CANNOT BE MITIGATED TO LESS THAN SIGNIFICANT.

None.

D. IMPACTS OF THE PROJECT THAT WILL NOT CREATE A SIGNIFICANT CUMULATIVE IMPACT OR WOULD MAKE A LESS THAN CUMULATIVELY CONSIDERABLE CONTRIBUTION TO SIGNIFICANT CUMULATIVE IMPACTS.

The City does not have a significant cumulative impact related to unplanned growth.

The Project along with the cumulative projects, as presented in Table 5-1 of Section 5.0 of the SEIR, would increase the amount of residential, commercial, and retail and restaurant development as well as infrastructure such as roads and utilities in the region. The Project's cumulative impacts are considered within the context of the City, the County, and the Bay.

The determination of whether or not the Project would directly or indirectly induce substantial population growth is inherently a cumulative consideration because the Project's growth is analyzed relative to past, present, and future population and housing plans and trends. Furthermore, the analysis in the SEIR is based upon ABAG projections, which consider cumulative growth through 2040 within the geographic context as described above. Furthermore, within the analysis of the General Plan EIR, no cumulative impact in relation to population and housing was identified.

Therefore, the Project's less-than-significant population and housing impact, combined with past, present, and other foreseeable development in the area as presented in Table 5-1 in Section 5.0 of the SEIR, would not combine to create a significant cumulative impact.

E. IMPACTS OF THE PROJECT THAT POTENTIALLY CREATE SIGNIFICANT CUMULATIVE IMPACTS OR WOULD MAKE A CUMULATIVELY CONSIDERABLE CONTRIBUTION TO SIGNIFICANT CUMULATIVE IMPACTS, BUT THAT CAN BE MITIGATED TO LESS THAN CUMULATIVELY CONSIDERABLE.

None.

F. CUMULATIVE EFFECTS OF THE PROPOSED PROJECT THAT CANNOT BE MITIGATED TO LESS THAN SIGNIFICANT.

None.

PUBLIC SERVICES AND RECREATION

A. ENVIRONMENTAL EFFECTS OF THE PROJECT FOUND TO HAVE NO IMPACT ON THE ENVIRONMENT, OR HAVE A LESS THAN SIGNIFICANT IMPACT ON THE ENVIRONMENT.

As discussed in Impact 4.12.1 of the SEIR, the Project includes the construction of an on-site joint fire station and police substation. The Richmond Fire Department and the Richmond Police Department would both provide personnel to staff this new joint substation, and the station would be fully equipped for fire and medical emergency related incidents onsite. The station would provide 24-hour onsite fire and emergency medical services to the Project Site, and fire personnel would have access to a redundant water delivery system for fire emergencies. Therefore, the effect to fire and emergency medical services would be less than significant. While police staff would only be onsite during certain hours at the substation, police protection services from the Southern District beat would be accessible 24-hours a day. Therefore, this adverse effect would be reduced to a less than significant effect.

As discussed in Impact 4.12.2 in the SEIR, the Project would increase the number of students enrolled within the West Contra Costa Unified School District (WCCUSD). While the Project Site is within the boundaries of existing WCCUSD elementary schools, middle school, and high schools, some of these schools will not have the planning capacity to accept the Project generated students. As a result, new facilities may need to be constructed at these schools and this could result in environment impacts. However, both the Project's commercial and residential developments would be subject to WCCUSD commercial and residential fee at the time that the application is submitted for a building permit. In accordance with California Government Code section 65995(h), these levied fees would qualify as complete mitigation to the Project's adverse effects to the WCCUSD. If new school facilities are constructed, the environmental impacts would be analyzed by the WCCUSD. Therefore, this effect is considered less than significant.

Finally, as discussed in Impact 4.12.4 in the SEIR, the Project would result in an increase in the City population, and therefore it would incrementally increase the demand for other public services, such as community centers and libraries. However, no new facilities would be required to be built, and the Project would be subject to Richmond Municipal Code public facility use and impact fees for new development under the City's existing mitigation impact fees. This would reduce the adverse effects from the Project. Therefore, this effect would be less than significant.

B. ENVIRONMENTAL EFFECTS OF THE PROJECT THAT ARE POTENTIALLY SIGNIFICANT, BUT THAT CAN BE MITIGATED TO LESS THAN SIGNIFICANT.

Potential Significant Effect

As described in **Section 3.4.2**, of the SEIR, under Impact 4.12.3, In order to meet the City goal of 3.0 acres of parkland per 1,000 residents, at least 17.3 acres of new parkland would be needed by the Project. The Project is providing a minimum of approximately 193 acres of open space, which includes hillside recreation areas with trails, a 1.5 mile long beach park, and neighborhood parks. If for some reason the amount of parkland is less than required by the City's Quimby Act ordinance, the additional resident population that would be generated by the Project would incrementally increase the use of existing parks and recreational facilities such that physical deterioration of the facility could be accelerated, resulting in a potentially significant impact.

Summary of Specific Effect

The Project adds additional acres of parkland, but it also adds additional residents to the City. If the Project is unable to satisfy the City's Quimby Act ordinance that requires 3.0 acres of parklands per 1,000 residents, it could cause an adverse effect.

Finding

The Project would overall increase the open space and recreation opportunities available to the public. Open space on the Project Site would include the hillsides in the northeastern portion of the site, the shoreline park area, and the residential parks that will be interspersed throughout the proposed residential areas. Recreation opportunities that will be available include a 1.5-mile segment of the Bay Trail and additional trails, picnic tables, overlook areas, an interpretive center, play areas, and more. Mitigation Measure 4.12-1 would ensure that Project complies with the City's parkland ordinance by either providing additional parkland, parkland improvements, or paying the City's in lieu fee. The Project would therefore have a less than significant effect on parklands. Furthermore, no additional off-site recreational facilities would be required as a result of the Project since it expands the existing recreation opportunities onsite. The Project therefore has no effect on the existing recreation opportunities. Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Pursuant to PRC section 21081, subdivision (a)(1), the City finds that the Project's adherence to the following mitigation measure will reduce the potential impact of this significant effect to a less-than-significant level.

Mitigation Measure 4.12-1

The Project shall comply with the City's Quimby Act ordinance by developing sufficient parkland to provide at least 3.0 acres of parkland on the Project Site per 1,000 residents generated by the Project or paying the City's in lieu fee, or a combination of the two methods.

Implementation of the mitigation measure specified above would ensure that the Project would either meet the parkland acres requirement per 1,000 residents or pay a fee in lieu. This would ensure that the Project would meet the standards of the City's Quimby Act.

C. ENVIRONMENTAL EFFECTS OF THE PROJECT THAT CANNOT BE MITIGATED TO LESS THAN SIGNIFICANT.

None.

D. IMPACTS OF THE PROJECT THAT WILL NOT CREATE A SIGNIFICANT CUMULATIVE IMPACT OR WOULD MAKE A LESS THAN CUMULATIVELY CONSIDERABLE CONTRIBUTION TO SIGNIFICANT CUMULATIVE IMPACTS.

None.

E. IMPACTS OF THE PROJECT THAT POTENTIALLY CREATE SIGNIFICANT CUMULATIVE IMPACTS OR WOULD MAKE A CUMULATIVELY CONSIDERABLE CONTRIBUTION TO SIGNIFICANT CUMULATIVE IMPACTS, BUT THAT CAN BE MITIGATED TO LESS THAN CUMULATIVELY CONSIDERABLE.

The Project in addition with other anticipated growth and development in City would incrementally add to demand for certain public services. The future development projects would pay impact fees or provide facilities in lieu of fees similar to the Project. Furthermore, future growth and development projects would contribute additional tax revenue. This revenue generated from taxes and impact fees would be utilized to expand the necessary public services, such fire and police protection services. Furthermore, the Project in the long-term would increase the availability of recreation opportunities, open space, and parklands in the City. Therefore, the Project in combination with past, present, and reasonably foreseeable future growth would not create significant cumulative impacts to public services related to police, parks, libraries, community centers, and schools. The City has an existing significant cumulative impact related to fire protection, but with construction of the fire station, the Project would not make a cumulatively considerable contribution to this significant cumulative impact. No mitigation is required beyond implementation of the Project mitigation measures.

F. CUMULATIVE EFFECTS OF THE PROPOSED PROJECT THAT CANNOT BE MITIGATED TO LESS THAN SIGNIFICANT.

None.

TRANSPORTATION

A. ENVIRONMENTAL EFFECTS OF THE PROJECT FOUND TO HAVE NO IMPACT ON THE ENVIRONMENT, OR HAVE A LESS THAN SIGNIFICANT IMPACT ON THE ENVIRONMENT.

