

### Environmental Checklist Form

1. Project Title: Bay Harbor Commerce Center (County File # SD03-8720 and LP02-2101)
2. Lead Agency Name and Address: Contra Costa County Community Development Department  
651 Pine Street, 4<sup>th</sup> Floor, North Wing  
Martinez, CA 94553
3. Contact Person and Phone Number: Maureen Toms (925) 335-1250
4. Project Location: The Project consists of approximately forty five (45) acres of vacant land, generally located at the northeast intersection of Port Chicago Highway and Pacifica Avenue, in the Bay Point area of east Contra Costa County.
5. Project Sponsor's Name and Address: Bay Point Venture One, LLC  
10700 Bigge Avenue  
San Leandro, CA 94577
6. General Plan Designation: Heavy Industrial
7. Zoning: Planned-Unit (P-1) District
8. Description of Project: 

The Applicant proposes to develop a light industrial/business park in the Bay Point area of east Contra Costa County. The Project is located in the Bay Point Redevelopment Plan Area and is targeted by the County Redevelopment Agency for light industrial/job generating-type uses. The proposal includes a 23-lot subdivision, preliminary development plan and land use permit on approximately forty five (45) acres of vacant land, located at the northeast intersection of Port Chicago Highway and Pacifica Avenue. The proposed Project includes 23 lots ranging from .93 acres to 3.07 acres, with a total of 39.68 acres of developable area. Based on allowable floor area ratios and lot coverage, the Project could consist of a maximum of 1,157,554 square feet of building space, generally comprised of warehouse and office uses. Off-street parking would be provided as required by the County's development standards, and would include a minimum of 1,852 spaces. One of the known proposed uses is that of a construction and engineering company and its outside storage yard to be located on lots 22 and 23.

The Project includes additional acquisition of private property to provide access to the site. The property comprising the Project is gently sloping and has been used for grazing purposes for many years. The property was

previously owned by Pacific Gas & Electric.

The Applicant intends to construct the improvements required to service the Project, and then sell finished lots to light industrial users. It is anticipated that end users will be required to submit Development Plan applications for each lot or combination of lots prior to obtaining building permits for individual lots. The purpose of this request is to establish the Light Industrial — Business Park and a vesting tentative map consistent with such land use designation for the Project. As development is proposed on each individual parcel, the County will have the opportunity to review individual uses for conformity with the proposed Development Standards.

The Project is zoned P-1 and has a General Plan designation of Heavy Industrial. Permitted uses in the Heavy Industrial District include manufacturing uses of all kinds, including but not limited to, the manufacturing or processing of petroleum, lumber, steel, chemicals, explosives, fertilizers, gas, rubber, paper, cement, sugar, and all other industrial or manufacturing products. The Applicant recognizes that such uses are extremely intense and could significantly, negatively affect the enjoyment and use of other properties in the vicinity as well as the regional air quality. The Applicant is proposing light industrial, business park-type uses for the site, which uses are more compatible with the existing uses adjacent to the Project and are consistent with the Bay Point Redevelopment Area Plan.

9. Surrounding Land Uses and Setting: Commercial Recreation (Marina), Open Space, and Public/Semi-Public Uses (Railroad) are located north of the site. Industrial uses and vacant land is located to the east of the site and residential uses are located along the southern boundary of the site. Commercial uses are located along Port Chicago Highway, west of the site.
10. Other public agencies whose approval is required: Department of Fish and Game, Army Corp of Engineers, and San Francisco Bay Regional Water Quality Control Board permits will be required.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this Project, involving at least one impact that is a "Potentially Significant Impact, Unless Mitigation Incorporated" as indicated by the checklist on the following pages.

<input type="checkbox"/>	Land Use and Planning	<input type="checkbox"/>	Transportation/ Circulation	<input type="checkbox"/>	Public Services
<input type="checkbox"/>	Population & Housing	<input type="checkbox"/>	Biological Resources	<input type="checkbox"/>	Utilities & Service Systems
<input type="checkbox"/>	Geological Problems	<input checked="" type="checkbox"/>	Energy & Mineral Resources	<input checked="" type="checkbox"/>	Aesthetics
<input checked="" type="checkbox"/>	Water	<input type="checkbox"/>	Hazards	<input checked="" type="checkbox"/>	Cultural Resources
<input checked="" type="checkbox"/>	Air Quality	<input checked="" type="checkbox"/>	Noise	<input type="checkbox"/>	Recreation
<input type="checkbox"/>	Mandatory Findings of Significance	<input checked="" type="checkbox"/>			

DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the Project. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed Project MAY have a significant effect(s) on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed Project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed Project.

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Signature

October 14, 2003  
Date

Maureen Toms, AICP  
Printed Name

CCC Community Development  
For

**SOURCES**

In the process of preparing the Checklist and conducting the evaluation, the following references (which are available for review at the Contra Costa County Community Development Department, 651 Pine Street 5th Floor-North Wing, Martinez) were consulted:

1. Contra Costa Resource Mapping System - Quad Sheet Panels - Honker Bay, CA
2. Contra Costa County Geographic Information System (GIS)
3. The (Reconsolidated) County General Plan (July 1996) and EIR on the General Plan (January 1991)
4. General Plan and Zoning Maps
5. Bay Point Planned-Unit (P-1) District Program (February 2003)
6. A Biotic Survey for Special Status Plant and Animal Species on and Immediately Adjacent to the Property, Bay Point, CA (Mark Allaback, Wildlife Biologist; Biosearch Wildlife Surveys; August 23, 2001).
7. Biological Assessment- Bay Harbor Commerce Center Project (The Huffman-Broadway Group, Inc., October 2002)
8. Contra Costa Water District Interim Service Area Listed Species Occurrences and Potential Habitat Map (April 1997)
9. California Department of Fish and Game Natural Diversity Data Base – Honker Bay Quadrangle (July 5, 2000)
10. Soil Survey of Contra Costa County
11. Geotechnical Investigation-Subdivision Grading and Infrastructure – Port Chicago Highway Development (Treadwell & Rollo, November 2002)
12. Initial Study Prepared for the Formation of Drainage Area 48B (January 24, 1986)
13. Engineer’s Report for the Establishment of the CCCFCWCD Drainage Area 48B (January 1986)
14. Engineer’s Report for an Update to the Fee Ordinance for CCCFCWCD Drainage Area 48B (September 1989)
15. Initial Study for the DA48B-Line A Project.
16. Initial Study and Mitigated Negative Declaration Draft for Bay Point Regional Shoreline Land Use Plan East Bay Regional Park District (December 2000)
17. Traffic Impact Study for the Proposed Bay Point Light Industrial Project (Abrams Associates March 2003)
18. Archaeological Field Inspection (Holman and Associates)
19. Bay Area Air Quality Management District (BAAQMD), BAAQMD CEQA Guidelines – Assessing the Air Quality Impacts of Projects and Plans (April 1996)
20. Project Description and Field Reviews

**EVALUATION OF ENVIRONMENTAL IMPACTS:**

	Potentially significant Impact	Potentially significant Impact, Unless Mitigation Incorporated	Less than Significant Impact	No Impact
<b>I. AESTHETICS.</b> Would the proposal:				
a. Have a substantial adverse effect on a scenic vista? (Source 1,2, 3,20)	—	✓	—	—
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Source 1,2,3,18,20)	—	—	✓	—
c. Substantially degrade the existing visual character or quality of the site and its surroundings? (Source 1,2,3,20)	—	—	✓	—

- d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? (Source 1,2,3,20) — ✓ — —

SUMMARY:

The visual character of the area includes the 45-acre vacant parcel of land, a residential area directly south of the site, open space and the waterfront (Sacramento/San Joaquin River) to the north, and commercial and industrial uses along Port Chicago Highway. Some of the commercial areas along Port Chicago Highway are in a blighted condition. New construction with guidelines for building design and landscaping will enhance the area and may act as a catalyst for other improvements in the area.

