

INITIAL STUDY/PROPOSED MITIGATED NEGATIVE DECLARATION

2 CLIFF ROAD –PRIVATE PIER, PIER HEAD, BOAT LIFT, AND NEW STAIRWAY AND ACCESS PIER FROM THE EXISTING DECK.

CITY OF BELVEDERE
MARIN COUNTY, CALIFORNIA

SEPTEMBER 2019

Prepared for:



City of Belvedere Planning Department
450 San Rafael Avenue
Belvedere, CA 94920-2336

Contact:
Rebecca Markwick, Associate Planner
415.435.8931 or 415.435.3838

ABBREVIATIONS AND ACRONYMS

AB 52	Assembly Bill 52
ABAG	Association of Bay Area Governments
BAAQMD	Bay Area Air Quality Management District
BASMAA	Bay Area Stormwater Management Agencies Association
BCDC	San Francisco Bay Conservation and Development Commission
CDFW	California Department of Fish and Wildlife
CFGF	California Fish and Game Commission
CEQA	California Environmental Quality Act
dB	Decibel
EFH	Essential Fish Habitat
EIR	environmental impact report
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
IS/MND	initial study/mitigated negative declaration
LTMS	San Francisco Bay Long-Term Management Strategy
MCSTOPPP	Marin County Stormwater Pollution Prevention Program
MHW	mean high water
MLLW	mean lower low water
NAVD88	North American Vertical Datum 1988
NMFS	National Marine Fisheries Service
NPDES	National Pollutant Discharge Elimination System
RHNA	Regional Housing Needs Assessment
RWQCB	Regional Water Quality Control Board
RBSAP	Richardson Bay Special Area Plan
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
UBC	Uniform Building Code
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service

ENVIRONMENTAL CHECKLIST

PROJECT INFORMATION

1. Project Title: 2 Cliff Road – private pier, pier head, boat lift, and new stairway and access deck/pier from the existing deck.
2. Lead Agency Name and Address: City of Belvedere, 450 San Rafael Avenue, Belvedere, CA 94920-2336
3. Contact Person and Phone Number: Rebecca Markwick, Associate Planner, 415-435-3838
4. Project Location: 2 Cliff Road, Belvedere, CA 94920;
APN: 160-201-10
5. Project Sponsor’s Name and Address: Cliff Partners LLC
2965 Woodside Road, Woodside, CA 94608
6. General Plan Designation: Low Density SFR – 1.0 to 3.0 units/net acre – upland portion of project site
Open Space - in-water portion of project site owned by County of Marin
7. Zoning: R-15 (Residential) – upland portion of project site
R (Recreation) - in-water portion of project site owned by County of Marin
8. Description of Project: (Describe the whole action involved, including but not limited to later phases of the project, and secondary, support, or off-site features necessary for its implementation. Attach additional sheets if needed.)

The project proposes the development of a new private pier, pier head and boat lift. This project will consist of 1,031 square feet of total pier improvement including 719 square feet for the pier walkway, 300 square feet for the pier head, and 12 square feet for the boat lift. The pier head footprint outside of an existing eelgrass bed located in the area of the proposed project. Pier decking will have one inch spacing every seven inches and will be constructed of Ipe wood materials. A new wood and steel stairway and decking is proposed to connect the pier to existing hardscape improvements on the subject property. Much of the work is proposed to be conducted via the waterfront.

Project Applications

Project Applications submitted to the City of Belvedere include:

- Architectural and Environmental Design Review pursuant to Title 20 of the Belvedere Municipal Code for construction of new private pier, pier head, boat lift, new wood and steel stairway and decking.
- Conditional Use Permit pursuant to Title 19 of the Belvedere Municipal Code for outdoor recreational use in the R-Recreation and O–Open Space Zoning Districts.

9. Surrounding Land Uses and Setting: Briefly describe the project’s surroundings: The project site is located on the west side of Belvedere Island and is surrounded by Richardson Bay to the south/southwest and residential properties to the west, north and east.
 - 10: Other public agencies whose approval is required: (e.g., permits, financing) County of Marin Board of Supervisors (for Tidelands lease for proposed pier); U.S. Army Corps of Engineers (USACE), San Francisco Bay Conservation and Development Commission (BCDC), and San
-

approval, or participation agreement)

Francisco Bay Regional Water Quality Control Board (RWQCB) for in-water construction.

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" as indicated by the checklist on the following pages.

- | | | |
|--|---|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Paleontological Resources | <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation / Traffic | <input type="checkbox"/> Tribal Cultural Resources |
| <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION (To be completed by the Lead Agency)

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 revisions in the project have been made by or agreed to by the project proponent. 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 "potentially significant impact" or "potentially significant unless mitigated" impact 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. 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, because all potentially significant effects (a) have been analyzed adequately in an earlier **EIR** or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier **EIR** or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature
City of Belvedere

Date

Applicant's agreement to implement mitigation measures identified to reduce potential impacts to less than significant

Signature (Applicant)

Date

Name (print)