As explained in SEIR Section 4.13.5.3, Appendix G of the CEQA *Guidelines* asks whether a project would have vehicle miles traveled exceeding an applicable threshold of significance. At the time of writing the Draft SEIR, the City has not yet adopted a VMT threshold for CEQA purposes. However, the Project has many trip reduction features, including its Transportation Demand Management (TDM) program (see Attachment 11 of the Final SEIR Response to Comments document). In compliance with Richmond Municipal Code section 15.04.612, implementation of the TDM program is required under Mitigation Measure 4.13-6.

Mitigation Measure 4.13-6 Transportation Demand Management Program

Please refer to the description of **Mitigation Measure 4.13.6** located in section **Energy**, under the discussion of Impact 4.5.1 above.

The Project also proposes to create a walkable, mixed-use community and would provide a commuter shuttle to the BART station or work with AC transit to provide bus service from the Project Site to BART. The Project also proposes to provide ferry or water taxi service to San Francisco. However, it is still anticipated that the Project's per capita and per employee VMT could exceed the City's average per capita and per employee VMT. As mentioned above, the City does not have VMT thresholds for CEQA purposes; however, the Project is consistent with Richmond Municipal Code provisions to reduce trips and VMT.

As explained in Impact 4.13.1 of the SEIR, increases in traffic as a result of demolition and construction activities associated with the Project and associated off-site infrastructure improvements would not conflict with a program, plan, ordinance, or policy addressing roadways. Prior to issuance of grading and building permits for a particular area of the Project, the Project Proponent would be required to submit a Traffic Control Plan pursuant to Richmond Municipal Code section 12.29.040. With implementation of the Project-specific Traffic Control Plan and approval from the City Engineer, traffic associated with construction of the Project would not conflict with any program, plan, or policy addressing the circulation system. This would be a less-than-significant impact.

As explained in Impact 4.13.5 of the SEIR, operation of the Project would not conflict with a program, plan, ordinance, or policy addressing transit. The General Plan goals and policies emphasize the need to encourage public transit use in the region. The Project could potentially help support existing bus services with additional transit ridership and would not conflict with any transit plans or goals of the BART, the City, WestCAT, or AC Transit. Additionally, the rehabilitation of the pier would allow for the addition of water

transit service to the Project Site. Water transit service would have a beneficial impact by reducing the load on local vehicular traffic, rail, bus, and other transit services. As a result, the Project would not be expected to result in any significant impacts to transit service in the area.

As explained in Impact 4.13.6 of the SEIR, operation of the Project would not conflict with a program, plan, ordinance, or policy addressing bicycle or pedestrian facilities. The Project is proposing to provide sufficient pedestrian pathways and signage within the Project and along Stenmark Drive between the Project Site and the Bay Trail to ensure that pedestrian and bicycle safety is maintained. The Project would not significantly impact or change the design of any existing pedestrian facilities and should not create any new safety problems for pedestrians in the area. The Project is proposing to construct a traffic signal on Stenmark Drive at the Dutra Materials access road, which would improve the Bay Trail with a controlled crossing. The Project and Bay Trail Extension project would add pedestrians and bicyclists in the area, but the volumes added would not be expected to significantly impact any existing pedestrian or bicycle facilities. In relation to the existing conditions, the Project would improve the pedestrian and bicycle conditions in the area by providing new pedestrian and bicycle facilities where none are currently provided and would not significantly impact or require changes to the design of any existing or planned bicycle or pedestrian facilities, including the Bay Trail Extension. Implementation of the Project would support the established goals and policies of the Richmond Bicycle Master Plan and Richmond Pedestrian Plan by expanding and improving the City's bicycle and pedestrian network. Therefore, the Project would have a beneficial impact on pedestrian and bicycle facilities.

As explained in Impact 4.13.7 of the SEIR, operation of the Project would not substantially increase hazards due to geometric design features or incompatible uses. Five years of California Highway Patrol accident records were evaluated for Stenmark Drive to verify there were no existing safety problems. The Project proposes to provide sufficient pedestrian pathways and signage within the Project Site and along Stenmark Drive between the Project Site and the Bay Trail to ensure the current level of pedestrian safety is maintained. Although the Project would increase vehicle and pedestrian traffic in the Project vicinity, the Project would also make roadway improvements and add sidewalks, pedestrian crossings, and bicycle paths. Based on a review of the Project Site plan and design features, Abrams Associates determined that the Project Site circulation should function well and would not create any new safety problems in the area. The Project Site design would be required to conform to City design standards, which are created to ensure roadway safety for all users, and thus would not create any significant impacts to pedestrians, bicyclists, or traffic operations. Additionally, all proposed improvements, including the widening and realignment of Stenmark Drive and mitigation measures, would be developed according to jurisdictional standards to ensure adequate sight distances and safe operations. Therefore, the Project impacts on transportation safety would be less than significant and no mitigation has been identified.

B. ENVIRONMENTAL EFFECTS OF THE PROJECT THAT ARE POTENTIALLY SIGNIFICANT, BUT THAT CAN BE MITIGATED TO LESS THAN SIGNIFICANT.

Potential Significant Effect

As explained in Impact 4.13.4 of the SEIR, operation of the Project could conflict with a program, plan, ordinance, or policy addressing roadways during special events. This is a potentially significant impact.

Summary of Specific Impact

It is anticipated that there could be special events or festivals held at the Project Site several times per year. There would be an increase in vehicles coming to and from the Project Site during special events. Given that the Project would only have a two-lane road for access to the Project Site, preliminary calculations were conducted on the maximum number of people the access roadway to the Project Site could handle during special events. Based on this analysis, it is expected that any event with more than about 3,000 people could potentially result in significant queuing problems associated with motorists arriving and/or leaving the event causing congestion beyond City standards.

Finding

Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Implementation of **Mitigation Measure 4.13-4** would require the Applicant to prepare a Traffic Monitoring and Management Program on an event-by-event basis, subject to City approval, that would apply to any events with a potential to generate 800 inbound or outbound vehicle trips (i.e., events with an anticipated attendance of at least 3,000 people) during the weekday or weekend peak hours. The Traffic Monitoring and Management Program would provide locations for off-site parking and mass transportation options, as well as recommendations to stagger inbound and/or outbound trips, and provide details about how parking information would be transmitted to event attendees, to ensure that vehicle trips into or out of the Project Site during an event would not exceed 800 during the peak weekday or weekend hours. Adherence to the Traffic Monitoring and Management Program would reduce the potential impacts from special event traffic to a less-than-significant level.

Mitigation Measure 4.13-4 Impacts from Special Event Traffic

To ensure that the maximum additional peak hour traffic at the I-580 interchange with Stenmark Drive does not exceed 800 vehicles, any event with a potential attendance of 3,000 people or more would be required to prepare a detailed Traffic Monitoring and Management Program, subject to City approval that could include the following measures.

1. Off-Site Parking with Shuttle Service
2. Traffic Control Office Deployment
3. On-Street Parking Restrictions
4. Roadway Closures
5. Restricted Access/Bus Priority Streets
6. Event Signage Including Directional and/or Detour Signs
7. Media Announcements of Potential Traffic Restrictions and Shuttle Service Options
8. Marketing campaign to encourage transit use and bicycle use to special events
9. Public information on events for commuters, businesses, and deliveries

Potential Significant Effect

As explained in Impact 4.13.8, construction and operation of the Project could result in inadequate emergency access for future Project residents and employees.

Summary of Specific Impact

The Project includes construction of an on-site fire station, which would be the primary responder to emergencies onsite. In the case of large emergencies, off-site emergency responders would access the Project Site via Stenmark Drive, which is proposed to be widened as part of the Project to accommodate a 12-foot vehicle travel lane, 5-foot bicycle lanes in each travel direction, and a 5-foot sidewalk along the western alignment of Stenmark Drive. The widening of Stenmark Drive would ensure that emergency vehicles have unimpeded access to the Project Site and Point San Pablo in the event of traffic congestion on the two-lane segment of Stenmark Drive by using the bicycle lane and sidewalk as an emergency vehicle lane. All lane widths within the Project would meet the minimum width that can accommodate an emergency vehicle; therefore, the width of the internal roadways would be adequate.

Construction activities along Stenmark Drive may create delays, stoppages, and detours in construction area zones. Primary impacts from construction-related activities would include short-term and intermittent lessening of roadway and intersection capacities near the Project Site. Most construction-related activities would occur throughout the daytime. Construction-related activities that occur during weekday peak hour could impede traffic flow. The delays, stoppages, and detours of traffic, which could result from construction activities, could impact emergency access to the Project Site and Point San Pablo. Although these disruptions would only occur temporarily, even a temporary disruption of emergency access could result in a significant impact due to the time-sensitive needs and critical public services provided by emergency service providers. This is a potentially significant impact.

