

Bay Harbor Commerce Center (County File # SD03-8720 and LP02-2101)

<i>Potentially Significant Impact</i>	<i>Mitigation Measure</i>	<i>Implementation Action</i>	<i>Implementing Condition or Mechanism</i>	<i>Method of Verification</i>	<i>Timing of Verification</i>	<i>Responsible Department/ Agency</i>
Impact 1: The Project will obstruct views of the waterfront from the residential area south of the Project.	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.	To be provided with the Final Development Plan for the development on each lot.	Condition of Approval #15	Submittal of site plan for proposed new development	Prior to approval of a Final Development Plan	Community Development Department
Impact 2: The Project proposes to introduce additional exterior lighting to the area.	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. Lighting of lots 2-8 and 23 shall be shielded from residences to the south. Implementation of this mitigation measure will reduce this impact to less than significant.	Prior to issuance of a building permit	Condition of Approval #17	Submittal of lighting Plan	Prior to issuance of a building permit	Community Development Department
Impact 3: Construction activities associated with excavation, grading and building construction would generate short-term emissions of criteria pollutants.	<p>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:</p> <ul style="list-style-type: none"> • 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. <p>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:</p>	Prior to issuance of a grading permit.	Condition of Approval #38	Submittal of plans and implementation during construction	Prior to issuance of a building permit and inspections during construction	Community Development Department and Building Inspection Department

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	<ul style="list-style-type: none"> 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.	<u>Mitigation Measure 4a:</u> 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.	Record deed notification prior to or in conjunction with the final map.	Condition of Approval #39	Provide evidence of deeded notification recordation	Prior to approval of the final map	Community Development Department
	<u>Mitigation Measure 4b:</u> 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.	Record deed notification prior to or in conjunction with the final map.	Condition of Approval #41	Provide evidence of deeded notification recordation	Prior to approval of the final map	Community Development Department
	<u>Mitigation Measure 4c:</u> The project shall include safe, direct access for bicyclists and pedestrians.	Improvement plans to include these facilities	Condition of Approval #42	Review of Improvement plans	Prior to approval of the final map	Community Development and Public Works Department
Impact 5: Construction activities could negatively impact the potential nesting sites for the Burrowing Owl in the vicinity of the Project	<ul style="list-style-type: none"> Preconstruction surveys of the project site and a 150-meter buffer zone (where possible and appropriate based on habitat, per the CDFG Staff Report on Burrowing Owl Mitigation) should be conducted 30 days prior to construction to ensure that no Burrowing Owls occupy the site. If ground disturbance activity is delayed for more than 30 days following a preconstruction survey, then the site and the buffer zone should be resurveyed. Preconstruction surveys should follow the protocol stated in the CDFG Staff Report on Burrowing Owl Mitigation. If Burrowing Owls are detected using the project area, mitigation measures to minimize and offset the potential impacts to this species should be implemented. Any mitigation actions should be 	Obtain CDFG approval (permit)	Condition of Approval #24	Provide evidence of CDFG approval	Prior to Grading and/or building permit	Community Development

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	<p>taken prior to the nesting season (i.e., actions can be carried out from September 1 to January 31). Mitigation should be designed in accordance with the Staff Report on Burrowing Owls Mitigation (CDFG, October 17, 1995).</p> <ul style="list-style-type: none"> • If owls are found to be utilizing the project site and cannot be avoided in compliance with CDFG impact avoidance criteria, which requires that no disturbance should occur within 50 meters of occupied burrows during the non-breeding season and within 75 meters during the breeding season and requires a foraging habitat presentation component, the following should be implemented: <ol style="list-style-type: none"> 1. Occupied burrows should not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by the CDFG verifies through non-invasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. 2. To offset the loss of foraging and burrow habitat on the project site, a minimum of 6.5 acres of foraging habitat [calculated on a 100m (approximately 300ft) foraging radius around the burrow] per pair or unpaired resident bird, should be acquired and permanently protected. The protected lands should be adjacent to occupied burrowing owl habitat and at a location acceptable to the CDFG. Protection of additional habitat acreage per pair or unpaired resident bird may be applicable in some instances. 3. When destruction of occupied burrows is unavoidable, existing unsuitable burrows should be enhanced (enlarged or cleared of debris) or new burrows created (by installing artificial burrows) at a ratio of 2:1 on the protected lands site. 4. If owls must be moved away from the disturbance area, passive relocation techniques should be used rather than trapping. At least one or more weeks will be necessary to accomplish this and allow the owls to acclimate to alternate burrows. <p>The project applicant should provide funding for long-term management and monitoring of the protected lands. The monitoring plan should include success criteria, remedial</p>					