Figure 1: Project Location

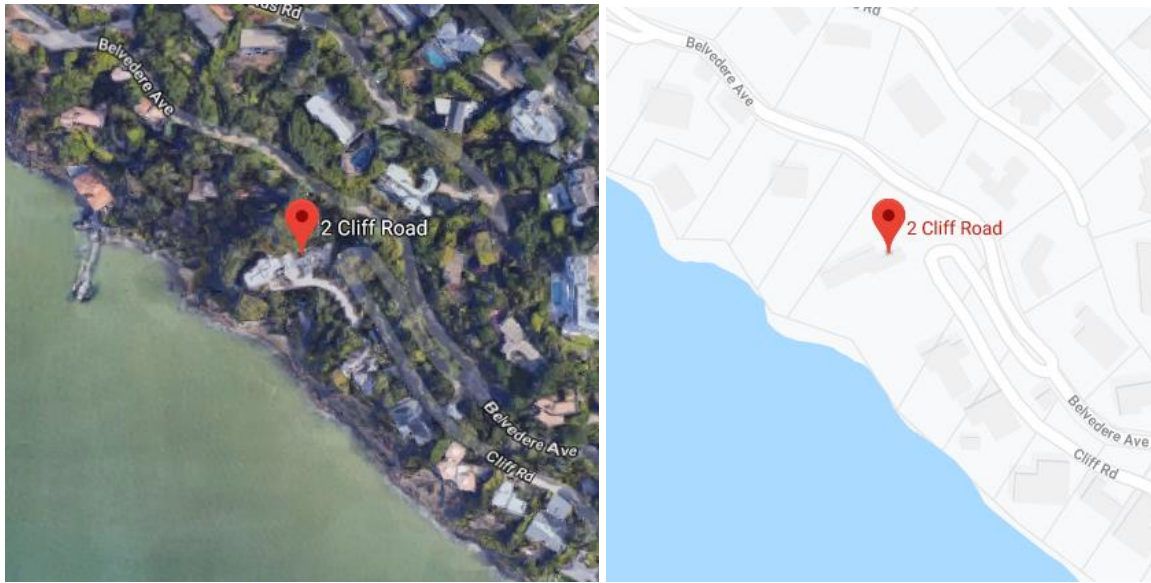


Figure 2: Existing Views of Project Site from Richardson Bay and Cliff Road

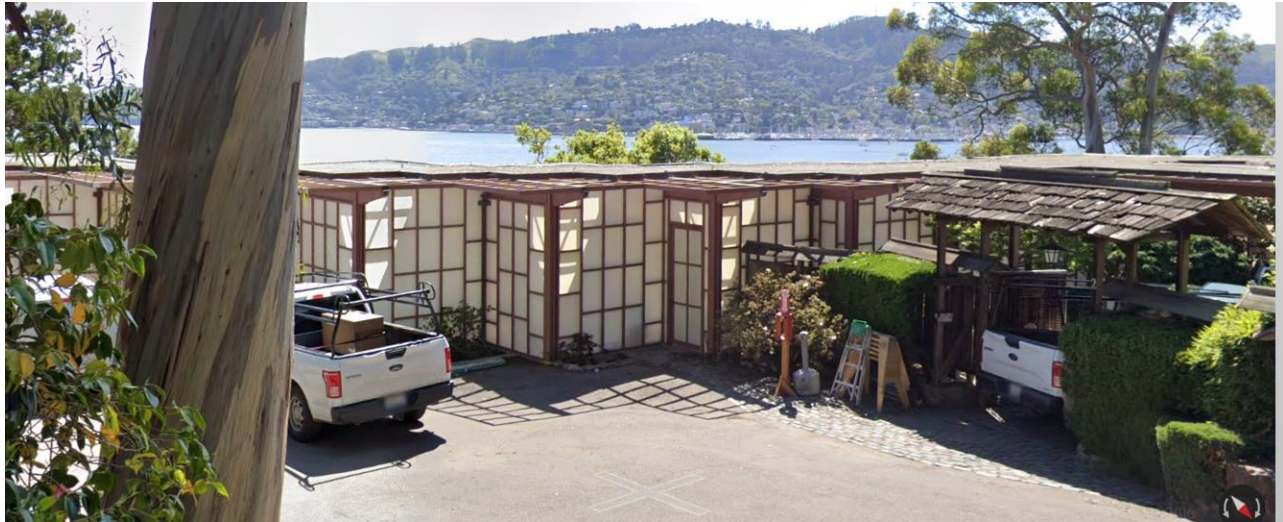
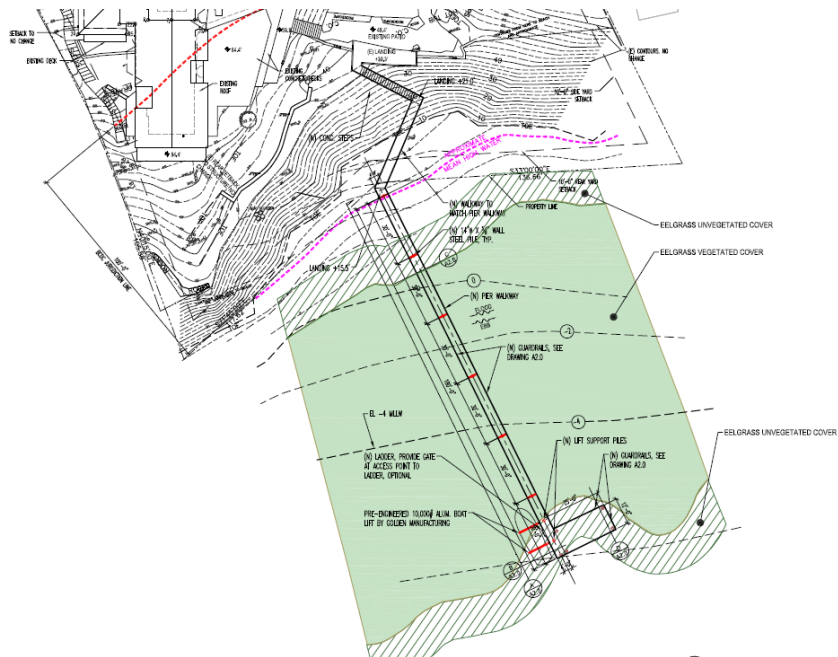


Figure 3: Proposed Pier/Dock and Lift Structures



I. Aesthetics

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
I. Aesthetics. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

Environmental Setting/Existing Conditions

The project site consists of one parcel located on the west side of Belvedere Island, which is characterized by a variety of architectural styles and sizes of homes, as well as by its dense, mature vegetation and narrow, winding streets. Lot sizes vary greatly on Belvedere Island, with expansive homes on relatively large lots, as well as more modest hillside ranch-style homes on smaller lots. Architectural styles include Shingle Style and Arts and Crafts designs, as well as modern designs and some Mediterranean examples. The City's General Plan 2030 describes the landscape of Belvedere Island as park-like and semi-rural.