Finding

Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Implementation of **Mitigation Measure 4.13-5** would result in adequate emergency access to Stenmark Drive by coordinating construction with emergency service providers at least one month in advance, and would reduce the potential impact to a less-than-significant level. Additionally, implementation of **Mitigation Measure 4.7-1** would require the development of a site-specific Emergency Response Plan to ensure safe evacuation of the Project Site during an emergency in a manner that does not interfere with existing evacuation plans. Therefore, the addition of Project traffic would not result in any significant changes to emergency vehicle response times in the area.

Mitigation Measure 4.13-5 Impacts to Emergency Access During Construction

Please refer to the description of **Mitigation Measure 4.13-5** located in section **Hazards**, under the discussion of Impact 4.7.4 above.

Mitigation Measure 4.7-1 Emergency Response Plan

Please refer to the description of **Mitigation Measure 4.7-1** located in section **Hazards**, under the discussion of Impact 4.7.4 above.

C. ENVIRONMENTAL EFFECTS OF THE PROJECT THAT CANNOT BE MITIGATED TO LESS THAN SIGNIFICANT.

Potential Significant Effect

As explained in Impact 4.13.2 of the SEIR, without mitigation, traffic generated by the Project could result in study intersections exceeding the established LOS standards in the existing plus project scenario.

Summary of Specific Impact

All signalized study intersections would have acceptable conditions during the weekday AM and PM peak hours with the exception of Intersection #1 (Castro Street and the I-580 WB Off-Ramps/Chevron®), Intersection #24 (Blume Drive/I-80 WB Ramps and Richmond Parkway), Intersection #27 (Stenmark Drive and Dutra Materials), and Intersection #29 (Richmond Parkway and Goodrick Avenue) that would all exceed the established standards, under the existing plus project scenario. Intersection #27 would worsen in traffic conditions from LOS C to E. The other three intersections are forecast to continue exceeding the established LOS standards regardless of whether the Project is implemented. However, the Project would increase the peak hour volumes by more than one percent at each of these three intersections. Therefore, the contribution of the Project to traffic at these intersections would be cumulatively considerable.

Finding

Changes or alterations have been required in, or incorporated into, the Project that substantially lessen these potentially significant impacts as identified in the SEIR, however the environmental effects after mitigation would remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or project alternatives identified in the SEIR [Finding (3)].

Rationale for the Finding

Implementation of the Project's improvements to Stenmark Drive would reduce the impact at Intersection #27 (Stenmark Drive and Dutra Materials) to a less-than-significant level in the existing plus project scenario.

Implementation of **Mitigation Measure 4.13-1 (a)** and **Mitigation Measure 4.13-1 (e)** would reduce the impacts at Intersection #1 and Intersection #29, respectively, in the existing plus project scenario. As these intersections are not under the jurisdiction of the City, the City does not control the funding, prioritization, and/or construction of improvement projects. Therefore, the impacts at Intersection #1 and Intersection #29 would remain significant and unavoidable.

Mitigation Measure 4.13-1 Impacts to Intersection Operations

- Mitigation Measure 4.13-1 (a) Castro Street and the I-580 WB Ramps/Chevron® Entrance (Intersection #1 - Existing Plus Project): 1) Installation of a dual SB left turn lane on Castro Street and 2) installation of a third NB through lane on Castro Street.
- Mitigation Measure 4.13-1 (e) Richmond Parkway and Goodrick Avenue (Intersection #29 – All Plus Project Scenarios): Conversion of the EB exclusive right turn lane to a shared through-right lane.

Intersection #24 is forecast to exceed the established LOS standards regardless of whether the Project is implemented. The West County Action Plan outlines the plans for transportation and traffic improvements in western Contra Costa County. While this plan includes improvements and reconstruction for several interchanges along I-80, the Richmond Parkway interchange is not one of them and there are currently no planned improvements that would address and/or mitigate the poor operations that currently exist at the intersection of the Richmond Parkway with the I-80 WB ramps and Blume Drive (Intersection #24). It should be noted there is one planned project that could eventually result in changes in close proximity to this intersection. This is Action #50 in the West County Action Plan which is to "Implement the Express Bus recommendations from the West County High Capacity Transit Study." This is a long-term plan for express bus service on I-80 that is currently only a recommendation and has not yet been funded. However, this plan would only add new ramps to the existing high occupancy vehicle lanes that would be accessed from the existing signalized intersection middle of the Richmond Parkway freeway overpass (i.e., no changes are proposed at the Blume Drive intersection). Even if Express Bus recommendations were fully implemented, there is no evidence that this would change the geometry of the intersection of the Richmond Parkway with the I-80 WB ramps and Blume Drive or that this would reduce the significance of the impact. The County has not identified any further improvements that would address the LOS operations at this intersection, therefore the Project's contribution to significant traffic impacts at this intersection would remain significant and unavoidable.

Potential Significant Effect

As explained in Impact 4.13.3 of the SEIR, without mitigation, traffic generated by the Project could result in potentially significant impacts on freeway operations.

Summary of Specific Impact

The delay index on westbound I-580 during the AM peak hour currently exceeds the MTSO of 2.5 and therefore any increase to the delay index resulting from the Project would be considered a potentially significant impact. The Project would add traffic to I-580 WB during the existing AM peak hour. Therefore, the Project would cause a potentially significant impact on freeway operations along this segment.

Finding

Changes or alterations have been required in, or incorporated into, the Project that substantially lessen these potentially significant impacts as identified in the SEIR, however the environmental effects after

mitigation would remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or project alternatives identified in the SEIR [Finding (3)].

Rationale for the Finding

Implementation of **Mitigation Measure 4.13-3** would reduce the above-identified impact by requiring payment of West County Subregional Transportation Mitigation Program (STMP) development fees to fund regional freeway system improvements, including I-580 improvements. CCTA has established plans to relieve traffic congestion and reduce traffic delays by modernizing facilities, expanding pedestrian and bicycling options, improving transit reliability, and encouraging the use of carpools and buses. Specific improvements to be considered: 1) Extending the carpool lane along I-580 from the toll plaza at the Richmond-San Rafael Bridge to Central Avenue in El Cerrito, 2) Making improvements so that pedestrians and cyclists can better access the Richmond-San Rafael Bridge, Richmond Parkway, Richmond Ferry Terminal, and Richmond BART Station, 3) Improving the interchange at Richmond Parkway and I-580, 4) Providing incentives for using alternative transportation options. However, these improvements would not reduce the impacts to a less-than-significant level. To fully mitigate this impact, necessary improvements would include adding westbound lane capacity on the Richmond San-Rafael Bridge. However, it is assumed this would not be a viable mitigation as it would not be consistent with state and local regulations regarding reducing VMT and supporting active transportation. Additionally, payment of STMP fees does not guarantee implementation of improvements identified in the STMP, and STMP-eligible projects are generally not fully funded by STMP fees.

Mitigation Measure 4.13-3 Impacts to Freeway Operations

Prior to issuance of occupancy permits, the Project shall mitigate the above-identified impacts by paying the required traffic impact fees described below, subject to City approval.

Payment of the Regional Transportation Development Impact Mitigation Fee: The Project would pay the West County STMP development fees to fund regional freeway system improvements including I-580 improvements.

Because the Applicant and the City do not control the funding, prioritization, and/or construction of improvements to I-580 needed to address this impact, this impact would remain significant and unavoidable.

D. IMPACTS OF THE PROJECT THAT WILL NOT CREATE A SIGNIFICANT CUMULATIVE IMPACT OR WOULD MAKE A LESS THAN CUMULATIVELY CONSIDERABLE CONTRIBUTION TO SIGNIFICANT CUMULATIVE IMPACTS.

As explained in Impact 4.13.11 of the SEIR, the Project would not be expected to result in any new significant impacts to transit, bicycle, or pedestrian facilities in the cumulative year 2040. The Project would help support regional transit ridership by providing shuttle service to BART and expanding ferry service to the Project Site. Potential impacts associated with capacity would be offset by a proportional increase in fare revenue. Therefore, the Project would not be expected to result in any significant impacts

to transit service in the cumulative year 2040. The Project would improve the pedestrian or bicycle conditions in the area by providing new pedestrian and bicycle facilities. Therefore, the Project would have a less-than-cumulatively considerable impact on pedestrian and bicycle facilities in the cumulative year 2040.

As explained in Impact 4.13.12 of the SEIR, the Project would not substantially increase hazards due to geometric design features or incompatible uses in the cumulative year 2040. All Project Site design features would conform to jurisdictional standards to ensure roadway safety for all users, and thus would not create any significant impacts to pedestrians, bicyclists, or traffic operations. This impact would be less than cumulatively considerable.

E. IMPACTS OF THE PROJECT THAT POTENTIALLY CREATE SIGNIFICANT CUMULATIVE IMPACTS OR WOULD MAKE A CUMULATIVELY CONSIDERABLE CONTRIBUTION TO SIGNIFICANT CUMULATIVE IMPACTS, BUT THAT CAN BE MITIGATED TO LESS THAN CUMULATIVELY CONSIDERABLE.