The current vacant property provides for an unobstructed view from the residential area located south of the property to the Sacramento/San Joaquin River to the north. The proposed Project, which will include the construction of buildings up to 50 feet, or three stories in height, will obstruct or partially obstruct the view of the waterfront area from the residential area. Vistas will remain unobstructed from Port Chicago Highway directly north to the waterfront, but will be partially obstructed to the northeast. This impact is minimized by the development standards that require building coverage of the lots to be no more than fifty percent (50%) of the lot area.

Some non-native trees and shrubs may need to be removed as part of the Project. The trees do not constitute a stand and along with the shrubs do not contribute significantly to the aesthetics of the area therefore their removal will result in a less than significant aesthetic impact on the site.

Light and glare that will be produced from the proposed Project will be similar to that of typical business parks, which will include security and street lighting at night. Implementation of the mitigation measure described below will reduce this impact to a level of less than significant.

Impact 1: The Project will obstruct views of the waterfront from the residential area south of the Project.

Mitigation Measure 1: Development standards permit a maximum of fifty percent (50%) lot coverage. This limitation, together with the design standards for new buildings in the area, will reduce this impact to a level of less than significant.

Impact 2: The Project proposes to introduce additional exterior lighting to the area.

Mitigation Measure 2: At least 30 days prior to the issuance of a building permit for any of the individual lots, the Applicant shall submit for review and approval of the Zoning Administrator a Lighting Plan. The Lighting Plan shall, at a minimum, provide that low-lying and exterior lights on the buildings shall be deflected so that lights shine onto the Applicant's property and not toward adjacent properties. Implementation of this mitigation measure will reduce this impact to less than significant.

	Potentially significant Impact, Unless Mitigation Incorporated	Potentially significant Impact	No Impact
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II. **AGRICULTURAL RESOURCES.** In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. Of Conservation as an optional model to use in assessing impacts on agricultural and farmland. Would the Project:

a.	Convert Prime Farmland, Unique Farmland or Farmland or Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Source 1,2,3,4,5,12,20)	—	—	—	✓
b.	Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Source 1,2,3,4,5,12,20)	—	—	—	✓
c.	Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? (Source 1,2,3,4,5,12,20)	—	—	✓	—

SUMMARY:

Since the Project site is located within an urban area, no impacts to agricultural resources will occur. Grazing has occurred on the property for many years, but will cease as the Project is constructed.

III. **AIR QUALITY.** Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the Project:

	Potentially significant Impact	Potentially significant Impact, Unless Mitigation Incorporated	Less than Significant Impact	No Impact	
a.	Conflict with or obstruct implementation of the applicable air quality plan (Source 1,2,3,4,5,19,20)	—	—	✓	—
b.	Violate any air quality standard or contribute to an existing or Projected air quality violation? (Source 1,2,3,4,5,19,20)	—	—	✓	—
c.	Result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Source 1,2,3,4,5,19,20)	—	—	✓	—

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|----|---|---|---|----------|---|
| d. | Expose sensitive receptors to substantial pollutant concentrations? (Source 1,2,3,4,5,19,20)  | — | — | <u>✓</u> | — |
| e. | Create objectionable odors affecting a substantial number of people? (Source 1,2,3,4,5,19,20) | — | — | <u>✓</u> | — |

## SUMMARY:

Air quality is a function of both the rate and location of pollutant emissions under the influence of meteorological conditions and topographic features that influence pollutant movement and dispersal. Atmospheric conditions such as wind speed, wind direction, atmospheric stability, and air temperature gradients interact with the physical features of the landscape to determine the movement and dispersal of air pollutants and consequently affect air quality.

Some pollutants, such as ozone, are not directly emitted to the atmosphere by any sources, but are the result of chemical reactions in the atmosphere between other pollutants. The chemical reaction that creates ozone in an urban atmosphere occurs between reactive organic gases (ROG) and oxides of nitrogen (NO<sub>x</sub>) in the presence of sunshine. The rate of reaction is very dependent on sunlight and temperature, so ozone concentrations will depend on the strength of sunlight and the temperature as well as transport and dilution by the wind. According to the County General Plan, the northern portions of the County, including the Bay Point area, have good ventilation characteristics. The area is exposed to winds both from the west and east, and terrain provides little protection from the wind. Average wind speeds as measured in the Pittsburg area of the County are relatively high and calm conditions are infrequent.

BAAQMD is the regional agency with jurisdiction over the nine-county region located in the San Francisco Bay Area Air Basin. Local councils of governments, county transportation agencies, cities and counties, and various non-governmental organizations also join in the efforts to improve air quality through a variety of programs. These programs include the adoption of regulations and policies, as well as implementation of extensive education and public outreach programs. The BAAQMD is responsible for bringing and/or maintaining air quality in the Air Basin within Federal and State air quality standards. Specifically, BAAQMD has the responsibility to monitor ambient air pollutant levels throughout the Air Basin and to develop and implement attainment strategies to ensure that future emissions will be within Federal and State standards. BAAQMD is the agency with permit authority over most types of stationary emission sources in the Bay Area. BAAQMD exercises permit authority through its *Rules and Regulations*. Both federal and state ozone plans rely heavily upon stationary source control measures set forth in BAAQMD's *Rules and Regulations*. In contrast to the ozone plans, the *CO Maintenance Plan* relies heavily on mobile source control measures.

Some receptors are considered more sensitive than others to air pollutants. The reasons for greater than average sensitivity may include pre-existing health problems, proximity to emissions sources, or duration of exposure to air pollutants. Schools, hospitals and convalescent homes are considered to be relatively sensitive to poor air quality because children, elderly people and the infirm are more susceptible to respiratory distress and other air quality-related health problems than the general public. Residential areas are considered sensitive to poor air quality because people usually stay home for extended periods of time, with associated greater exposure to ambient air quality. Recreational uses are also considered sensitive due to the greater exposure to ambient air quality conditions because vigorous exercise associated with recreation places a high demand on the human respiratory system. The closest sensitive receptors to the subject site are the residential area south of the site and, to a lesser degree, the residential area west of the site, across Port Chicago Highway.

The Project site has a General Plan designation of Heavy Industrial. Permitted uses in the Heavy Industrial Designation include manufacturing uses of all kinds, including but not limited to, the manufacturing or processing of petroleum, lumber, steel, chemicals, explosives, fertilizers, gas, rubber, paper, cement, sugar, and all other industrial or manufacturing products.

Because the uses contemplated under the General Plan are extremely intense and could significantly, negatively impact regional air quality, the Applicant has proposed light industrial/business park-type uses. The proposed light industrial/business park is more compatible with the existing uses adjacent to the Project and is consistent with the Bay Point Redevelopment Area Plan. The proposal will not conflict with or obstruct implementation of the regional air quality plan or violate air quality standards. The Project is consistent with the Air Resources Implementation Measures of the General Plan related to encouraging land uses that would positively affect the desired job/housing balance.

Project-related air quality impacts fall into two categories: short-term impacts due to construction, and long-term impacts due to Project operation. First, during Project construction, the Project would affect local particulate concentrations

primarily due to fugitive dust sources. Over the long term, the Project would result in an increase in emissions primarily due to related motor vehicle trips and potential permissible industrial process air quality sources. Onsite area sources would result in lesser quantities of pollutant emissions. In addition, stationary sources requiring BAAQMD permits to operate associated with future light-industrial processes may also affect local pollutant concentrations.

Short-term emissions and objectionable odors may be generated during construction activities, but they are minor and temporary. To minimize this impact, the Conditions of Approval for the Project will require the use of properly tuned and muffled equipment and the elimination of any unnecessary idling of machines when not in use. In addition, a Condition of Approval regarding dust control measures will be incorporated into Project. Implementation of the following mitigation measure will reduce the impact to air quality during development and construction activities to a level of less than significant.

Impact 3: Construction activities associated with excavation, grading and building construction would generate short-term emissions of criteria pollutants.