The site slopes down from Belvedere Avenue to Richardson Bay and is developed with a single-family residence, attached carport and swimming pool. The property is heavily landscaped with mature vegetation.

As seen in Figure 2, views from Cliff Road to Richardson Bay and beyond are currently limited by the existing fence/screen and the existing buildings on the project site.

As noted in General Plan 2030, views from Belvedere's scenic streets are valued and recognized as one of the City's important recreational opportunities and open space features. There are no visual easements or designated view areas in the immediate vicinity of the project.

Applicable Local Plans, Policies, Regulations, and Laws

Richardson Bay Special Area Plan

The Richardson Bay Special Area Plan (RBSAP) was prepared in 1984 to provide uniform policies and standards to be used by the five local governments with jurisdiction over its waters and shoreline: Marin County and the Cities of Belvedere, Mill Valley, Sausalito, and Tiburon; and the San Francisco Bay Conservation and Development Commission (BCDC), to manage the future use and protection of this valuable natural resource. This Plan is intended to be a more specific application of the general regional policies of the San Francisco Bay Plan, and a supplement to those policies because of the unique characteristics of Richardson Bay. The Richardson Bay Special Area Plan was adopted as part of City of Belvedere General Plan 2030, and many of the policies contained in General Plan 2030 are based on policies contained in the Richardson Bay Special Area Plan.

The RBSAP defines “public access” as including visual access from inland areas *to* Richardson Bay and its shoreline, and *from* the water to the inland areas. Therefore, it is appropriate to consider the policies in this plan in the context of how the proposed project could affect views to and from Richardson Bay. This plan also acknowledges that probably the most widely enjoyed "use" of the Bay is simply viewing it – from the shoreline, from the water, and from afar. This plan also acknowledges that improperly sited buildings and plantings of dense vegetation often block major view corridors to the Bay.

Policies contained in the Richardson Bay Special Area Plan that are most relevant to the proposed project are listed below:

Richardson Bay Special Area Plan - Public Access, Views, and Vistas

Policy 10: In all shoreline development, the siting and height of all buildings and placement of landscaping should maintain views and vistas of Richardson Bay, Mount Tamalpais and San Francisco through the project from major roadways, vista points, and the shoreline. All development should be subject to design review processes.

Policy 12: New shoreline development should be built in clusters, leaving open space around or through the buildings to provide views of the Bay. Areas designated as view corridors within these projects should not be blocked by parked cars, high vegetation or other obstructions that restrict Bay views. Building colors and materials should complement the natural setting.

Policy 13: Publicly owned lands which provide views or vistas of the Bay, such as streets, walkways, and rights-of-way, should be designated as view corridors.

Policy 14: Plant materials for shoreline landscaping should be selected and sited to dramatize and enhance views of the water for shoreline users. The plant materials used should have demonstrated capacity to thrive with minimum maintenance under high wind speed, high atmospheric salt content, a highly saline water table, and poor subsurface soil with varying drainage capabilities. Whenever possible, native plant materials should be used.

Policy 16: Marin County and the cities abutting Richardson Bay participating in the implementation of the Richardson Bay Special Area Plan should, as part of their current and future planning procedures, identify locations affording or potentially affording views of Richardson Bay and San

Francisco Bay and make provisions in their current and future planning and development processes to safeguard important existing and potential view corridors and vista points of the water from land and the land from the water, whenever such sites are proposed for development, redevelopment, alterations or additions. Planning departments of the County, cities, and BCDC should work jointly to identify short and long-range views and vista goals and a uniform implementation policy.

City of Belvedere General Plan 2030

The City's General Plan 2030 also includes policies intended to protect and maintain views from open space areas where views are enjoyed, including the following:

GOAL LU-1: Ensure that development maintains the unique character of Belvedere.

Policy LU-1.3: New construction is to be in harmony with existing development.

Actions:

LU-1.3.1: To ensure environmental quality and maintain the density and character of the neighborhoods, the City shall apply design review standards in addition to controls on height, bulk, floor areas, and setbacks.

Policy LU-1.4: Views from public spaces of the Bay, San Francisco, and the mountains are to be retained wherever possible.

Actions:

LU-1.4.1: The Zoning Ordinance includes provisions for the dedication of a view site or easement.

Policy LU-1.8: Create consistent development standards for waterfront maritime improvements.

Actions:

LU-1.8.1: Prepare a master plan for all shoreline properties for the installation of docks, decks, boatlifts, and floats.

Potential Impacts

Scenic Vistas and Scenic Resources. The proposed project would not have a substantial adverse effect on a scenic vista. Scenic vistas from Cliff Road and other nearby public spaces, to the extent that they exist, would not change as a result of the proposed project. Furthermore, the proposed project would not damage any scenic resources such as trees, rock outcroppings. Therefore, impacts to scenic vistas and resources would be less than significant.

Visual Character. Construction of a new private pier, pier head, boat lift, and new stairway and access pier from the existing deck would not substantially degrade the existing visual character or quality of the site or its surroundings because: 1) the proposed materials of the pier, dock and boat lift are similar to and compatible with other maritime improvements in the vicinity; and 2) the proposed Project is subject to Design Review, which would provide controls to ensure that the visual character of the site and surrounding area are not changed substantially, and the overall mass and scale of structures are appropriate.