Potential Significant Effect

As explained in Impact 4.13.9 of the SEIR, without mitigation, traffic generated by the Project could result in study intersections exceeding the established LOS standards in the cumulative plus project scenario.

Summary of Specific Impact

Intersection #21 (Richmond Parkway and West Gertrude Avenue), Intersection #22 (Richmond Parkway and Parr Boulevard), and Intersection #27 (Stenmark Drive and Dutra Materials) would all exceed the established LOS D threshold, under the cumulative plus project scenario. All of these intersections, except Intersection #27, are forecast to exceed the LOS standards regardless of whether the Project is implemented. However, the Project would increase the peak hour volumes by more than one percent at all of these intersections. Therefore, the contribution from the Project to traffic at all of these intersections would be cumulatively considerable.

Finding

The implementation of the Project's proposed improvements to Stenmark Drive, Mitigation Measure 4.13-1(b), and Mitigation Measure 4.13-1(c) would reduce the impact at these intersections to a less than significant level in the cumulative plus project scenario. Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Implementation of Mitigation Measure 4.13-1 (b) and Mitigation Measure 4.13-1 (c) would reduce the impact at Intersection #21 and Intersection #22, respectively, to a less-than-significant level in the cumulative plus project scenario.

Mitigation Measure 4.13-1 Impacts to Intersection Operations

Prior to issuance of occupancy permits, the Project shall fully fund or implement the following improvements. For any improvement required by the project's contribution to significant cumulative impacts, if the City implements any of these improvements prior to issuance of occupancy permits for the Project or adds the improvements to its Capital Improvement Program, the improvement would not be required to be implemented and the City will collect fair-share contributions from the Project to support implementation.

MM 4.13-1 (b) Richmond Parkway and West Gertrude Avenue (Intersection #21 – Cumulative Plus Project): Conversion of the NB exclusive right turn lane to a shared through-right lane.

MM 4.13-1 (c) Richmond Parkway and Parr Boulevard (Intersection #22 – Cumulative Plus Project): Conversion of the NB and SB exclusive right turn lanes to shared through-right lanes.

Implementation of the Project's proposed improvements to Stenmark Drive would reduce the Project's contribution to the significant cumulative impact at Intersection #27 to a less than cumulatively considerable contribution in the existing plus project scenario.

Potential Significant Effect

As explained in Impact 4.13.13 of the SEIR, construction and operation of the Project could result in inadequate emergency access. This is a potentially significant impact.

Summary of Specific Impact

Construction and operation of the Project could result in inadequate emergency access. This is a potentially significant impact. This is a potentially significant impact.

Finding

Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

The Project would not result in inadequate emergency access in the cumulative year 2040. At such time, all construction activities would be completed and the widening of Stenmark Drive, would ensure that emergency vehicles have unimpeded access to the Project Site and Point San Pablo at all times. Additionally, **Mitigation Measure 4.7-1**, would require the development of a site-specific Emergency Response Plan to ensure safe evacuation of the Project Site during an emergency in a manner that does not interfere with existing evacuation plans. This impact would be less than cumulatively considerable.

F. CUMULATIVE EFFECTS OF THE PROPOSED PROJECT THAT CANNOT BE MITIGATED TO LESS THAN SIGNIFICANT

Potential Significant Effect

As explained in Impact 4.13.9 of the SEIR, without mitigation, traffic generated by the Project could result in study intersections exceeding the established LOS standards in the cumulative plus project scenario.

Summary of Specific Impact

Intersection #1 (Castro Street and the I-580 WB Off-Ramps/Chevron®), Intersection #23 (Richmond Parkway and San Pablo Avenue), Intersection #24 (Blume Drive/I-80 WB Ramps and Richmond Parkway), and Intersection #29 (Richmond Parkway and Goodrick Avenue), would all exceed the established LOS D threshold, under the cumulative plus project scenario. All of these intersections are forecast to continue exceeding the LOS standards regardless of whether the Project is implemented. However, the Project would increase the peak hour volumes by more than one percent at all of these intersections. Therefore, the contribution from the Project to traffic at all of these intersections would be cumulatively considerable.

Finding

Changes or alterations have been required in, or incorporated into the Project that substantially lessen these potentially significant impacts as identified in the SEIR, however the environmental effects after mitigation would remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or project alternatives identified in the SEIR [Finding (3)].

Rationale for the Finding

As discussed above, implementation of **Mitigation Measure 4.13-1 (a)** and **Mitigation Measure 4.13-1 (e)** would reduce the impacts at Intersections #1 and #29, respectively, in the existing plus project scenario. Additionally, implementation of **Mitigation Measure 4.13-1 (d)** and **Mitigation Measure 4.13-2** would reduce the impact at Intersection #23 in the cumulative plus project scenario.

Mitigation Measure 4.13-1 Impacts to Intersection Operations

Prior to issuance of occupancy permits, the Project shall fully fund or implement the following improvements. For any improvement required by the project's contribution to significant cumulative impacts, if the City implements any of these improvements prior to issuance of occupancy permits for the Project or adds the improvements to its Capital Improvement Program, the improvement would not be required to be implemented and the City will collect fair-share contributions from the Project to support implementation.

- **Mitigation Measure 4.13-1 (d)** Richmond Parkway and San Pablo Avenue (Intersection #23 – Cumulative Plus Project): Restriping of NB San Pablo Avenue from the Richmond Parkway to Crestwood Drive to provide three through lanes and an associated modification of the traffic signal at Kay Road to accommodate the detectors required for the additional NB through lane that would be added at this intersection.

Mitigation Measure 4.13-2 Impacts Fees for Impacts Intersection Operations

Prior to issuance of occupancy permits, the Project shall mitigate the above-identified impacts by paying the required traffic impact fees toward the improvements described below, subject to City approval.

Richmond Parkway and San Pablo Avenue (Intersection #23 – Cumulative Plus Project):

The Project would pay the West County Subregional Transportation Mitigation Program (STMP) development fees to fund regional transportation system improvements.

However, the impacts at Intersections #1, #23, and #29 would remain significant and unavoidable as they are outside of the jurisdiction of the City.

To fully mitigate this impact necessary improvements would include adding westbound lane capacity on the Richmond San-Rafael Bridge. However, it is assumed this would not be a viable mitigation as it would not be consistent with state and county regulations regarding reducing VMT and supporting active transportation and the City does not control the bridge. Additionally, the payment of STMP fees, required by **Mitigation Measure 4.13-2**, does not guarantee implementation of improvements identified in the STMP. As discussed above, the County has not identified any improvements that would address the LOS operations at Intersection #24, therefore the Project's contribution to traffic at this intersection would remain significant and unavoidable.

Potential Significant Effect

As explained in Impact 4.13.10, without mitigation, traffic generated by the Project could result in potentially significant impacts on cumulative freeway operations.

Summary of Specific Impact

The delay index on I-580 WB during the AM peak hour currently exceeds the MTSO of 2.5 and therefore any increase to the delay index resulting from the Project would be considered a cumulatively considerable impact. The Project would add traffic to I-580 WB during the existing AM peak hour. Therefore, the Project would make a cumulatively considerable contribution to a significant cumulative impact on freeway operations.

Finding

Changes or alterations have been required in, or incorporated into, the Project that substantially lessen these potentially significant impacts as identified in the SEIR, however the environmental effects after mitigation would remain significant and unavoidable. Specific economic, legal, social, technological, or other considerations make infeasible additional mitigation measures or project alternatives identified in the SEIR [Finding (3)].

Rationale for the Finding

Implementation of **Mitigation Measure 4.13-3** would reduce the above-identified impact by requiring payment of traffic impact fees to fund regional freeway system improvements, including the I-580 improvements required to reduce the Project's cumulatively considerable contribution to this significant cumulative impact. However, these improvements would not reduce the impacts to a less-than-significant level. Because the Project Applicant and the City do not control the funding, prioritization, and/or construction of improvement projects funded by this fee or the construction of freeway improvement project generally, the Project's contribution to this significant cumulative impact would remain cumulatively considerable.

UTILITIES AND SERVICE SYSTEMS

A. ENVIRONMENTAL EFFECTS OF THE PROJECT FOUND TO HAVE NO IMPACT ON THE ENVIRONMENT, OR HAVE A LESS THAN SIGNIFICANT IMPACT ON THE ENVIRONMENT.

As discussed in Impact 4.14.1 of the SEIR, the Project would require the installation of new service connections for the proposed redevelopment from the existing/proposed potable water mains in Stenmark Drive owned and operated by EBMUD within the public ROW, as well as potential off-site improvements. Improvements to off-site water mains and other infrastructure may be necessary to meet the water demands of the Project. To the extent that improvements to off-site infrastructure are required, they would take place within ROWs under existing streets. Construction of these improvements is not expected to result in significant environmental impacts, because the area of improvements would be relatively small and typical of minor infrastructure upgrades. Additionally, the potable water system would be designed and constructed in accordance with the City and Fire Department Standard Plans and Specifications and to applicable federal, State, and local codes and standards unless otherwise permitted. Therefore, impact would be less-than-significant and no mitigation is required.