Mitigation Measure 3: Elements of the “basic” dust control program for Project components that disturb less than four acres shall include, but not necessarily be limited to the following:

- Water all active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency shall be necessary whenever wind speeds exceed 15 miles per hour such that no visible dust is seen leaving the Project site.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- Sweep streets daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
- Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.

If construction activities for any Project component or group of components undergoing simultaneous construction will occur on a construction site greater than four acres in area, the Applicant shall require the construction contractor to implement the following enhanced dust control procedures in addition to the basic procedures listed above:

- Hydroseed or apply (non-toxic) soil stabilizer to inactive construction areas (previously graded areas inactive for ten days or more) or apply water daily.
- Enclose, cover, water twice daily or apply (non-toxic) soil binders to exposed stockpiles (dirt, sand, etc.).
- Limit traffic speeds on unpaved roads to 15 mph.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- Replant vegetation in disturbed areas as quickly as possible.

Impact 4: The Project would result in an increase in criteria pollutant emissions due to Project-related traffic and onsite sources.

Over the long-term, the Project would result in an increase in emissions primarily due to related motor vehicle trips. According to the Project Traffic Study, the Project will generate approximately 2,398 average daily trips at build-out. Additionally, the Project will produce emissions from Project-related area sources such as space and water heating, ventilating, landscape management emissions, and consumer product ROG emissions. In addition, the Project may result in emissions from any potential permissible onsite stationary source, such as, industrial process equipment and large heaters/boilers. Specifically these types of sources would require an operation permit from the BAAQMD which includes District new source review and application of BACT emission control measures.

Emissions are expected to reduce as the Project develops, even with an increase in motor vehicle traffic to the Project site because the increase in traffic volume would be more than offset by the continued turnover of motor vehicles with newer vehicles manufactured to meet increasingly stringent emissions standards set by federal and state agencies. There is currently a relatively flat bike route from the Pittsburg/Bay Point BART Station to the site. Access within the site should include safe access for bicyclist and pedestrians and each development should include all-weather parking area for bicycles to encourage employees to use alternate means of transportation to the site. It is also encouraged that future development explore the possibility of incorporating onsite shops and services for employees, such as cafeteria, bank/ATM, etc. to reduce trips from the site. Consequently, the operational impacts from traffic and areas sources of the Project would be less than significant.

The exact nature of possible onsite stationary sources of emissions cannot be determined at this time and therefore the air emissions from future occupants of the Project cannot be clearly defined. This is because, even though the “light industrial” zoning of the site provides some specificity as to future uses, these uses could result in a wide range of emissions and widely varying quantities of emissions. The exact mix of future occupants and site uses is unforeseeable and it would be speculative to estimate emissions from all potential stationary sources. Although future stationary sources would be required to obtain a BAAQMD authority to construct permit and a permit to operate, which would be subject to BAAQMD new source review, best available control technology, and potential emission offsets, it is unknown at this time whether any direct emissions from new stationary sources would combine with the Project’s indirect emissions to present a significant impact. To avoid any potential long-term impacts to air quality, the uses within the business park will be limited to those that do not exceed BAAQMD significance thresholds.

Mitigation Measure 4a: The Applicant shall notify future owners and/or tenants of their responsibility to contact the BAAQMD regarding their stationary processes and equipment and to secure any necessary permits from that agency. The future owners of building(s) to be located on the Project site shall apply for a permit to operate from the BAAQMD should they intend to operate such stationary process equipment. The Applicant shall include language in the Project CC&R’s that limit future uses to those that do not exceed BAAQMD thresholds.

Mitigation Measure 4b: The Applicant shall notify future owners and/or tenants of their responsibility to participate in carpool/vanpool/shuttle programs and provide weather protected bicycle parking for employees.

Mitigation Measure 4c: The project shall include safe, direct access for bicyclists and pedestrians. Implementation of these measure will reduce this impact to less than significant.

		Potentially significant Impact	Potentially significant Impact, Unless Mitigation Incorporated	Less than Significant Impact	No Impact
IV.	<b>BIOLOGICAL RESOURCES.</b> Would the Project:				
	a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, polices, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Source 1,2,3,4,5,6,7,10,11,13)	—	<u>✓</u>	—	—
	b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans,	—	—	<u>✓</u>	—

- policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (Source 1,2,3,4,5,6,7,10,11,13)
- |    |   |   |          |          |   |
|----|---|---|----------|----------|---|
| c. | Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Source 1,2,3,4,5,6,7,10,11,13) | — | <u>✓</u> | —        | — |
| d. | Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (Source 1,2,5,6,7,10,11,13)                                       | — | —        | <u>✓</u> | — |
| e. | Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy or ordinance? (Source 1,2,5,6,7,10,11,13)  | — | <u>✓</u> | —        | — |

SUMMARY:

According to the County Resource Mapping System, County General Plan & EIR, Contra Costa Water District Interim Service Area Listed Species Occurrences and Potential Habitat Map, the California Department of Fish and Game Natural Diversity Data Base – Honker Bay Quadrangle, and field reviews, the Project site does not provide habitat for any sensitive natural communities.

A biotic survey of the site was conducted on August 23, 2001 as part of the environmental review for proposed County Flood Control District drainage improvements. In addition, surveys and a biological assessment were prepared for the Project as part of the application submittal. According to these surveys, the Project site contains two habitat types according to the California Wildlife Habitat Relationships System: annual grassland and fresh emergent wetland. The fresh emergent wetland is characterized by erect, rooted herbaceous hydrophytes. Fresh emergent wetland is found in the following areas of the Project: a rechannelized historic drainage ditch, certain man-made drainage ditches dug on dry land, a low-lying depression in the eastern portion of the site which traverses the property from the southern boundary to the northern boundary and the settling basins in the southwestern portion of the property. Dominant vegetation in the fresh emergent wetland includes hardstem bulrush (*Scirpus acutus*), broad-leaved cattail (*Typha larifolia*), tall flatsedge (*Cyperus eragrostis*), reed canary grass (*Phalaris arundinacea*) and salt grass (*Distichlis spicata*). Willow trees (*Salix lasiandra*) and Himalayan blackberry (*Rithus discolor*) are also associated with the wetland areas.

Annual grassland is the predominant habitat type on site. The annual grassland on-site has been disturbed in many areas due to grazing and disking activities. Annual grassland habitats are open grasslands composed primarily of annual plant species. Introduced grasses are the dominant plant species in this habitat. These include wild oats (*Avena fava*), ripgut grass (*Bromus diandrus*), Mediterranean barley (*Hordeum marinum* var. *gussoneanum*) and hare barley (*Hordeum murinum* var. *leporinum*). Also present on-site in the annual grassland habitat are common weedy or ruderal species such as star-thistle (*Centaurea solstitialis*), artichoke thistle (*Cynaria cardunculus*), bindweed (*Convolvulus arvensis*), birds'-foot trefoil (*Loins corniculatus*) and clover (*Trifolium* spp.).

The proposed Project would result in the removal of several non-native shrubs and wetland vegetation within the Project limits. In addition, trees, such as pepper, orchard almond, eucalyptus, and other landscape trees would be removed

within the Project limits. The trees will be replaced through a landscaping program associated with the wetland mitigation area, as well as through the landscaping required for the Project.

### **Animal Populations**

The disturbed annual grassland and freshwater emergent wetland habitats on site support a variety of wildlife species. The complex of habitats includes the presence of standing water, on a seasonal basis, which can accommodate wildlife adapted to aquatic areas, and trees and shrubs, which provide nesting and roosting sites for birds, in addition to foraging areas for species of mammals, reptiles, amphibians, and birds.