Specifically, the City's Design Review Ordinance, Title 20, would ensure that new structures and other improvements would be harmonious with the neighborhood and the larger community. The Design Review Ordinance criteria and standards include but are not limited to the following:

- **Preservation of existing site conditions (BMC 20.04.110)** requires that projects be designed to minimize cut and fill areas, and grade changes should be minimized and kept in harmony with the general appearance of the neighboring landscape.

- **Relationship between structures and the site (BMC 20.04.120)** requires that there be a balanced and harmonious relationship among the structures on the site, between the structures and the site itself, and between the structures and those on adjoining properties.
- **Minimizing bulk and mass (BMC 20.04.130)** requires that all new structures and additions be designed to avoid monumental or excessively large dwellings that are out of character with their setting or with other dwellings in the neighborhood. All buildings should be designed to relate to and fit in with others in the neighborhood and not designed to attract attention to themselves.
- **Colors and materials (BMC 20.04.140)** requires that building designs should incorporate materials and colors that minimize the structures' visual impact and blend with the existing land form and vegetative cover.
- **Privacy (BMC 20.04.160)** requires that building placement and window size and placement are designed in a manner to preserve the privacy of adjacent structures.
- **Exterior lighting, skylights and reflectivity (BMC 20.04.180)** requires all exterior lighting to face downward and avoid creating glare or annoyance.
- **Landscape Plans (BMC 20.04.200)** requires that landscape plans be compatible with the character of the site and surrounding developed properties.

The Belvedere Planning Commission, through its interpretation and application of the Zoning Code and Design Review Code, would be the final arbiter of aesthetics, scale and character, relationships between buildings and structures, and impacts of projects on neighborhoods and the larger community. The Planning Commission must find an application for Design Review to be in substantial conformance with these criteria in order to be approved, and may deny an application for failure to conform to any single criterion.

These requirements, which are implemented as part of the Design Review and/or building permit process, ensure that any aesthetic impacts due to the proposed project, would be reduced to less than significant.

Light and Glare. There is no exterior lighting proposed as part of this project. Furthermore, BMC 20.04.180 requires all exterior lighting to face downward and avoid creating glare or annoyance. These requirements, which are implemented as part of the Design Review and/or building permit process, ensure that the project would not create substantial light or glare that would adversely affect day or nighttime views in the area, and impacts would be reduced to less than significant.

II. Agriculture and Forestry Resources

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
II. Agriculture and Forestry Resources.				
<p>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 agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.</p> <p>Would the project:</p>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 1104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

No agricultural uses or activities will be adversely affected by the project as there is no Prime Farmland nor are there any agricultural uses within the City of Belvedere. Therefore, the project would have no impact on agriculture or forest resources.

III. Air Quality

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
III. Air Quality.				
Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied on to make the following determinations.				
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Applicable Local Plans, Policies, Regulations, and Laws

Bay Area Air Quality Management District

The Bay Area Air Quality Management District (BAAQMD), established by the California Legislature in 1955, is the agency primarily responsible for assuring that the national and State ambient air quality standards are attained and maintained in the Bay Area. The BAAQMD is also responsible for adopting and enforcing rules and regulations concerning air pollutant sources, issuing permits for stationary sources of air pollutants, inspecting stationary sources of air pollutants, responding to citizen complaints, monitoring ambient air quality and meteorological conditions, awarding grants to reduce motor vehicle greenhouse gas emissions, conducting public education campaigns, as well as many other activities.

City of Belvedere General Plan 2030

The City’s General Plan 2030 includes the following goal and policy related to air quality:

Goal SUST-13: Ensure healthful air quality.

Policy SUST-13.1: Utilize the thresholds of significance for construction-related criteria pollutant emissions as the absence/presence of Bay Area Air Quality Management District performance-based best management practices. As these best management practices may change over time at the discretion of the Bay Area Air Quality Management District, District staff shall be consulted on a case-by-case basis in order to ensure the most recent best management practices are used.

Potential Impacts

Operational

The project site has been designated as Recreation and Open Space (waterside improvements) and Low Density Residential (land improvements) in the City’s General Plan and Zoning Ordinance, and the adjacent parcel at 6 Cliff Road has been developed with a single-family home since 1992. This residential use is consistent with the Belvedere General Plan 2030, adopted in June 2010. Operation of the land uses anticipated by the General Plan were found to be at a level of development already anticipated by the Bay Area Clean Air Plan and the Ozone Attainment Plan.¹ As such, the General Plan does not conflict with or obstruct either of these plans. Therefore, no significant air quality impacts would result from the operation of the proposed project.

The General Plan also contains Policy SUST-13.1, which requires construction to utilize Bay Area Air Quality Management District (BAAQMD) performance-based best management practices. The construction of a new private pier, pier head, boat lift, access stairs, and walkway are not associated with any significant source of construction- or operation-related air pollution or odors. Therefore, implementation of the project would not conflict with or obstruct implementation of any air quality plan, result in a violation of air quality standards, result in a significant increase in criteria pollutants, result in the exposure of sensitive receptors to air pollutants, or result in the creation of objectionable odors. Therefore, no significant air quality impacts would result from the operation of the proposed project.

IV. Biological Resources

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
IV. Biological Resources. 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, policies,	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

¹ Operational emissions, including mobile and area sources, typically represent the majority of a project’s air quality impacts. After a project is built, operational-related emissions are anticipated to occur continuously throughout the project’s lifetime. Operational-related activities, such as driving, use of landscape equipment, and wood burning, could generate emissions of criteria air pollutants, GHG, TACs, and PM. Area sources generally include fuel combustion from space and water heating, landscape maintenance equipment, and fireplaces/stoves, evaporative emissions from architectural coatings and consumer products and unpermitted emissions from stationary sources. (BAAQMD CEQA Guidelines, December 1999)

or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service?