As discussed in Impact 4.14.3 of the SEIR, operation of the Project would require the relocation or construction of new or expanded stormwater drainage facilities. The stormwater drainage facilities would include low-impact development (LID) features to treat runoff prior to discharge to the Bay. The impacts resulting from the relocation or construction of new or expanded stormwater drainage facilities would be encompassed within the environmental effects of construction of the entire project. Impacts associated with the relocation or construction of new or expanded stormwater drainage facilities under the Project would be less than significant and would not require mitigation.

As discussed in Impact 4.14.4 of the SEIR, implementation of the Project would require the construction of new or expanded electric power and telecommunications facilities. Such improvements would not result in significant environmental impacts because upgrades would either take place during planned roadway improvements or the area of improvements would be relatively small and typical of minor infrastructure upgrades. The impacts resulting from the relocation or construction of new or expanded electric power or telecommunications facilities would be encompassed within the environmental effects of construction of the entire project. Impacts associated with the relocation or construction of new or expanded electric power or telecommunications facilities under the Project would be less than significant and would not require mitigation.

As discussed in Impact 4.14.5 of the SEIR, implementation of the Project would result in an estimated average daily water demand of approximately 370,160 gpd, which EBMUD agreed would not trigger the need for an additional WSA. Further, under Wastewater Treatment Variant A, the on-site WWTP would produce enough recycled water to satisfy 100 percent of the estimated maximum recycled water demands of the Project. Tertiary effluent that is not used onsite for irrigation purposes would be conveyed via a new pipeline to the recycled water system within the Chevron®-Richmond Refinery. Assuming an irrigation demand of 80,000 gpd for the Project, approximately 0.16 mgd would be redirected to Chevron®, fulfilling 32 percent of their existing recycled water demand and 3.6 percent of projected future recycled water demand. This reduction in potable water demand through the use of recycled water at the Chevron®-Richmond Refinery would increase the potable water available to other users. As a result, impacts related to available water supplies, sufficient enough to serve multiple years, would be less than significant and would not require mitigation.

As discussed in Impact 4.14.7 of the SEIR, the Project includes the demolition of Navy-era buildings as well as the construction of residential and commercial land uses and supporting infrastructure, and would be required to comply with CALGreen, which requires construction or demolition projects to demonstrate that at least 50 percent of the construction and demolition non-hazardous debris generated on the job site are reused, recycled, or otherwise diverted. Upon completion of construction for the Project, a Debris Recovery Report would be submitted to indicate the actual debris that was generated from the Project and its ultimate destination. Furthermore, the operational phase of the Project would comply with local solid waste ordinances as well as State standards for reducing solid waste. Additionally, the Project would be required to comply with the laws and regulations that aim to divert waste from landfills, including, but not limited to, AB 939, CALGreen, the City Green Building Standards, and the regulations set forth by WCCIWMA, which all require reductions in waste. As a result, impacts related to the generation of construction debris and compliance with solid waste regulations, as well as the generation of operational solid waste and compliance with solid waste laws and regulations, would be less than significant under the Project and would not require mitigation.

B. ENVIRONMENTAL EFFECTS OF THE PROJECT THAT ARE POTENTIALLY SIGNIFICANT, BUT THAT CAN BE MITIGATED TO LESS THAN SIGNIFICANT.

Potential Significant Effect

As discussed in Impact 4.14.2 of the SEIR, without appropriate mitigation, impacts resulting from the construction of on-site sewer lines, the on-site WWTP, and the off-site wastewater conveyance pipeline to the Chevron®-Richmond Refinery, and upgrades to the existing pipe system, has the potential to create a significant adverse impact.

Summary of Specific Impact

The Project would need to install a new wastewater collection pipe system and upgrade the existing pipe system from the proposed point of connection to the RMSD Plant. However, if such projects are not properly managed, components related to wastewater under the Project, would prove to be insufficient.

This is a significant adverse impact that would be less than significant with implementation of the mitigation measures described below.

Finding

Under Wastewater Treatment Variant A, tertiary effluent that is not used onsite for irrigation purposes would be conveyed via a new pipeline to the recycled water system within the Chevron®-Richmond Refinery as part of the RARE project, which is consistent with the cooperative agreement established by Mitigation Measure 4.8-3. In the event that the Chevron®-Richmond Refinery is temporarily unable to accept the recycled wastewater due to closure for maintenance, exceedance of capacity, or any other reason, wastewater will be trucked to the RMSD Plant for processing until the Chevron®-Richmond Refinery is able to accept the wastewater again. Additionally, under Wastewater Treatment Variant B, the existing pipe system would be upgraded and resized to adequately support the Project. The impacts resulting from the construction of Wastewater Treatment Variant A and Wastewater Treatment Variant B would be encompassed within the environmental effects of construction of the entire project, and would thus result in a less than significant impact. Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Pursuant to PRC section 21081, subdivision (a)(1), the City finds that the Project's adherence to the following mitigation measure will reduce the potential impact of this significant effect to a less-than-significant level.

Mitigation Measure 4.8-3 Chevron® Cooperative Agreement

Please refer to the description of Mitigation Measure 4.8-3 located in section **Hydrology and Water Quality**, under the discussion of Impact 4.8.1 above.

Mitigation Measure 4.14-1 RMSD Application for Connection

Project Proponent shall apply to connect to the RMSD for conveyance and treatment of wastewater generated at the Project Site. Subsequent to approval of connection to RMSD and prior to issuance of occupancy permits, the Project shall fully fund or implement the following upgrades to the conveyance system to provide adequate conveyance and treatment capacity for the peak day wastewater generation rate of the Project. Alternatively, if the City implements any of these improvements prior to issuance of occupancy permits for the Project, the improvement would not be required to be implemented and the City may collect fair-share contributions from the Project to support implementation.

- **Mitigation Measure 4.14-1 (a) Upgrade to Existing Infrastructure:** Upsizing of 530 linear feet of an existing 6-inch pipe to a 10-inch pipe.

- **Mitigation Measure 4.14-1 (b) Replacement of Existing Infrastructure:** In-kind replacement or lining, as approved by the Public Works Director, of 432 lineal feet of an existing 36-inch pipe.

Implementation of Mitigation Measures 4.8-3 and 4.14-1 above would reduce the impact to a less-than-significant level.

Potential Significant Effect

As discussed in Impact 4.14.6 of the SEIR, without mitigation, the proposed wastewater treatment system and piping has the potential to not adequately meet the Project's wastewater treatment demand or use defective piping.

Summary of Specific Impact

The Project would need to confirm that the Chevron®-Richmond Refinery could meet the wastewater demands created as a result of the Project, as well as repair and upsize parts of the existing pipe system to meet wastewater demands transported in and out of the Project Site. However, if such tasks are not properly managed, components related to wastewater under the Project, would prove to be insufficient and unreliable. This is a significant adverse impact that would be less than significant with implementation of the mitigation measures described below.

Finding

The implementation of mitigation measures ensures that the proposed wastewater treatment system and piping would adequately meet the Project's wastewater treatment demand. The impacts resulting from the construction of Wastewater Treatment Variant A and Wastewater Treatment Variant B would be encompassed within the environmental effects of construction of the entire project, and would thus result in a less than significant impact. Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Pursuant to PRC section 21081, subdivision (a)(1), the City finds that the Project's adherence to the following mitigation measure will reduce the potential impact of this significant effect to a less-than-significant level.

Mitigation Measure 4.8-3 Chevron® Cooperative Agreement

Please refer to the description of Mitigation Measure 4.8-3 located in section **Hydrology and Water Quality**, under the discussion of Impact 4.8.1 above.

Mitigation Measure 4.14-1 RMSD Application for Connection

Please refer to the description of Mitigation Measure 4.14-1 located in section **Utilities and Services Systems**, under the discussion of Impact 4.14.2 above.

Implementation of Mitigation Measures 4.8-3 and 4.14-1 above would reduce the impact to a less-than-significant level.

C. ENVIRONMENTAL EFFECTS OF THE PROJECT THAT CANNOT BE MITIGATED TO LESS THAN SIGNIFICANT.

None.

D. IMPACTS OF THE PROJECT THAT WILL NOT CREATE A SIGNIFICANT CUMULATIVE IMPACT OR WOULD MAKE A LESS THAN CUMULATIVELY CONSIDERABLE CONTRIBUTION TO SIGNIFICANT CUMULATIVE IMPACTS.

None.