A number of bird species were observed on the site during field reviews conducted on October 3, 2002. All species are common to abundant in the region and would be expected in the combination of disturbed grassland and wetland habitats present at the site. Raptors observed in the Project area included Turkey Vulture, Red-tailed Hawk and American Kestrel. Additional birds documented included Rock Dove, Mourning Dove, Annas Hummingbird, Northern Flicker, Black Phoebe, Western Scrub-Jay, American Crow, American Robin, Northern Mockingbird, Loggerhead Shrike, European Starling, Yellow-rumped Warbler, California Towhee, White-crowned, Golden-crowned, Song and Savanna Sparrows, Red-winged and Brewer's Blackbirds, Brown-headed Cowbird, Western Meadowlark, American Goldfinch and House Finch. The Loggerhead Shrike is listed as a Species of Special Concern with respect to nesting habitat in California. Nesting by the species is not likely at the Project site, although this species is expected at disturbed grassland habitats such as those that occur at the Project site during winter, migration or post-breeding dispersal.

Reptiles and amphibians documented during the survey included Pacific Treefrog and Western Fence Lizard. Mammals documented at the site included Virginia Opossum and California Ground Squirrel. Burrows of California Ground Squirrels can be occupied by the Burrowing Owl, an additional Species of Special Concern in California, however, no evidence of use by Burrowing Owl (presence of scars, pellets or other evidence of owl use) was noted at the openings of burrows during the surveys.

Impact 5: Construction activities could negatively impact the potential nesting sites for the Burrowing Owl in the vicinity of the Project.

Mitigation Measure 5: The California Department of Fish and Game (CDFG) should be contacted to determine appropriate measures for protection of any nests that may be discovered. For planning purposes, it is recommended that construction be scheduled outside the nesting season, which is generally from March through July.<sup>[B1]</sup> Implementation of this mitigation measure will reduce impacts to an insignificant level.

Impact 6: Construction within the existing rechannelized historic drainage ditch could impact marginal western pond turtle (*Clemmys marmorata*) habitat in addition to negatively impacting potential habitat for loggerhead shrike (*Lanius ludovicianus*) and California horned lark (*Eremophila alpestris actia*).

Mitigation Measure 6: Pre-construction surveys for other species should include a search for pond turtles. Should pond turtles be present, construction activities within the specific habitat area should be modified, consistent with Department of Fish and Game recommendations. Implementation of this mitigation measure will reduce impacts to an insignificant level.

Impact 7: Relocating the wetland areas would result in impacts to existing habitat and species in the rechannelized historic drainage ditch and other wetland areas.

Mitigation Measure 7: To reduce negative impacts to wildlife that may use the channel, the channel should be slowly de-watered prior to construction to allow certain species to move themselves downstream or to seek cover in other areas in the vicinity. The de-watering process should be initiated in the afternoon and take place over a period of no less than three days. The hydrology should be maintained downstream of the Project site. <sup>[B2]</sup> CDFG should be contacted for concurrence as part of the permitting process. During construction, temporary

fencing should be installed around the entire work area to minimize disturbance to adjacent habitat. Implementation of this mitigation measure will reduce impacts to an insignificant level.

	Potentially significant Impact	Potentially significant Impact, Unless Mitigation Incorporated	Less than Significant Impact	No Impact
V. <b>CULTURAL RESOURCES.</b> Would the Project:				
a. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? (Source 1,2,7,10,11)	—	—	✓	—
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? (Source 1,2,7,10,11)	—	✓	—	—
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Source 1,2,7,10,11)	—	—	✓	—
d. Disturb any human remains, including those interred outside of formal cemeteries? (Source 1,2,7,10,11)	—	—	—	✓

**SUMMARY:**

The site is not identified in the Contra Costa County General Plan’s Archaeological Sensitivity map as being a known [B3]archaeological site, or as having a likelihood of such archaeological resources. A Phase I Cultural Resources Study was prepared for the subject site in November 2002. According to the report, no evidence of aboriginal use and/or occupation of the Project area was seen anywhere within the Project boundaries. Typical indicators of a village or campsite would include darker than surrounding soils of a friable nature containing visible amounts of shellfish remains, evidence of fires (ash, charcoal, fire affected rock or soils), concentrations of bone, stone or shellfish remains, and artifacts of these materials.

The Cultural Resources Study for the Project states that no significant historic resources were discovered inside the Project area other than surface scatter of materials found approximately 30 feet east of Port Chicago Highway, south of the existing steel plant. These materials included fragments of glass and porcelain of undetermined age, a glass marble, and an extensive scatter of very recent trash. The only possibly historic element of the site is the row of very mature eucalyptus trees which border the steel plant along its southern fence line. Their placement along the sides and front of the steel plant suggest they were planted there as windbreaks and/or for decorative reasons by the plant owners.

The Cultural Resources Study for the Project suggested that development of the site can proceed with no further cultural resources input. The report does not recommend any in-field presence or absence testing for buried archaeological resources, and does not recommend that future construction related to earthmoving be monitored by an archaeologist. Due to the apparent historic land leveling activities, there does remain some potential that prehistoric archaeological materials could be found buried under natural alluvium and historic filling along the easternmost drainage on the property.

Impact 8: There is limited potential that prehistoric archaeological materials could be found buried under natural alluvium and historic filling at the site.

Mitigation 8: In the event that deep trenching is planned for this area, construction personnel should be alerted to the potential for the discovery of material like those described in the report and should be instructed to stop work within 50 feet of any discovery until a qualified archaeologist has been retained to inspect the discovery, assess its significance and offer a proposal for procedures appropriate to further investigate and/or mitigate adverse impacts

to the cultural resources encountered.

	Potentially significant Impact	Potentially significant Impact, Unless Mitigation Incorporated	Less than Significant Impact	No Impact
<b>VI. GEOLOGY AND SOILS. Would the Project?</b>				
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	—	—	✓	—
1. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. (Source 1,2,3,4,7,8,9,10,11)				
2. Strong seismic ground shaking? (Source 1,2,3,4,7,8,9,10,11)				
3. Seismic-related ground failure, including liquefaction? (Source 1,2,3,4,7,8,9,10,11)				
4. Landslides? (Source 1,2,3,4,7,8,9,10,11)				
b. Result in substantial soil erosion or the loss of topsoil? (Source 1,2,3,4,7,8,9,10,11)	—	—	✓	—
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the Project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Source 1,2,3,4,7,8,9,10,11)	—	—	✓	—
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (Source 1,2,4)	—	—	✓	—
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste disposal systems where sewers are not available for the disposal of wastewater? (Source 1,2,3,4,5,7,8,9,10,11)	—	—	✓	—

**SUMMARY:**

The Project site is located in an urban area. It has undergone significant human disturbance, including vegetation removal, grazing, soil compaction, disking and alterations to natural runoff patterns. A review of the Soil Conservation Service (SCS) Soil Survey map for Contra Costa County (NRCS 1977) indicates the presence of two mapped soil units within one

soil series in the Project vicinity. The soil series is the Antioch series, which consists of moderately well drained soils underlain by old mixed alluvium. These soils exist on old terraces and fans. Permeability is very slow in the subsoil. Some water perches above the subsoil for short periods.

The two mapped units within the Antioch series are Antioch loam, 0 to 2 percent slopes, and Antioch loam, 2 to 9 percent slopes. The Antioch loam 0 to 2 percent slopes is a nearly level soil on low terraces. Included with it in the mapping are areas of Rincon clay loam that make up about 5 percent of the mapping unit. These areas are along channels of small streams. Also included are areas of Pescadero clay loam in concave drainageways that make up about 3 percent of the mapping unit. Scattered areas of Tierra loam, which make up 4 percent of the mapping unit are also included.

The Antioch loam, 2 to 9 percent slopes is a gently sloping to moderately sloping soil on terraces. Included in the mapping are areas of Tierra loam that make up about 10 percent of the mapping unit and areas of Rincon loam that make up 5 percent. Field investigations on the Bay Point Project site confirmed that the NRCS soils mapping is accurate throughout the Project area.