- | | | | | |
|--|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
-

The Project site slopes to the west toward Richardson Bay and is surrounded by low-density residential development. For the purpose of this discussion on biological resources, the Project site is divided into two areas: the upland area and intertidal/subtidal area. These two areas are described in more detail below, along with the conclusions of the biological site assessment conducted by WRA.

Upland Area

The upland area includes all areas landward of the High Tide Line (HTL) that is currently developed with a single-family residence, attached carport, paved driveway, patios and swimming pool.

Intertidal Area

The intertidal/subtidal area includes the area seaward from MHW, and is currently undeveloped. Existing piers on the adjacent residential properties extend into the Bay north and south of the project site.

The most important biological habitat in Belvedere is the aquatic marine habitat along the shoreline and in the surrounding waters. Therefore, the primary biological concerns in Belvedere are related to the aquatic habitat in San Francisco Bay. Some special status species are known to occur near the City of Belvedere, though most of them are not likely to be present due to urbanized conditions. One of the sensitive aquatic species – eelgrass – documented in the area has no designated federal or state status, but plays important roles in the ecology of the San Francisco Bay because eelgrass is considered essential fish habitat for special status aquatic species.

Applicable Local Plans, Policies, Regulations, and Laws

City of Belvedere General Plan 2030

The City's General Plan 2030 includes the following polices related to the protection of biological resources:

Goal SUST-10: Protect natural habitats and biological resources including sensitive aquatic habitat, streams, and riparian corridors.

Policy SUST-10.1: Remain updated on the status of potential avoidance and mitigation measures related to potentially endangered and special status species.

Policy SUST-10.2: Regulate and mitigate the impacts of pile replacement, installation and enforcement for structures built over water and installation and expansion of piers, docks and boat hoists.

Policy SUST-10.4: Protect eelgrass colonies and individual eelgrass plants.

Actions:

SUST-10.4.1: Development activities shall be designed to avoid impacting areas where surveys document the presence of beds and patches of eelgrass.

SUST-10.4.2: Permanent structures such as piers and docks shall be designed to maximize the amount of sunlight available to eelgrass, as based on the best available research.

SUST-10.4.3: Mitigations to eelgrass, based on the best available science, shall be implemented if avoidance and minimization measures are not feasible.

Waters of the U.S. and State

The proposed pier, dock and lift would be located within Richardson Bay, part of the larger San Francisco Bay, which is a navigable waterway, and thus lies within the jurisdiction of the US Army Corps of Engineers. While the placement of pilings associated with piers is not considered to have the effect of a discharge or fill material into the Bay, installation of structures within navigable waters of San Francisco Bay is subject to Corps jurisdiction under Section 10 of the Rivers and Harbors Act. In addition, under regulatory guidelines issued by National Marine Fisheries Service ("NMFS"), any federal agency that authorizes, funds, or undertakes action that may affect Essential Fish Habitat (EFH) is required to consult with NMFS.

The San Francisco Bay Regional Water Quality Control Board (RWQCB) jurisdiction applies to all "Waters of the State," which the Water Board has interpreted to include all federal waters and wetlands and non-federal isolated waters. Additionally, under the California Porter-Cologne Act, the RWQCB regulates impacts to water quality. The project site does not contain any isolated wetlands; however, the portion of the site located seaward of the observed HTL within the San Francisco Bay is subject to RWQCB jurisdiction under Section 401 of the Clean Water Act (CWA).

San Francisco Bay and Shoreline Band

The San Francisco BCDC has regulatory jurisdiction, as defined by the McAteer-Petris Act, over the Bay and its shoreline, which generally consists of the area between the shoreline and a line 100 feet landward of and parallel to the shoreline. Construction activities, including ground disturbance for all

development within the San Francisco Bay or within 100 feet of San Francisco Bay tidal marshes and Shoreline Band, typically requires a permit from the BCDC. Any fill materials installed within San Francisco Bay or the 100-foot shoreline band is subject to BCDC jurisdiction.

Conclusion of Biological Site Assessment and Potential Impacts: A Biological Site Assessment (BSA) was conducted by WRA Environmental Consultants in 2017, which analyzes the potential for the proposed project to affect sensitive biological resources, including special-status plant and wildlife species, including fish.

Protected habitat species

Here, one protected habitat plant species has the potential to occur on the project site or within the project area, discussed further below:

Eelgrass

Eelgrass (*Zostera marina*) is not listed as threatened or endangered by the U.S. Fish and Wildlife Service (USFWS) or California Department of Fish and Wildlife (CDFW). However, because eelgrass is a spawning ground for Pacific groundfish, including Pacific herring, it is an important habitat for other aquatic wildlife, and eelgrass beds are regulated by CDFW through the CEQA process.

Eelgrass may not be cut or disturbed (California Code of Regulations, Title 14 Section 30.10) and is considered Essential Fish Habitat (EFH) under National Marine Fishery Service through the Magnuson-Stevens Fishery Conservation and Management Act. Shoreline structures built over the water, such as piers, docks and boatlifts, have the potential to adversely affect eelgrass beds (if present nearby) if they would shade the eelgrass from sunlight. This is because eelgrass is a vascular plant that grows at or below the mean lower low water (MLLW) line and requires a certain amount of sunlight to survive. Any fill or structure that shades eelgrass beds from the sun can prevent eelgrass from getting enough light for growth.