E. IMPACTS OF THE PROJECT THAT POTENTIALLY CREATE SIGNIFICANT CUMULATIVE IMPACTS OR WOULD MAKE A CUMULATIVELY CONSIDERABLE CONTRIBUTION TO SIGNIFICANT CUMULATIVE IMPACTS, BUT THAT CAN BE MITIGATED TO LESS THAN CUMULATIVELY CONSIDERABLE.

Potential Significant Effect

As discussed in Impact 4.14.8 of the Draft SEIR, without mitigation, the existing sewer pipeline would not be upgraded, which would not provide sufficient capacity to carry wastewater resulting from the operations of the Project.

Summary of Specific Impact

The Project is required to upgrade two segments of existing sewer pipeline to meet wastewater demands transported in and out of the Project Site. However, without the upgrade, components related to wastewater under the Project, would prove to be insufficient and unreliable. This is a significant adverse impact that would be less than significant with implementation of the mitigation measures described below.

Finding

The implementation of Mitigation Measure 4.14-1 would allow sufficient capacity to carry the added flows from the Project at buildout and in cumulative years, reducing the cumulative impact to a less-than-significant level. Therefore, the City hereby finds that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect identified in the SEIR [Finding (1)].

Rationale for the Finding

Pursuant to PRC section 21081, subdivision (a)(1), the City finds that the Project's adherence to the following mitigation measure will reduce the potential impact of this significant effect to a less-than-significant level.

Mitigation Measure 4.14-1 RMSD Application for Connection

Please refer to the description of Mitigation Measure 4.14-1 located in section **Utilities and Services Systems**, under the discussion of Impact 4.14.2 above.

Implementation of Mitigation Measure 4.14-1 above would reduce the impact to a less-than-significant level.

F. CUMULATIVE EFFECTS OF THE PROPOSED PROJECT THAT CANNOT BE MITIGATED TO LESS THAN SIGNIFICANT.

None.

GROWTH-INDUCING IMPACTS

Consistent with section 15126.2(d) of the CEQA *Guidelines*, a project is considered growth-inducing if it could directly or indirectly foster economic or population growth or the construction of additional housing. The City finds that implementation of the Project would have no significant adverse growth-inducing impacts, and the Project falls within the planned growth considered in the General Plan and the General Plan EIR. As discussed in Impact 4.11.1 of the SEIR, while some of the construction workers who live outside of the County could potentially relocate within the County of City on a permanent basis, the housing vacancy rate in both the County and City is sufficient to meet this potential demand for housing and no additional housing would be needed. Although the creation and operation of residential, commercial, and retail and restaurant could lead to potential growth, such growth is planned for in the City's planning documents and would aid the City in accommodating its future population growth projection between the years of 2015 and 2040. Additionally, as a result of the City's high rate of unemployment compared to the nation, State, and County, it is assumed that a substantial number of jobs could be accommodated by the local labor pool, and the City's Local Employment Ordinance would require the Project to hire a portion of local residents. Furthermore, all infrastructure, including roads and utilities, would be developed and sized so as to serve the new development and not to accommodate future, unplanned growth. The surrounding area also is dominated by land designated for industrial or open space or consists of steep hillsides not suitable for development. Thus, it is unlikely that the development of on-site and off-site infrastructure would increase growth in the area due to the infill nature of the Project as well as the land use and physical constraints of the surrounding areas. The Project also would not have any impact on the rate of growth due to births. Thus, the City finds that the Project would not directly or indirectly induce population or economic growth.

SIGNIFICANT AND UNAVOIDABLE IMPACTS

The City finds that implementation of the Project would have several significant and unavoidable impacts related to greenhouse gas emissions and transportation, however the implementation of mitigation measures would help to reduce their overall effects. All other environmental impacts related to aesthetics; air quality; biological resources; cultural resources and tribal cultural resources; energy; geology, soils, and mineral resources; hazards, hazardous materials, and wildfire; hydrology and water quality; land use and planning; noise; population and housing; public services and recreation; and utilities and service systems can be reduced to a less-than-significant level.

SECTION III. ALTERNATIVES

CEQA requires evaluations of alternatives that can reduce the significance of identified Project impacts that will not be avoided or substantially lessened by mitigation measures and can "feasibly attain most of the basic objectives of the proposed Project." Thus, overall Project objectives were considered by this City in evaluating the alternatives. These objectives include:

- Provide a project that is consistent with the Base Realignment and Closure (BRAC) approval and related conditions, as well as with the U.S. Navy (Navy) Record of Decision (ROD) for the transfer.
- Provide a project that supports the vision of the 1997 Point Molate Reuse Plan (Reuse Plan).
- Provide a variety of residential unit types to create a new residential neighborhood that serves a diverse population and helps to address the State of California and City of Richmond's (City) housing crisis.
- Provide a mix of residential, retail, and restaurant uses that support each other and decrease trips compared to single-use developments.
- Have a positive contribution to the local economy through new capital investment, the creation of new jobs, and the expansion of the tax base.
- Balance economic development with retention and preservation of open space and the rehabilitation of historic buildings;
- Provide open space that preserves sensitive habitat, minimizes ridgeline disturbance, and provides opportunities for passive recreation.
- Implement the portion of the San Francisco Bay Trail (Bay Trail) project along the frontage of the Project Site to increase shoreline recreational opportunities in the City.
- Provide a mix of uses at a density sufficient to fund hazardous material remediation, substantial amounts of open space, and historic rehabilitation and adaptive reuse of the historic buildings in the Historic District;

- Facilitate the early environmental cleanup, redevelopment, and reuse of now vacant and underutilized land in an urban area.
- Provide high-quality architecture that complements existing, historic structures and incorporates sustainable design practices into new buildings and landscaping.
- Provide high-quality, efficient infrastructure to serve the Project.

The SEIR analyzes in detail the Project as originally proposed, as well six alternatives to the Project. One of the six alternatives, Alternative D1, analyzed in the Final SEIR Response to Comments document was not included in the Draft SEIR, but was added in response to comments and is included in the analysis below. For the reasons set forth below, and considering the entire record, the City hereby determines that, while the SEIR presents a reasonable range of alternatives in accordance with CEQA, each of the analyzed alternatives is infeasible within the meaning of CEQA. Each reason set forth below is a separate and independent ground for the City's determination.

ALTERNATIVE A – NO ACTION ALTERNATIVE

Per CEQA *Guidelines* section 15126.6(e), the EIR must evaluate a "no project" alternative, titled in the Draft SEIR as "No Action" alternative, in order to compare the impacts of the Project with the impacts likely to occur if the Project is not implemented. Under Alternative A, the Draft SEIR assumed the project would not be completed and the project site would remain largely as it is currently, with no site modifications, including not rehabilitating the Historic District.

FINDING

Specific economic, legal, social, technological, or other considerations make infeasible Alternative A identified in the Draft SEIR and described below [Finding (3)].

Under Alternative A, the proposed Project would not be constructed and, therefore, this alternative would avoid many of the Project's direct, indirect, and cumulative impacts related to: air quality and greenhouse gas emissions; biological resources; energy; geology, soils, and mineral resources; hazards, hazardous materials, and wildfire; hydrology and water quality; noise; population and housing; public services; transportation; tribal cultural resources; and, utilities and service systems (although many such Project impacts would be less than significant after mitigation, as explained in the Draft SEIR).

However, Alternative A would not meet the basic objectives of the Project. Under Alternative A, no new residential uses or park would be developed on the Project Site, and no park or public access improvements would occur. Alternative A would not help fulfill the City's planning goals and vision for the site including restoring the Historic District, nor would it generate tax revenues and provide employment opportunities for the City. While the City has agreed to continue to remediate the Project Site according to Water Order R2-2011-0087, which provides that it be remediated to acceptable levels even without the approval of development, the level of remediation would not be stringent enough to allow humans to inhabit the site, which would greatly limit public access. In addition, Alternative A would not meet the

requirements for BRAC approval or the Navy ROD for the transfer, as it does not comply with the regulations regarding the protection and rehabilitation of historic buildings on the Project Site.

Furthermore, impacts related to aesthetics, cultural resources, and land use and planning would be greater as a result of Alternative A. The Winehaven Historic District currently is in a state of disrepair as a result of deferred maintenance and it would continue to deteriorate under Alternative A. This alternative also would not be consistent with adopted plans and policies for the site. The Reuse Plan would not be implemented nor would it be consistent with the City's General Plan 2030. As such, housing would not be provided, employment opportunities would not be generated, and the Historic District would not be rehabilitated, whereas the Project aims to provide housing and employment opportunities and to rehabilitate the Historic District.

FACTS IN SUPPORT OF FINDING

SEIR Section 6.4.1 contains facts and analyses supporting the Finding regarding Alternative A, some of which are set forth here. Alternative A would not meet the basic Project objectives and would result in greater impacts related to aesthetics, cultural resources, and land use and planning when compared to the Project.