Adherence to standard dust control practices including, but are not limited to, general watering of graded areas, use of chemical stabilizers and hydro-seeding, will minimize erosion impacts. Dust control practices will be incorporated into conditions of Project approval. Construction activities will also increase the exposure of soils to water and wind erosion during construction, but this impact is insignificant and temporary. The Project will not result in unstable earth conditions or changes to the geologic substructure, nor will it increase exposure to geologic hazards. No unique geologic features are present within the Project limits. The Project is not expected to result in modifications to the channel of any waterway as a result of changes in deposition or erosion.

		Potentially significant Impact	Potentially significant Impact, Unless Mitigation Incorporated	Less than Significant Impact	No Impact
<b>VII.</b>	<b>HAZARDS AND HAZARDOUS MATERIALS.</b>				
	Would the Project:				
a.	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source 10,11)	—	—	✓	—
b.	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? (Source 10,11)	—	—	✓	—
c.	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Source 10,11)	—	—	✓	—
d.	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government code Section 65862.5 and, as a result, would it create a significant hazard to the public or the environment? (Source 10,11)	—	—	✓	—
e.	For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or	—	—	✓	—

- |    |   |   |   |   |   |
|----|---|---|---|---|---|
|    | public use airport, would the Project result in a safety hazard for people residing or working in the Project area. (Source 10,11)  |   |   |   |   |
| f. | For a Project within the vicinity of a private airstrip, would the Project result in a safety hazard for people residing or working in the Project area? (Source 10,11)   | — | — | ✓ | — |
| g. | Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Source 1,2,3,10,11)   | — | — | ✓ | — |
| h. | Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands? (Source 1,2,3,10,11) | — | — | ✓ | — |

**SUMMARY:**

The Project is zoned P-1 and has a General Plan designation of Heavy Industrial. Permitted uses in the Heavy Industrial District include manufacturing uses of all kinds, including but not limited to, the manufacturing or processing of petroleum, lumber, steel, chemicals, explosives, fertilizers, gas, rubber, paper, cement, sugar, and all other industrial or manufacturing products. These uses would be subject to approval of a Land Use Permit subject to the requirements of Section 84-63 (Land Uses involving Hazardous Materials) of the County Code. The Applicant recognizes that such uses are extremely intense and could significantly, negatively affect the enjoyment and use of other properties in the vicinity of the Project as well as the regional air quality. The Applicant is proposing light industrial, business park-type uses for the site, which uses are more compatible with the existing uses adjacent to the Project and are consistent with the Bay Point Redevelopment Area Plan.

While specific prospective tenants have not been identified, the proposed Project would be occupied by light industrial/business park type land uses. Many light industrial or business park operations routinely store and use hazardous materials and a number of such operations generate hazardous waste. Without knowledge of a particular proposed use it would be speculative to assume types or quantities of hazardous materials that might be used. Nevertheless, future occupants at the Project site would be required to prepare and submit a hazardous materials business plan, handle and use hazardous materials in accordance with applicable regulations by personnel that have been trained in the handling and use of the material, and complete required hazardous materials reporting (i.e. California Proposition 65 notification and Emergency Planning and Community Right-to-Know Act). In addition, land uses involving the use of hazardous materials are required to comply with the requirements of Section 84-63 of the County Code, which requires approval of a land use permit for such uses.

Impact 9: Project implementation may permit an increase in the handling of hazardous materials by new light industrial facilities occupying the Project site. Compliance with all applicable federal, state, and local regulatory requirements pertaining to hazardous materials would be required and therefore, this would be a less than significant impact.

In response to concerns about potential use of hazardous materials in industrial activities at the site and to reduce potential adverse impacts from hazardous materials, the Applicant proposes as a condition of Project approval and mitigation measure, in addition to restrictions already stated in the County Code, to restrict hazardous materials used at the Project site through Covenants, Conditions & Restrictions (CC&R) as follows:

Mitigation Measure 9: Bulk Storage and Distribution of Toxic materials including Class A and B poisons will not

be permitted; highly unstable materials including organic peroxides Class I-II, oxidizers Class 4, pyrophoric materials, unstable materials Class 4-3 and water reactive materials Class 3 will not be permitted; moderately hazardous materials including corrosives, flammable gases, except storage of vehicle fuel ancillary to the primary use, flammable liquids, flammable solids, organic peroxides Class III, oxidizers Class 3-2, water-reactive materials Class 2, bulk manufacturing and bulk storage and distribution will not be permitted; materials with limited hazards including combustible liquids, irritants, oxidizers Class 1, organic peroxides Class IV-V, sensitizers, unstable materials Class 2-1, water-reactive material Class 1, bulk manufacturing will not be permitted.

[B4]

Although the use of some of these hazardous materials might otherwise be allowed by the Zoning Ordinance in industrial activities at the Project site, the CC&Rs will further limit the amounts of these materials and the types of manufacturing, storage and distribution that could occur there.

TABLE 1  
ACTIVITY AND MATERIALS LIMITATIONS TO BE INCORPORATED IN THE PROJECT CC&R'S

<u>Activity</u>	<u>Prohibited</u>	<u>Definitions/Comments</u>	<u>Examples</u>
Any Activity	Highly unstable materials, including:		
	Class I-II organic peroxides	Strongest class of organic peroxide. Easily initiated fires, burn very rapidly.	Benzoyl peroxide in very high concentrations
	Class 4 oxidizers	Strongest class of oxidizer. Can explode if exposed to light heat or shock. May spontaneously ignite.	Very concentrated hydrogen peroxide, very concentrated perchloric acid
	Pyrophoric materials	Can explode if exposed to air	Silane, solid sodium, solid potassium, white phosphorus
	Class 3-4 unstable materials	Strongest class of unstable material. Capable of explosive reaction with or without heat.	Very concentrated hydrogen peroxide
Bulk Storage and Distribution	Class 3 water reactive materials	Strongest class of water reactive material. React explosively with water.	
	Toxic materials including:		

	Poisons		
	Class A-B poisons	Class A: extremely dangerous poison Class B: could be a health risk during transport.	GAS - chlorine, arsine; SOLID - sodium cyanide, acrolein
Bulk Manufacturing	Materials with limited hazards, including		
	Combustible liquids	Liquids that burn	Diesel fuel, kerosene[B5]
	Irritants	Can inflame living tissue	Antifreeze
	Class 1 oxidizers	Weakest class of oxidizer. Does not cause spontaneous ignition of flammable	Diluted hydrogen peroxide
	Class IV-V organic peroxides	Weakest class of organic peroxide. Easily controlled burning or does not burn at all.	Benzoyl peroxide in low concentrations
	Sensitizers	Produces allergy-like reaction in living tissue.	Formaldehyde, citrus oil
	Class 1-2 unstable materials	Weakest class of unstable materials. Can undergo violent reactions at high temperatures.	Styrene monomer, industrial strength hydrogen peroxide
	Class 1 water-reactive materials	Weakest class of water-reactive material. Can make an explosive mixture with water.	Calcium carbide
Bulk Manufacturing, Bulk Storage, and Distribution	Moderately hazardous materials, including:		
	Corrosives	Causes destruction of living tissue.	Concentrated acids and bases
	Class III organic peroxides	Presents fire hazard similar to combustible liquids	benzoyl peroxide in moderate concentrations
	Class 2-3 oxidizers	May or will ignite in the presence of heat	Industrial strength hydrogen peroxide
	Class 2 water reactive materials	Capable of making explosive reactions with water	

**Impact 13:** The Project has the potential to release hazardous substances, such as petroleum spills, during construction.

**Mitigation Measure 13:** Standard safety practices (i.e. installing sufficient signs warning about construction and detours, marking of underground lines before trenching, etc) shall be implemented during construction activities. This impact is reduced to a less than significant level with implementation of this mitigation.

The signalized intersection of Pacifica and Port Chicago Highway would provide the main entrance point to the Project site. While the site could also be accessed via Port Chicago Hwy and Skipper, ultimately, most access to and from the site would occur at the signalized intersection. In the event of an emergency, emergency personnel and equipment would enter and exit the Project site from either of the two intersections. In addition, the applicants have offered for dedication right-of-way to complete access toward the waterfront from the eastern terminus. This access would enhance emergency access to the waterfront that currently has only one access point at McAvoy Road.