As shown in the Bay-wide Eelgrass Surveys, and through past WRA surveys and observations, eelgrass along the area of Richardson Bay is present, with a band between approximately -2 feet MLLW and -6 feet MLLW, overlapping with a portion of the study area. Based on the results of the survey described above, sparse eelgrass beds and eelgrass habitat were found to be present at the site. The proposed project would be built over approximately 1,041 square feet of the vegetated and unvegetated eelgrass habitat, the utilization of light transmitting decking material, positioning of the pier, pier head and boatlift so that surface coverage will be at a minimum and the dock will be placed outside of the mapped vegetated eelgrass habitat, would minimize or avoid potential impacts to any eelgrass habitat.

In-Water Work. Depending on the construction methodology used, in-water construction activities including installation of pilings for the proposed pier, have the potential to result in impacts to aquatic resources in Belvedere Cove / San Francisco Bay. Best Management Practices included below in the in-water construction requirements and restrictions identified below in Mitigation Measures BIO-1 and BIO-2 would reduce potential impacts on aquatic species and habitats in the area to less than significant.

Mitigation Measures

Mitigation Measure BIO-1: Incorporate LTMS Construction Requirements into Project Plans and Specifications. To mitigate the potential for adverse effects on aquatic habitat from in-water construction activities, the applicant shall incorporate construction requirements identified in the San Francisco Bay Long-Term Management Strategy (LTMS) into project plans and specifications. In-water construction requirements may include the following:

- a. Light-transmitting materials (minimum 40% transparent) shall be used in any part of the structure that may shade eelgrass.
- b. Pile driving for pier and dock installation shall be from a floating barge using a vibratory hammer to limit disturbance and siltation. If the use of a vibratory hammer is not feasible, all impact pile driving within San Francisco Bay shall use sound attenuation measures, such as a wood cushion and/or air bubble curtains. Impact pile driving shall conform to CDFW's Interim Criteria Thresholds for Injury to Fish, which states that sound pressure levels should not exceed 206 decibels (dB) peak and 183 dB accumulated sound exposure level at ten meters from the source of impact.
- c. In-water construction periods shall be restricted to the Environmental Work Windows identified in the LTMS. These work windows are generally:
 - Steelhead trout/Chinook salmon juveniles, and longfin smelt – June 1 to November 30
 - Pacific herring – March 1 to November 30

Mitigation Measure BIO-2: Implement CDFW-Recommended Measures to Avoid Disturbance of Eelgrass Beds. To mitigate the potential for disturbance of eelgrass beds from the proposed project, the applicant shall implement the following measures recommended by CDFW:

- a. **Conduct a preconstruction survey.** The applicant shall conduct a survey of the tidal area where the pier is proposed prior to the beginning of construction activities related to the pier. The survey requirements are as follows:
 - The survey shall be conducted by a qualified biologist with previous experience conducting such surveys.
 - The survey shall be conducted during the active eelgrass growth season from April to October. The survey will be valid for 60 days.
 - The survey shall comply with all survey recommendations of the California Eelgrass Mitigation Policy and Implementing Guidelines prepared by NMFS Southwest Region, October 2014.
 - Survey results shall be provided to the reviewing regulatory agencies upon completion for review.
- b. **If eelgrass disturbance cannot be avoided, prepare and implement a monitoring and mitigation plan.** If survey results indicate that eelgrass is present and disturbance of eelgrass beds cannot be avoided, the applicant shall prepare a monitoring and mitigation plan as follows:
 - A monitoring and mitigation plan shall be prepared by a qualified biologist with experience in surveying, monitoring, and implementing eelgrass mitigation plans.
 - A post-construction eelgrass survey and assessment of impacts shall be completed in the same month as the preconstruction survey during the next growing season immediately following the completion of the project, or within the first 30 days of completion of construction if within the active growth period. The post-construction survey shall document adverse impacts to eelgrass

and any changes in density and extent of vegetative cover. The post-construction survey and impact assessment shall be conducted in compliance with California Eelgrass Mitigation Policy and Implementing Guidelines prepared by NMFS Southwest Region, October 2014.

- The affected area shall be monitored for a period of no less than 2 years following construction.
- Eelgrass beds shall reach a minimum recovery of 100% aerial coverage and 85% density compared to preconstruction levels.
- If the affected eelgrass mitigation areas have not met the recovery criteria described above at the end of the 2-year monitoring period, additional mitigation will be required in consultation with CDFW and /or NMFS to meet the final mitigation ratio of 1:1.

c. **Comply with in-water construction limitations of the San Francisco Bay Long-Term Management Strategy.** The applicant shall limit in-water construction in and around eelgrass beds to the Environmental Work Window of June 1 to November 30.

Implementation of Mitigation Measures BIO-1 and BIO-2 would reduce the impact of the project on eelgrass beds to a less-than-significant level because eelgrass beds would be avoided or protected and/or mitigation would be implemented as recommended by reviewing regulatory agencies.

V. Cultural Resources

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
V. Cultural Resources. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Regulatory Context

Cultural resources include prehistoric archaeological sites, historic archaeological sites, and historic structures, and generally consist of artifacts, food waste, structures, and facilities made by people in the past. Prehistoric archaeological sites are places that contain the material remains of activities carried out by the native population of the area (Native Americans) prior to the arrival of Europeans in southern California. Artifacts found in prehistoric sites include flaked stone tools such as projectile points, knives, scrapers, drills, and the resulting waste flakes from tool production; ground stone tools such as manos, metates, mortars, pestles for grinding seeds and nuts; bone tools such as awls ceramic vessels or fragments; and shell or stone beads. Prehistoric features include hearths or rock rings bedrock mortars and milling slicks, rock shelters, rock art, human bone, midden deposits, and intact burials.

Places that contain the material remains of activities carried out by people during the period when written records were produced after the arrival of Europeans are considered historic archaeological sites. Historic archaeological material usually consists of domestic refuse, for instance bottles, cans, ceramics, and food

waste, disposed of either as roadside dumps or near structure foundations. Archaeological investigations of historic-period sites are usually supplemented by historical research using written records.