ALTERNATIVE B – REDUCED INTENSITY MIXED-USE DEVELOPMENT ALTERNATIVE

Alternative B would include considerable construction as well as extensive grading and excavation. This alternative would include a total number of 1,100 residential units, two-thirds of which would be medium or high density. The Historic District would be rehabilitated per the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and redeveloped with restaurants, cafes, and retail and small office establishments, totaling approximately 120,000 sq. ft. on two levels. Alternative B would also rehabilitate the historic cottages for live/work units. Other historic buildings, including the Wine Cellar Building (Building No. 6), would be demolished. Hotel and conference facilities, including a 150-room, 100,000-sq. ft., five-story hotel, and a 150,000-sq. ft., two-story conference center would be constructed within the Historic District. In addition, the existing fuel pier would be retrofitted for passenger use and a ferry terminal would be erected. Approximately 180 acres of hillside would be preserved as open space.

FINDING

Specific economic, legal, social, technological, or other considerations make infeasible Alternative B identified in the SEIR and described below [Finding (3)].

Although Alternative B would meet many of the Project's objectives, it would not generate the same amount of tax revenues or provide the same number of employment opportunities for the City because there is less commercial space. The extensive buildout as well as construction and operation of Alternative B also would result in overall similar impacts on much of the surrounding environment as compared to the proposed Project.

In addition, while the Project proposes more reuse of existing structures and approximately 160 additional residential units, Alternative B proposes a greater overall development footprint and about 13 fewer acres would be preserved as open space. The greater area of disturbance would result in additional potential impacts to biological resources, air quality (during grading), and water quality. The development included in Alternative B is spread out over six different areas as opposed to the more consolidated housing area proposed in the Project. As a result, Alternative B would utilize more of the Project Site and result in a larger overall impact regarding aesthetics. Alternative B also proposes about three times less square footage for reuse as compared to the Project and proposes to demolish Building No. 6, unlike the Project, resulting in a significant impact on the Historic District that would not occur under the Project.

FACTS IN SUPPORT OF FINDING

SEIR Section 6.4.2 contains facts and analyses supporting the Finding regarding Alternative B, some of which are set forth here. Alternative B would not meet many of the Project objectives and would result in greater impacts related to aesthetics and cultural resources when compared to the Project.

ALTERNATIVE C – BASE REUSE PLAN ALTERNATIVE

Alternative C would include the rehabilitation of almost all of the contributors to the Historic District, with the allowance that Buildings No. 6 and 17 may be demolished if they cannot be economically upgraded and maintained to meet current building code and seismic requirements. Alternative C assumes Building No. 6 would be demolished because it has suffered significant water damage that would be costly to repair. Alternative C would include the construction of 670 residential units and would retain approximately 70 percent of the Project Site for open space purposes, consistent with the Point Molate Reuse Plan.

FINDING

Specific economic, legal, social, technological, social, or other considerations make infeasible Alternative C identified in the SEIR and described below [Finding (3)].

Compared to the Project, there would be little adverse environmental impact under Alternative C, which involves minimal construction, including approximately 116,196 fewer square feet of Historic District building rehabilitation, as well as no new commercial development, and approximately half the number of newly constructed residential units. However, while Alternative C would meet some of the Project objectives, it would be to a lesser degree and would not, for example, provide the same amount of local economic benefits and job creation. While this alternative would result in the rehabilitation of some of the historic buildings and would accommodate 670 residential units, as envisioned in the Reuse Plan, Alternative C would not rehabilitate Building No. 6 and no new retail or commercial buildings would be constructed. It therefore would not contribute to the objective of providing a mix of residential, retail, and restaurant uses that support each other and decrease trips compared to single-use developments or provide as much tax revenue for the City. The beach park and surrounding open space also would be maintained as is, resulting in minimal environmental cleanup and limiting future public uses of the land.

In addition, Alternative C could result in a significant adverse impact to historic resources, which the Project avoids. While both Alternative C and the Project would rehabilitate the buildings in the Historic

District, Alternative C includes the possible demolition of two contributors to the Historic District and likely demolition of Building No. 6.

FACTS IN SUPPORT OF FINDING

SEIR Section 6.4.3 contains facts and analyses supporting the Finding regarding Alternative C, some of which are set forth here. Alternative C would not meet all the Project objectives, would meet certain objectives to a lesser degree, and would result in greater impacts related to cultural resources when compared to the Project.

ALTERNATIVE D – COMMUNITY PLAN ALTERNATIVE

Under Alternative D, the Historic District would be fully rehabilitated in compliance with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings for adaptive reuse as commercial and educational facilities. Alternative D includes a new 153-room boutique hotel, restaurants, and conference center, totaling approximately 150,000 sq. ft, while the remainder of the Project Site would be a park, and would include playing fields, watercraft recreation, cycling opportunities, picnic areas, camping locations, and hiking trails. In addition to the commercial and hospitality uses proposed for the Historic District, Alternative D includes the revitalization of the existing public beach park. Alternative D does not include any housing on the Project Site.

FINDING

Specific economic, legal, social, technological, or other considerations make infeasible Alternative D identified in the SEIR and described below [Finding (3)].

Because Alternative D would result in the majority of the Project Site remaining in open space or otherwise undeveloped, it would have an overall lesser adverse environmental impact as compared to the Project. However, Alternative D does not meet all the Project objectives, including in particular the objective to provide a variety of residential unit types to create a new residential neighborhood that serves a diverse population and helps to address the State of California and the City's housing crisis., For this same reason, Alternative D also would be inconsistent with the Reuse Plan. Alternative D also would not meet related objectives, including the goal to provide a mix of residential, retail, and restaurant uses that support each other and decrease trips compared to single-use developments. Because Alternative D would include overall less development, this alternative also would not generate the same amount of tax revenues or provide the same number of employment opportunities for the City. Alternative D also would not provide the funding for construction of the Bay Trail along the Project frontage, the widening of Stenmark Drive to include bicycle lanes from the freeway to the Project Site, or the funding of the maintenance of both the Shoreline Park and Open Space, and therefore would provide fewer benefits to the City.

FACTS IN SUPPORT OF FINDING

SEIR Section 6.4.4 contains facts and analyses supporting the Finding regarding Alternative D, some of which are set forth here. Alternative D would not meet all the Project objectives, including in particular the

objective of providing housing on the Project Site and supporting the vision of the Reuse Plan, and would meet other objectives to a lesser degree..

ALTERNATIVE D1

Under Alternative D1, the Historic District would be restored as resources permit to the extent possible and feasible in compliance with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, while the remaining buildings will be demolished or "mothballed" for later restoration. Alternative D1 assumes that approximately 141,000 sq. ft. of the Historic District would be reused for mainly educational purposes as well as restaurants and retail opportunities. Further, Alternative D1 includes a new 150-room boutique hotel and conference center, totaling approximately 150,000 sq. ft, while the remainder of the Project Site would include playing fields, watercraft recreation, cycling opportunities, picnic areas, camping locations, and hiking trails. In addition, Alternative D1 includes the revitalization of the existing public beach park. Alternative D1 does not include any housing on the Project Site.

FINDING

Specific economic, legal, social, technological, or other considerations make infeasible Alternative D1 identified in the Final SEIR Response to Comment document and described below [Finding (3)].

Because Alternative D1 would result in the majority of the Project Site remaining in open space or otherwise undeveloped, it would have an overall lesser adverse environmental impact as compared to the Project. However, Alternative D1 does not meet all the Project objectives, including in particular the objective to provide a variety of residential unit types to create a new residential neighborhood that serves a diverse population and helps to address the State of California and the City's housing crisis. For this same reason, Alternative D1 also would be inconsistent with the Reuse Plan. Alternative D1 also would not meet related objectives, including the goal to provide a mix of residential, retail, and restaurant uses that support each other and decrease trips compared to single-use developments. Because Alternative D1 would include overall less development, this alternative also would not generate the same amount of tax revenues or provide the same number of employment opportunities for the City.

In addition, because Alternative D1 would not include the rehabilitation of all of the existing buildings in the Historic District and would "mothball" some existing buildings for later restoration or, where funds are lacking, completely demolish some buildings, it would result in greater overall cultural resources impacts when compared to the proposed Project. For this same reason, Alternative D1 also would be inconsistent with the Reuse Plan, since not all the existing buildings within the Historic District would be rehabilitated and adapted for reuse. Alternative D also would not provide the funding for construction of the Bay Trail along the Project frontage, the widening of Stenmark Drive to include bicycle lanes from the freeway to the Project Site, or the funding of the maintenance of both the Shoreline Park and Open Space, and therefore would provide fewer benefits to the City.