	Potentially significant Impact	Potentially significant Impact, Unless Mitigation Incorporated	Less than Significant Impact	No Impact
<b>VIII. HYDROLOGY AND WATER QUALITY.</b> Would the Project:				
a. Violate any water quality standards or waste discharge requirements? (Source 1,2,4,7,8,9,10,11)	—	<u>✓</u>	—	—
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (Source 1,2,4,7,8,9, 10,11)	—	—	<u>✓</u>	—
c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site? (Source 1,2,4,7,8,9,10,11)	—	—	<u>✓</u>	—
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site? (Source 1,2,4,7,8,9,10,11)	—	—	<u>✓</u>	—
e. Create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? (Source 1,2,4,7,8,9,10,11)	—	<u>✓</u>	—	—
f. Otherwise substantially degrade water quality? (Source 1,2,4,7,8,9,10,11)	—	—	<u>✓</u>	—
g. Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Source 1,2,4,7,8,9,10,11)	—	—	—	<u>✓</u>
h. Place within a 100-year flood hazard area structures, which would impede or redirect flood flows? (Source 1,2,4,7,8,9,10,11)	—	—	—	<u>✓</u>
i. Expose people or structures to a significant risk of loss, injury or death involving	—	—	—	<u>✓</u>



construction activities to ensure the protection of beneficial uses.

The RWQCB also administers the National Pollutant Discharge Elimination System (NPDES) storm water-permitting program in the San Francisco Bay region. Construction activities on five acres or more are subject to the permitting requirements of the NPDES General Permit for Discharges of Storm Water Runoff Associated with Construction Activity (General Construction Permit). The General Construction Permit requires the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The plan must include specifications for Best Management Practices (BMP's) that would be implemented during Project construction to control degradation of surface water by preventing the potential erosion of sediments or discharge of pollutants from the construction area. The General Construction Permit program was established by the RWQCB for the specific purpose of reducing impacts to surface waters that may occur due to construction activities. BMP's have been established by the RWQCB in the *California Storm Water Best Management Practice Handbook* (1993), and are recognized as effectively reducing degradation of surface waters to an acceptable level. Additionally, the SWPPP would describe measures to prevent or control runoff degradation after construction is complete, and identify a plan to inspect and maintain these facilities or Project elements.

The Contra Costa Clean Water Program was established as the local entity responsible for implementing compliance with the federal Clean Water Act to control storm water pollution. It is comprised of Contra Costa County, seventeen incorporated cities, and the Contra Costa County Flood Control and Water Conservation District (District). The program is being conducted in compliance with the Joint Municipal NPDES Permits issued by the San Francisco Bay and Central Valley RWQCBs. The permits mandate that participating municipalities implement their approved Storm Water Management Plan commencing September 1, 1993. The program includes best management practices that include construction controls (such as a model grading ordinance), legal and regulatory approaches (such as storm water ordinances), public education and industrial outreach (to encourage reduction of pollutants at various sources), inspection activities, wet weather monitoring, and special studies.

Impact 10: Project construction could result in increased erosion and subsequent sedimentation, with impacts to water quality. Additionally, release of fuels or other hazardous materials associated with construction activities could degrade water quality. This could be a potentially significant impact.

Hazardous materials associated with construction equipment, such as fuels, oils, antifreeze, coolants, and other substances could adversely affect water quality if released to surface waters. The required NPDES General Permit for Stormwater Discharges Associated with Construction Activity would mandate the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP) identifying Best Management Practices (BMP's), as identified in Mitigation Measure, to reduce erosion of disturbed soils and release of hazardous materials into water courses. Because measures in the SWPPP would reduce the erosion of soils and release of hazardous materials into water courses, the proposed Project would not violate water quality standards for construction activities. Implementation of BMP's identified in the SWPPP would reduce potential impacts to a less than significant level.

Mitigation Measure 10a: The Applicant shall require contractors to develop and implement a Storm Water Pollution Prevention Plan (SWPPP) for construction of proposed facilities, as required by the RWQCB. The SWPPP shall be submitted to the County before start of construction. A Notice of Intent must be submitted to the RWQCB prior to the start of construction and a copy of the SWPPP shall be kept at the job site at all times. With the foregoing measures, any impact will be less than significant.

Mitigation Measure 10b: Installation of the pipe and excavation of the earth channel shall occur during periods of low or no flow to avoid water quality impacts. If water is present, (i.e., from summer nuisance flows) the construction area shall be dewatered by pumping water through a diversion pipe to be discharged downstream in a non-erosive manner. The dewatering may involve smaller segments of the line at a time, instead of dewatering the entire Project area at once. Sediment traps and or filter fabric shall be used, as needed, minimizing water quality impacts. With the foregoing measures, any impact will be less than significant.

Impact 11: Surface contaminants generated from cars, roadways, industrial activities, and landscaping could

degrade water quality of storm water runoff, impacting downstream surface waters. This would be a potentially significant impact.

The proposed Project would increase the number of automobiles using the site, which could contribute to degradation of surface water quality. Urban runoff can carry a variety of pollutants, such as oil and grease, metals, sediment, and pesticide residues from roadways, parking lots, rooftops, and other surfaces, and deposit them in adjacent waterways. Pollutant concentrations in urban runoff are extremely variable and are dependent on storm intensity, land use, elapsed time between storms, and the volume of runoff generated in a given area that reaches a receiving water. The most critical time for urban runoff effects is in the fall under low flow conditions. Pollutant concentrations are typically highest during the first major rainfall event after the dry seas on, known as the “first flush.”

Runoff generated from the newly created industrial park would be channeled into storm drains, outfalling into the channel north of the railroad tracks, before flowing to the Sacramento River. Contaminants from cars and industrial activities, and fertilizers and herbicides from landscape management could degrade water quality. To help minimize the amount of pollutants entering the storm drain system, storm drain facilities shall be equipped with treatment features as discussed in the mitigation measures provided below.

For compliance with the Municipal Urban Storm Water Discharge Permit, the applicant would be required to incorporate the standards of the Contra Costa County Clean Water Program developed under the RWQCB Municipal Urban Storm Water Discharges NIPDES Permit. In addition, to help minimize the amount of pollutants entering the storm drain system, storm drain facilities shall be equipped with treatment features and BMP’s shall be implemented as source control measures of storm water runoff from paved areas. Conformance with these requirements would reduce the potential impact of the proposed Project to less than significant.

Mitigation Measure 11a: The Project applicant shall prepare, and include in construction specifications, a Storm Water Design Plan designed to significantly reduce and where feasible, eliminate, the off-site migration of sediment and storm water pollutants associated with storm water runoff. The Plan shall incorporate standards from the Contra Costa County Clean Water Program and Countywide NPDES permit and shall be reviewed and approved by the County prior to issuance of building permits. The Plan shall identify mechanical or natural filtration systems to filter runoff from roads and parking lots to remove oil and grease prior to discharge. The systems shall be designed and constructed to reduce water quality impacts from urban runoff. The performance of the systems shall be monitored regularly by the Applicant or a third party to determine the effectiveness of the water treatment. Additionally, the Applicant shall be required to implement a written storm water facilities cleaning and maintenance plan, which shall minimize, to the extent feasible, the amount of sediment and other contaminants in the storm water leaving the site. With the foregoing measures, any impact will be less than significant.

Facilities installed within a storm drainage system can provide filtration of storm water prior to discharge. Filtration can be accomplished through mechanical systems such as pre-manufactured oil and sediment separators or through natural processes such as through bioswales and settlement ponds. A bioswale is a broad open channel that is lined with grass or other vegetation, which acts as a filter to remove pollutants from runoff.