Historic structures include houses, garages, barns, commercial structures, industrial facilities, community buildings, and other structures and facilities that are more than 50 years old. Historic structures may also have associated archaeological deposits, such as abandoned wells, cellars, and privies, refuse deposits, and foundations of former outbuildings.

The CEQA Guidelines state that a project that causes a substantial adverse change in the significance of a “Historical Resource” is considered to have a significant effect on the environment unless mitigated. Historical Resources are buildings, structures, districts, sites, areas, places, manuscripts, or objects that are listed in or considered eligible for listing in the California Register of Historical Resources (CRHR) or is on a local (city or county) inventory of historical resources (California Code of Regulations, Title 14, Section 15064.5). A resource is eligible for designation in the CRHR if it meets any of the following criteria (CCR Title 14, Section 4852[b]):

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States; and/or
2. It is associated with the lives of persons important to local, California, or national history; and/or
3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values; and/or
4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

In addition, the resource must retain integrity. Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association (CCR Title 14, Section 4852[c]). This means that the resource must possess qualities that convey the significance; absent those characteristics, the resource would not possess significance.

Therefore, impacts to a Historical Resource, as defined by CEQA, are significant if the resource is demolished or destroyed or if the characteristics that made the resource eligible are materially impaired (CCR Title 14, Section 15064.5[b]). Demolition or alteration of eligible buildings, structures, and features to the extent that they would no longer be eligible would result in a significant impact. Whole or partial destruction of eligible archaeological sites would result in a significant impact. In addition to impacts from construction resulting in destruction or physical alteration of an eligible resource, impacts to the integrity of setting (sometimes termed “visual impacts”) of eligible buildings and above-ground structures and facilities in the Project area could also result in significant impacts.

According to the CEQA Guidelines, a project would have a significant impact on cultural resources if it would:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5(a);
- b) Cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5(a); or
- c) Disturb any human remains, including those interred outside of formal cemeteries.

Applicable Local Plans, Policies, Regulations, and Laws

City of Belvedere General Plan 2030

Chapter 6 of the City of Belvedere General Plan 2030 contains the Cultural, Archaeological, and Historical Resource Preservation Element by which future projects and developments, including this project, will be guided. This includes an overarching objective for the City to “Preserve the identity of Belvedere as a unique community on the Tiburon Peninsula with a valuable inventory of historically, archaeologically, and culturally significant resources.” In order to ensure the continued existence of outstanding community cultural resources, the following goals, policies, and actions were developed:

Goal PRES 1: Demonstrate an appreciation of the historic and cultural landmarks that remind residents and visitors of Belvedere’s unique culture and history through activities, materials and procedures that recognize valuable historic resources and plan for their preservation.

Policy PRES-1.1: Promote awareness of historic resources in Belvedere and their exceptional style, design, materials, craftsmanship, integrity, and rarity.

Actions:

PRES-1.1.1: Support the development of educational materials that highlight Belvedere’s history through its buildings and neighborhood context.

PRES-1.1.2: Provide known historical information about residences at time of resale through Residential Building Reports.

Policy PRES-1.2: Encourage owners of historic properties to pursue local, state or national designation of their properties as historic resources. Promote the benefits of historic designation such as the Mills Act tax credit, the use of alternate building codes for rehabilitation, and the potential for zoning exceptions as noted in the policy above. Where feasible, mitigate the costs associated to property owners with preservation of historic resources.

Policy PRES-1.3: Promote awareness of prehistoric resources in Belvedere. Support the development of educational materials that highlight Belvedere’s history prior to urbanization. Provide information about known prehistoric resources (both archaeological and FIGR cultural resources) on properties at time of resale through Residential Building Reports.

Goal PRES-2: Encourage development patterns and architecture in keeping with the City’s past by preserving and enhancing buildings of special historic and/or architectural interest.

Policy PRES-2.1: Create and maintain tools to alert residents and City Staff of the potential existence of historic resources, including a Historic Resource Sensitivity Map. This will ensure that future development applications are reviewed for potential impacts to potential historic resources.

Actions:

PRES 2.1.1: Maintain an up-to-date list of Buildings with Historic Designation in Belvedere (Belvedere Historic Resources Inventory).

PRES-2.1.2: Maintain an up-to-date Directory of Historic Properties from the State Office of Historic Preservation (State Historic Resources Inventory).

PRES-2.1.3: Maintain an up-to-date Historic Resource Sensitivity Map. Utilize the map to educate the community about existing and potential historic resources and to determine which properties should be examined for their potential to be eligible for listing on either the local or state Historic Resource Inventories when a development application is received on the parcel.

- High sensitivity parcels: Require that a formal historic resource assessment be completed to determine if the resource is eligible for listing. (DPR form 523A and B to be completed by an Architectural Historian)
- Medium sensitivity parcels: Require that an informal assessment be completed to determine if the resource appears to be eligible for listing. Informal assessment could include information gathered from property owner, City or County records, Landmarks Society, State Office of Historic Preservation, etc.

Policy PRES-2.2: Consider zoning variances and exceptions for properties on the Historic Resources Inventory that can encourage the continued use (and appropriate expansion) of a historic structure that may not meet the current zoning code standards in terms of required setbacks, building height, etc.

Policy PRES-2.3: Develop standard mitigation measures that, when followed, can reduce the impacts to historic resources to a less-than-significant level.

Goal PRES-3: Demonstrate sensitivity to Belvedere’s prehistoric past by establishing formal procedures for minimizing and mitigating impacts to archaeologically and culturally significant resources.

Policy PRES-3.1: Continue to protect cultural, archaeological, and paleontological resources.