FACTS IN SUPPORT OF FINDING

Final SEIR Response to Comments document, Section 4.2.2, Letter O13 Response, contains facts and analyses supporting the Finding regarding Alternative D1, some of which are set forth here. Alternative

D1 would not meet all the Project objectives, including in particular the objective of providing housing on the Project Site and supporting the vision of the Reuse Plan, and would meet other objectives to a lesser degree. Alternative D1 also would result in greater impacts related to cultural resources and land use and planning when compared to the Project.

ALTERNATIVE E – AFFORDABLE HOUSING REDUCED DENSITY ALTERNATIVE

Under Alternative E, the Project Site would be used for residential, light industrial, and educational purposes and would include recreational spaces in the form of parks, bike trails, beach access, a boardwalk, play structures, and picnic areas, among other things. Additionally, contributing buildings to the Historic District would be rehabilitated and used for affordable housing, including artist residences, and a youth restorative justice center; the Winehaven Building (Building No. 1) would be rehabilitated and used for a museum. Further, approximately 450,000 sq. ft. of new, neighborhood-serving commercial development and public-serving recreation, hospitality, and entertainment uses would be constructed on the Project Site, including various water sport activities and a fully functional boardwalk with a ferry terminal. Additionally, the South Development Area would be placed in a community land trust and may include a community center, sports fields, indigenous meeting space, camping areas, trails, and gardens, which would be decided through future public planning. Alternative E plans for 670 residential units and would retain approximately 70 percent of the Project Site to open space.

FINDING

Specific economic, legal, social, technological, or other considerations make infeasible Alternative E identified in the SEIR and described below [Finding (3)].

Alternative E includes extensive development encompassing the peninsula and would result in many similar environmental impacts as compared to the proposed Project. GHG emissions would remain significant and unavoidable. While this alternative would meet many of the project objectives in the abstract, this alternative itself represents a considerably different development proposal from the Project. This alternative would provide fewer residences than the Project and therefore would not address the State of California and the City's housing crisis to the same extent. This alternative also proposes industrial storage and light industrial uses in close proximity to residences and hotel uses, which could create land use conflicts and air quality concerns beyond those presented by the Project. Alternative E also would include a boardwalk. While the rebuilding and further development of the boardwalk may result in a positive effect on the local economy, it could result in numerous adverse environmental impacts surrounding the Bay that may not occur to the same extent under the Project. Such adverse environmental impacts include shoreline degradation, air and water pollution, soil erosion, an increase in noise level, and contamination of Bay waters. Additionally, wind, solar, and recycled water infrastructure would be developed within the open space area, unlike under the proposed Project, reducing the amount of hillside trails in a natural setting. Alternative E also would disturb more ground, thereby increasing potential impacts to archaeological and tribal cultural resources. Alternative E also does not propose expanding the Shoreline Park, resulting in less public open space than the Project.

FACTS IN SUPPORT OF FINDING

SEIR Section 6.4.5 contains facts and analyses supporting the Finding regarding Alternative E, some of which are set forth here. While Alternative E would meet most of the Project objectives, it represents a considerably different development proposal and would result in greater adverse impacts to certain areas.

ENVIRONMENTALLY SUPERIOR ALTERNATIVE

The CEQA *Guidelines* require the identification of an environmentally superior alternative to the Project. (CEQA *Guidelines* section 15126.6(e)(2).) An environmentally superior alternative is an alternative to the Project that would reduce and/or eliminate the significant adverse environmental impacts associated with the Project without creating other significant adverse environmental impacts and without substantially reducing and/or eliminating the environmental benefits attributable to the Project.

Selection of an environmentally superior alternative is based on an evaluation of the extent to which the alternatives reduce or eliminate the significant impacts associated with the Project and on a comparison of the remaining environmental impacts of each alternative. In conducting this comparative evaluation, it can be difficult to make a determination of relative significance because some categories are relatively more or less important and cannot be summed.

FINDING

When comparing all of the proposed Alternatives, Alternative D was determined to be the environmentally superior alternative, as demonstrated in Table 6-2 of the SEIR and supported by the analysis in SEIR Section 6.0. Alternative D would generate substantially fewer vehicle trips associated with construction, which would reduce significant impacts associated with traffic and circulation, noise, and mobile emissions including GHGs, and would result in a less significant odor impact. Additionally, impacts to soil erosion, shoreline degradation, and aesthetics would be minimal.

Alternative D includes the least area of development, other than Alternative A, and would include more open space. Alternative D would meet the housing production envisioned by the Reuse Plan, rehabilitate historic buildings, and participate in applicable cleanup and routine maintenance of parkland. Alternative D would result in the majority of the Project Site remaining as open space or otherwise undeveloped. While the construction under Alternative D would increase noise levels, traffic volume, and GHG emissions, the amount of construction would be much less than under the Modified Project, greatly reducing impacts and energy use during construction. In conclusion, Alternative D would have the lowest level of impacts, and, as a result, would be considered the environmentally superior alternative.

SECTION IV. 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 environmental risks when determining whether to approve a project. If the specific economic, legal, social, technological or other benefits of a project outweigh the unavoidable adverse environmental effects, those effects may be considered

“acceptable.” (CEQA *Guidelines* section 15093(a).) CEQA requires the agency to state, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened.

In accordance with the requirements of CEQA and the CEQA *Guidelines*, the City finds that the mitigation measures identified in the Final SEIR and MMRP, when implemented, will avoid or substantially lessen most of the significant effects of the Project. However, certain impacts of the Project are unavoidable even after incorporation of all feasible mitigation measures. The Project would result in significant and unavoidable impacts related to greenhouse gas emissions and transportation. The EIR provides detailed information regarding these impacts.

The City has adopted all the mitigation measures and finds that all mitigation measures identified in **Exhibit A** will be implemented with the Project. The City further finds that the remaining significant and unavoidable effects are outweighed and are found to be acceptable due to the following specific overriding economic, legal, social, technological, or other benefits based upon the facts set forth above in the Findings, the Draft and Final SEIR, and the record, as follows:

ECONOMIC BENEFITS

- Implementation of the Project would provide a large number of local construction jobs, creating approximately 1,000 jobs during construction and operation.
- The Project would generate revenue for the City through increased property tax revenue and tax revenue from commercial development.
- Construction related to development of the Project would result in temporary employment for construction workers.
- Development of the Project would generate revenue for the City through development impact fees, which fund improvements offsetting the Project's impacts to public facilities, such as affordable housing, libraries, and community centers.

SOCIAL BENEFITS

- The Project implements the Point Molate Reuse Plan, which would include redevelopment of an underutilized developed site.
- The Project would provide bike lanes along a widened Stenmark Drive from I-580 to the Project site, and then bicycle connections through the Project site, to increase safe biking areas through the City.
- The project would increase safety on the project site by controlling the spread of eucalyptus and other fire fuel and constructing a fire station/police substation, all which would allow greater public use of the site.
- The Project would improve the overall aesthetic and visual quality of the area through development standards and regulations in the Planned Development that support a clearly articulated vision for complete neighborhoods, open space, and improvements to the visual character of the site.

- The Project would provide and fund the maintenance of a large hillside open space area and improve, expand, and fund the maintenance of the existing Shoreline Park as recreational destinations providing City-owned open space for active and passive recreation.
- The Project would provide a commute-hours shuttle serving the BART station to connect the Project Site to public transit, thereby making the site more accessible and decreasing the need for travel by cars.
- The Project would pay labor prevailing wages and must enter into Project Labor Agreements for construction work, ensuring training and good paying jobs for skilled trades people, including those living in the City.

REGION-WIDE OR STATEWIDE ENVIRONMENTAL BENEFITS

- The Project would further remediate on-site soil contamination, including the removal of source material affecting groundwater, to a level safe for human occupancy.
- The Project would provide approximately 193 acres of parks and open space.
- The Project would install infrastructure, including roads and sidewalks, and stabilize and rehabilitate the Winehaven Historic District to make the nationally-recognized district safe and accessible for the public to view and appreciate.
- Neighborhood parks will be provided that include recreational amenities, such as picnic tables and playgrounds. These neighborhood parks would be open to the public and fully accessible.
- The Project will provide pier upgrades and amenities, including a 100-space parking lot that would allow water taxi service between the Project Site and other nearby ferry terminals or destinations, increasing non-single-occupancy vehicle transportation options.
- The Project would contribute funding towards construction of a portion of the Bay Trail, which would provide additional public access to the Bay by implementing the portion of the Bay Trail Extension project that runs through the Project Site. The Project also would add paths to the Bay and improve and expand the beachfront park, widen Stenmark Drive, and improve transit access. All of these improvements would increase public access to the site.
- The Project would also result in much needed housing and help the City and the Bay Area meet RHNA obligations.

Considering all factors, the Council finds that these specific economic, legal, social, technological and other considerations associated with the Project outweigh the Project's significant and unavoidable effects, and the adverse effects are, therefore, considered acceptable.