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	measures, and an annual report to the CDFG.					
Impact 6: Construction within the existing rechannelized historic drainage ditch could impact marginal western pond turtle (<i>Clemmys marmorata</i>) habitat in addition to negatively impacting potential habitat for loggerhead shrike (<i>Lanius ludovicianus</i>) and California horned lark (<i>Eremophila alpestris actia</i>).	<p>Preconstruction surveys for active bird nests should be conducted prior to project construction. If active nests are located on the project site, the project applicant shall consult with CDFG to determine appropriate construction setbacks from the nest sites. Setbacks may vary depending on bird species. No construction activities will occur within the construction setbacks during the nesting season of the affected species.</p> <p>If western pond turtles are identified during the pre-construction surveys, the applicant will coordinate with the California Department of Fish and Game regarding the relocation of the turtles outside the project site to suitable habitat, prior to the start of construction work.</p>	Submittal of biologist report	Condition of Approval #25	Review of report	Prior to issuance of a grading permit	Community Development Department
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.	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. [B1] 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.	Obtain a CDFG Approval and site inspections by staff	Condition of Approval #26	Evidence of CDFG permit and staff or biologist confirmation of dewatering process	During Dewater phase of construction	Community Development Department

<p>Impact 8: There is limited potential that prehistoric archaeological materials could be found buried under natural alluvium and historic filling at the site.</p>	<p>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.</p>	<p>Monitoring during construction</p>	<p>Condition of Approval #27</p>	<p>Staff review during construction</p>	<p>During Construction</p>	<p>Community Development Department</p>
<p>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.</p>	<p>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 43 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. [B2]</p>	<p>Prior to issuance of a building permit</p>	<p>Condition of Approval #31</p>	<p>Submittal of Plans</p>	<p>Prior to issuance of a building permit</p>	<p>Community Development Department</p>
<p>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.</p>	<p><u>Mitigation Measure 10a:</u> 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.</p>	<p>Prior to issuance of a grading permit.</p>	<p>Condition of Approval #34</p>	<p>Submittal of plans and NPDES permit and inspections during construction</p>	<p>Submittal of plans and inspections during construction</p>	<p>Building Inspection, Community Development, and Public Works Department</p>
	<p><u>Mitigation Measure 10b:</u> 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.</p>	<p>Prior to issuance of a grading permit.</p>	<p>Condition of Approval #35</p>	<p>Submittal of plans and NPDES permit and inspections during construction</p>	<p>Submittal of plans and inspections during construction</p>	<p>Building Inspection, Community Development, and Public Works Department</p>

<p>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.</p>	<p><u>Mitigation Measure 11a:</u> 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.</p>	<p>Prior to issuance of a grading permit</p>	<p>Condition of Approval #36</p>	<p>Submittal of plans and NPDES permit and inspections during construction</p>	<p>Submittal of plans and inspections during construction</p>	<p>Building Inspection, Community Development, and Public Works Department</p>
	<p><u>Mitigation Measure 11b:</u> 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.</p> <p>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.</p> <p>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</p>	<p>Installation of Improvements</p>	<p>Condition of Approval #37</p>	<p>Review of Improvement Plans</p>	<p>Prior to approval of improvement plans</p>	<p>Building Inspection, Community Development, and Public Works Department</p>

	<p>include the following:</p> <ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> - 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. 					
<p>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.</p>	<p>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.</p>	<p>Final Development Plan</p>	<p>Condition of Approval #16</p>	<p>Review of Final Development Plan</p>	<p>Prior to Final Development Plan Approval</p>	<p>Community Development Department</p>

<p>Impact 13: Short-term noise level increases at sensitive locations in and surrounding the Project would be expected during periods of heavy construction.</p>	<p>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:</p> <ul style="list-style-type: none"> • 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. 	<p>Inspections during construction</p>	<p>Condition of Approval #43</p>	<p>Inspections during construction</p>	<p>Prior to issuance of a grading permit</p>	<p>Community Development and Building Inspection Department</p>
<p>Impact 14: The internal roadway circulation has the potential to increase noise levels in the residential neighborhood to the south.</p>	<p>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.</p>	<p>Inclusion in Improvement plans</p>	<p>Condition of Approval #44</p>	<p>Review of Improvement Plans</p>	<p>Construction of Improvements</p>	<p>Community Development and Public Works Departments</p>
<p>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.</p>	<p>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.</p>	<p>Final Development Plan</p>	<p>Condition of Approval #16</p>	<p>Review of Final Development Plan</p>	<p>Prior to Final Development Plan Approval</p>	<p>Community Development Department</p>
<p>Impact 16: The Project has the potential to release hazardous substances, such as petroleum spills, during construction.</p>	<p>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.</p>	<p>Prior to issuance of a building permit</p>	<p>Condition of Approval #32</p>	<p>Submittal of Plans</p>	<p>Prior to issuance of a building permit</p>	<p>Community Development Department</p>