Typically, performance standards are established in the storm water treatment plan to gauge the effectiveness of the sediment and contaminant reduction. Mechanical and structural BMP’s are then designed to reach these performance standards. Effective mechanical and structural BMP’s that could be implemented at the Project site include the following:

- Mechanical storm water filtration measures, including oil and sediment separators or absorbent filter systems such as the Stormceptor® system, can be installed within the storm drainage system to provide filtration of storm water prior to discharge.
- Grass strips, high infiltration substrates, and grassy swales can be used where feasible throughout the

development to reduce runoff and provide storm water treatment.

- Detention basins can be installed beneath large parking areas to provide initial filtration prior to discharge into the flood control basins.
- Roof drains should discharge to natural surfaces or swales where possible to avoid excessive concentration and channelization of storm water.
- When required, water detention basins should be designed to provide effective water quality control measures including the following:
  - Maximize detention time for settling of fine particles;
  - Establish maintenance schedules for periodic removal of sedimentation, excessive vegetation, and debris that may clog basin inlets and outlets;
  - Maximize the detention basin elevation to allow the highest amount of infiltration and settling prior to discharge.

Mitigation Measure 11b: To help minimize the amount of pollutants entering the storm drain system, the owners or occupants of the Project shall implement source control measures on Project roadways and parking areas that shall include, but are not necessarily limited to, regular street sweeping by mechanized equipment, proper clean-up of soil debris following landscape work or small scale construction, available trash receptacles, regular trash collection and the application of absorbent material on oil and fuel leaks from automobiles. Additionally, litter and debris that may accumulate on the Project site shall be regularly collected and properly disposed. The owners or occupants of the Project shall incorporate appropriate source control measures as recommended in the California Storm Water Best Management Practice Handbook for New Development and Redevelopment. With the foregoing measures, any impact will be less than significant.

	Potentially significant Impact	Potentially significant Impact, Unless Mitigation Incorporated	Less than Significant Impact	No Impact
<b>IX. LAND USE AND PLANNING.</b> Would the Project:				
a. Physically divide an established community? (Source 1,2,3,10,11)	—	—	✓	—
b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Source 1,2,3,10,11)	—	—	✓	—
c. Conflict with any applicable habitat conservation plan or natural community conservation plan? (Source 1,2,3,5,6,7,10,11)	—	—	✓	—

SUMMARY:

The Project site has a General Plan designation of Heavy Industrial and a zoning designation of Planned-Unit District (P-1). Permitted uses in the Heavy Industrial District include manufacturing uses of all kinds, including but not limited to, the manufacturing or processing of petroleum, lumber, steel, chemicals, explosives, fertilizers, gas, rubber, paper, cement,

sugar, and all other industrial or manufacturing products. The Applicant recognizes that such uses are extremely intense and could significantly, negatively affect the enjoyment and use of other properties in the vicinity, as well as the regional air quality. The Applicant is proposing light industrial, business park-type uses for the site, which uses are more compatible with the existing uses adjacent to the Project and are consistent with the Bay Point Redevelopment Area Plan.

The Project will not result in the alteration of the present or planned land use of the area as noted in the County’s General Plan. The area is already urbanized and with in the Bay Point Redevelopment Project Area. It is expected that development of this site will be a catalyst of other economic development in the vicinity. In addition, the Project will improve the jobs-housing imbalance, which currently exists in Bay Point.

County General Plan Policies related to jobs/housing balance and business and employment uses include the following:

- 3-2 Job infill shall be supported and stimulated where the jobs/housing ratio shows an overabundance of housing to jobs.
- 3-31 Employment centers in the County area shall be designed to be compatible with the nature of the surrounding area.
- 3-41 The continuing orderly development of research facilities, research facilities, regional offices, and light industrial uses shall be encouraged in designated areas in order to improve the economic base and provide local employment.
- 3-42 Industrial development shall be concentrated in select locations adjacent to existing major transportation corridors and facilities.
- 3-43 Industrial employment centers shall be designed to be unobtrusive and harmonious with adjacent areas and development.
- 3-44 Industries which employ the skills of County residents shall be encouraged to locate within the County.

The proposed Project is consistent with the land use policies of the General Plan. However, without specific design guidelines, the Project has the potential to conflict the residential neighborhood to the south.

Impact #12: The southern portion of the proposed Project has the potential to conflict with the residential neighborhood to the south of the Project site.

Mitigation Measure #12: The southern portion of the Project should maintain an adequate landscaped buffer from the residential area to the south. Site planning of these parcels should take special care in to avoid loading docks, travel ways, trash areas, and other active uses along the rear of the Project, abutting the single-family neighborhood, unless further noise mitigation is provided, .

	Potentially significant Impact	Potentially significant Impact, Unless Mitigation Incorporated	Less than Significant Impact	No Impact
<b>X. MINERAL RESOURCES.</b> Would the Project:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Source 1,2,5)	—	—	✓	—
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (Source 1,2,5)	—	—	✓	—

**SUMMARY:**

Due to the nature of the Project and the site description, the proposed Project will not result in impacts to mineral resources.

	Potentially significant Impact	Potentially significant Impact, Unless Mitigation Incorporated	Less than Significant Impact	No Impact
<b>XI. NOISE.</b> Would the Project:				
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Source 1,2,10,11)	—	✓	—	—
b. Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels? (Source 1,2,10,11)	—	—	✓	—
c. A substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project? (Source 1,2,10,11)	—	✓	—	—
d. A substantial temporary or periodic increase in ambient noise levels in the Project vicinity above levels existing without the Project? (Source 1,2,10,11)	—	—	✓	—
e. For a Project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the Project area to excessive noise levels? (Source 1,2,3,10,11)	—	—	✓	—
f. For a Project within the vicinity of a private airstrip, would the Project expose people residing or working in the Project area to excessive noise levels? (Source 1,2,3,10,11)	—	—	✓	—

## SUMMARY:

The Project involves the development of a light-industrial business park. In addition to construction noise, it is expected that new traffic will generate noise within the Project area. The southern limits of the Project site are adjacent to a residential area. One of the main access points to the Project is proposed at the signalized intersection of Port Chicago Highway and Pacifica Avenue, an area adjacent to the rear yards of existing homes. However, the proposed roadway is designed to veer to the north, away from the residences, while complying with the County's subdivision standards. Due to the design of the roadway, most of the roadway is approximately 180 feet north of the residential property along the southern boundary of the Project. There are also several light-industrial sites proposed adjacent to the residential area. These uses, along with the proposed roadway, have the potential to increase noise levels for the residences.

The proposed Project will result in an increase in noise level during construction. However, this is a temporary impact. Limiting work hours between 7:30 am and 5:00 pm, Monday through Friday, unless modified by the Zoning Administrator, will reduce construction noise levels. Incorporation of the following mitigation measures will reduce noise impacts to a less than significant level.

Impact 13: Short-term noise level increases at sensitive locations in and surrounding the Project would be expected during periods of heavy construction.

Mitigation Measure #13: Implement County construction noise policy limiting construction to the hours of 7:30 a.m. – 5:00 p.m. Monday-Friday, unless modified by the Zoning Administrator. Require construction contractors to include measures to reduce equipment noise such as:

- All internal engine-driven equipment shall be equipped with mufflers that are in good condition;
- Use 'quiet' gasoline-powered compressors or other electric-powered compressors wherever possible.
- Retain a disturbance coordinator, as needed, to monitor construction activity and to identify additional mitigation measures as needed, consistent with the impacts and mitigation measures identified in this Mitigated Negative Declaration.

Impact 14: The internal roadway circulation has the potential to increase noise levels in the residential neighborhood to the south.

Mitigation Measure 14: A sound wall or masonry fence shall be installed along the southern property line in the western portion of the Project to a point where the road is at least 150 feet north of the southern property line.

Impact 15: Future land uses located on Lots 1-8 and 23 have the potential to increase noise levels in the residential neighborhood to the south.

Mitigation Measure 15: Development on Lots 1- 8 and 23 should include an adequate landscaped buffer from the residential area to the south. Site planning of these parcels should take special care in to avoid loading docks, travel ways, trash areas, and other active uses along the rear of the property, unless further noise mitigation is provided.

	Potentially significant Impact	Potentially significant Impact, Unless Mitigation Incorporated	Less than Significant Impact	No Impact
<b>XII. POPULATION AND HOUSING.</b> Would the Project:				
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (Source 1,2,3,10,11)	—	—	—	✓
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Source 1,2,3,10,11)	—	—	—	✓
c. Displace substantial numbers of people necessitating the construction of replacement housing elsewhere? (Source 1,2,3,10,11)	—	—	—	✓

**SUMMARY:**

Due to the nature of the Project, there will not be an alteration in the location, distribution, density, or growth rate of the human population in the area, nor will it affect existing housing or create a demand for additional housing.

	Potentially significant Impact	Potentially significant Impact, Unless Mitigation Incorporated	Less than Significant Impact	No Impact
<b>XIII. PUBLIC SERVICES.</b> Would the Project:				
a. Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: (Source 2,4,5)	—	—	✓	—
1. Fire Protection?				
2. Police Protection?				
3. Schools?				
4. Parks?				
5. California Cities Water District				
6. Delta Diablo Sanitary District				

SUMMARY:

The proposed Project will increase the need for fire and police services. Augmentation of police services are required as part of the subdivision.[B6] Compliance with requirements of the fire district will reduce potential impacts to fire services resulting from the Project. Construction of roadways to an existing parcel with only minimal emergency access will be beneficial to fire protection efforts in Bay Point. The proposed drainage improvements associated with the Project are beneficial for the long-term maintenance of the drainage facilities in the area. The proposed Project does not increase the need for schools, parks, or other governmental services.

	Potentially significant Impact	Potentially significant Impact, Unless Mitigation Incorporated	Less than Significant Impact	No Impact
<b>XIV. RECREATION.</b>				
a. Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Source 1,2,3,10,11)	—	—	✓	—
b. Does the Project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? (Source 1,2,3,10,11)	—	—	✓	—

SUMMARY:

The demand for parks will not increase as a result of the proposed Project. Therefore, there is no impact on parklands.

	Potentially significant Impact	Potentially significant Impact, Unless Mitigation Incorporated	Less than Significant Impact	No Impact
<b>XIV. TRANSPORTATION/TRAFFIC.</b>				
Would the Project:				
a. Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? (Source 1,2,3,10,11)	—	—	✓	—
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? (Source 1,2,3,10,11)	—	—	✓	—

c.	Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (Source 1,2,3,10,11)	—	—	<u>✓</u>	—
d.	Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Source 1,2,3,10,11)	—	—	<u>✓</u>	—
e.	Result in inadequate emergency access? (Source 1,2,3,10,11)	—	—	<u>✓</u>	—
f.	Result in inadequate parking capacity? (Source 1,2,3,10,11)	—	—	<u>✓</u>	—
g.	Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? (Source 1,2,3,10,11)	—	—	<u>✓</u>	—

**SUMMARY:**

The Project is accessed from Port Chicago Highway, approximately one mile north of Willow Pass Road. The Project is approximately two miles north of Highway 4 and is also located approximately four miles from the Pleasant Hill BART Station. The Project is well-positioned, with convenient access to Highway and 4 and the BART Station.

The internal circulation pattern for the Project provides for two (2) access points to and from Port Chicago Highway. The southern access point is designed to intersect with Pacifica Avenue at an existing intersection improved with a traffic signal. Access at this intersection requires the acquisition of additional property from both PG&E and a commercial property (designated as the Akhtar property on the site plan) fronting Port Chicago Hwy. The Akhtar property, which is improved with a blighted automobile repair facility, is located at the northeast corner of Port Chicago Highway and Pacifica Avenue. The Applicant has attempted to acquire all or part of these properties necessary to provide access at the signalized intersection, and has entered into an agreement to acquire the PG & E property. It is anticipated that a condition of Vesting Tentative Map approval will include acquisition of all or part of the Akhtar property necessary for the right of way.

Applicant has also provided a point of ingress and egress to the Project at the Skipper Road alignment, approximately one thousand feet north of the Pacifica Avenue access. However, the Applicant does not own the property immediately east of Port Chicago Highway. Rather, that property is used by the Acme Packaging Corporation (“Acme”) as a private road into the steel manufacturing facility. Acme has also been unwilling or unable to establish that road as a public roadway and/or to grant Applicant the right to use the road. Again, Applicant has attempted to accommodate the requirements of the County without the use of the adjacent property. However, the alignment of the private road is a preferable location for the access road to the Project. Thus, Applicant continues to work with Acme in order to provide for the access shown on the site plan. It is anticipated that a condition of Vesting Tentative Map approval will also include acquisition of all or part of the Acme property necessary for the proposed right of way.

The alignment of Skipper Road within the Project is intended to serve as a “loop road” extending from Port Chicago Highway east through the Project, and then south through adjoining property to Willow Pass Road. The “loop road” would provide for another means of community access to the waterfront. However, the Applicant understands that the owner of the adjoining property is presently unwilling to provide any connectivity between its internal road pattern and the alignment of Skipper Road through the Project. Notwithstanding, Applicant is willing to provisionally offer for dedication the right-of-way required to extend Skipper Road to the boundary of the Project so that the “loop road” could be established, provided that such offer of dedication would terminate after a reasonable amount of time.

When fully developed, the Project will generate approximately 2,398 vehicle trips per day, with 398 trips during the

critical PM peak hour (5:00 p.m. – 6:00 p.m.). With the traffic signal in place at the main Project entrance, the proposed Project would not result in any traffic capacity problems or any degradation of County traffic standards.

	Potentially significant Impact	Potentially significant Impact, Unless Mitigation Incorporated	Less than Significant Impact	No Impact	
<b>XVI. UTILITIES AND SERVICE SYSTEMS.</b>					
Would the Project:					
a.	Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Source 1,2,3,7,10,11)	—	—	✓	—
b.	Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction or which could cause significant environmental effects? (Source 1,2,3,7,10,11)	—	—	✓	—
c.	Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source 1,2,3,7,10,11)	—	—	✓	—
d.	Have sufficient water supplies available to serve the Project from existing entitlement and resources, or are new or expanded entitlement needed? (Source 1,2,3,7,10,11)	—	—	✓	—
e.	Result in a determination by the wastewater treatment provider, which serves or may serve the Project that it has adequate capacity to serve the Project's Projected demand in addition to the provider's existing commitments? (Source 1,2,3,7,10,11)	—	—	✓	—
f.	Be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs? (Source 1,2,3,7,10,11)	—	—	✓	—
g.	Comply with federal, state and local statutes and regulations related to solid waste? (Source 1,2,3,7,10,11)	—	—	✓	—

**SUMMARY**

Standard construction practices related to the locating utilities and proper construction methods near utilities and service systems minimize potential impacts.

Potentially	Potentially significant Impact, Unless	Less than
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	significant Impact	Mitigation Incorporated	Significant Impact	No Impact
<b>XVII. MANDATORY FINDINGS OF SIGNIFICANCE.</b>				
a. Does the Project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish and wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (Source 1,2,3,4,5)	—	—	<u>✓</u>	—
b. Does the Project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a Project are considerable when viewed in connection with the effects of past Projects, the effects of other current Projects, and the effects of probable future Projects)? (Source 1,2,3,4,5)	—	—	<u>✓</u>	—
c. Does the Project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly? (Source 1,2,3,4,5)	—	—	<u>✓</u>	—

**SUMMARY:**

The Project does not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish and wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or impact rare or endangered plants or animals. The proposed Project includes a substantial wetland replacement program, which will enhance habitat in the area. In addition, the proposal does not have the potential to eliminate important examples of the major periods of California history or prehistory.

The Project will not result in impacts that are cumulatively considerable. The Project will not result in substantial impacts to human beings, either directly or indirectly. In addition, the Project does not have impacts that are individually limited, but cumulatively considerable. Implementation of Mitigation Measures described in this Mitigated Negative Declaration will reduce impacts to a level of insignificance.