Actions:

- PRES-3.1.1: Encourage property owners who have encountered archaeological or cultural resources on their parcel to avoid the resource if at all possible, followed by minimizing the impact to the resource, and resource relocation as a last option.
- PRES-3.1.2: Require that all archaeological or cultural resource surveys or reports be filed with the Northwest Information Center (NWIC) at the conclusion of the work.
- PRES-3.1.3: Develop a standard set of archaeological and cultural resource conditions of approval that can be applied to all new development projects that will apply in the event of a discovery.
- PRES-3.1.4: Develop standard mitigation measures that, when complied with, can reduce the impacts to archaeological or cultural resources to a less-than-significant level.
- PRES-3.1.5: Locate and design development to avoid impacts on sites with identified archaeological resources by placing structures to avoid the site, incorporating the site into a permanent open space area, covering the site

with a layer of soil, deeding the site as a permanent conservation easement, or taking other actions recommended by the archaeologist, as approved by the City.

Policy PRES-3.2: Continue to consult with the Federated Indians of Graton Rancheria on issues of mutual concern such as the continued preservation of Native American cultural resources, as well as when amending the General Plan, adopting or amending a Specific Plan, designating open space, and at any other times as required by State Law.

Actions:

PRES-3.2.1: Develop and implement consultation protocols with the Federated Indians of Graton Rancheria for the review of development proposals. The protocols should include thresholds for requiring FIGR monitoring or involvement in project review.

Policy PRES-3.3: Create and maintain tools to alert residents and City Staff of the potential existence of archaeological and cultural resources, including a Prehistoric Resource Sensitivity Map. When receiving a development application, Staff shall consult the Sensitivity Map to determine the potential presence of historic and/or prehistoric resources.

Actions:

PRES-3.3.1: Maintain an up-to-date Prehistoric Resource Sensitivity Map. Utilize the map to develop protocols for development proposals that involve ground disturbance, such as:

- High sensitivity parcels: Require test borings or test excavations, and consultation with the Federated Indians of Graton Rancheria. Potential need for a complete resource survey, data recovery, archaeological monitor and Native American monitor on-site, and a monitoring plan.
- Medium sensitivity parcels: Inform property owner of the potential need for test borings or test excavations if site inspections or ground disturbance yields potential evidence of archaeological or cultural resources. Presence of midden soil may be evidence of archeological or cultural resources.

The project site is identified as having a low sensitivity for prehistoric sensitivity and medium historic sensitivity for historic, based on the cultural resource evaluation prepared as part of the City of Belvedere General Plan update in 2010.

Archaeological Resources

While some submerged soils could be disturbed and covered by the proposed installation of the new piles to support the pier, this would be a highly localized soil disturbance, and one that requires no excavation. Significant Native American archaeological sites have been identified within the City of Belvedere, many of them on Belvedere Island. However, the proposed location of the waterfront improvements is not within the area identified by Archeological Resource Service (ARS) as being part of a recorded archaeological site. The construction of the walkway and stairs will have minimal impact to the existing soil and no mitigation is recommended.

Historic Resources

There are no known cultural or anticipated resources present on the project site. The mitigation measures below, which address the unanticipated discovery of cultural resources and human remains, would reduce potential impacts to less than significant.

It is noted that Tribal Cultural Resources are addressed separately in Section XVIII, Tribal Cultural Resources, of this Initial Study.

Mitigation Measures

Mitigation Measure CR-1: Unanticipated Discovery: If subsurface deposits believed to be cultural or human in origin are discovered during construction, then all work must halt within a 50-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologist, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. A Native American monitor, following the Guidelines for Monitors/Consultants of Native American Cultural, Religious, and Burial Sites established by the Native American Heritage Commission, may be required if the nature of the unanticipated discovery is prehistoric.

Work cannot continue within the no-work radius until the archaeologist conducts sufficient research and data collection to make a determination that the resource is either: 1) not cultural in origin; or 2) not potentially significant or eligible for listing on the NRHP or CRHR.

If a potentially-eligible resource is encountered, then the archaeologist, lead agency, and project proponent shall arrange for either: 1) total avoidance of the resource, if possible; or 2) test excavations to evaluate eligibility and, if eligible, total data recovery as mitigation, with the final decision being the responsibility of the lead agency. The determination shall be formally documented in writing and submitted to the lead agency as verification that the provisions in CEQA/NEPA for managing unanticipated discoveries have been met.

Mitigation Measure CR-2: Unanticipated Discovery of Human Remains: In the event that evidence of human remains is discovered, or remains that are potentially human, construction activities within 50 feet of the discovery will be halted or diverted and the requirements of Mitigation Measure #CR-3 will be implemented. In addition, the provisions of Section 7050.5 of the California Health and Safety Code, Section 5097.98 of the California Public Resources Code, and Assembly Bill 2641 will be implemented. When human remains are discovered, state law requires that the discovery be reported to the County Coroner (Section 7050.5 of the Health and Safety Code) and that reasonable protection measures be taken during construction to protect the discovery from disturbance (AB 2641).

If the Coroner determines the remains are Native American, the Coroner notifies the Native American Heritage Commission which then designates a Native American Most Likely Descendant (MLD) for the project (Section 5097.98 of the Public Resources Code). The designated MLD then has 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains (AB 2641). If the landowner does not agree with the recommendations of the MLD, the NAHC can mediate (Section 5097.94 of the Public Resources Code). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (Section 5097.98 of the Public Resources Code). This will also include either recording the site with the NAHC or the appropriate Information Center; using an

open space or conservation zoning designation or easement; or recording a re-interment document with the county in which the property is located (AB 2641).

VI. Geology and Soils

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
VI. Geology and Soils. Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) 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 California Geological Survey Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

The project site is located on the west side of Belvedere Island, and slopes down from Belvedere Avenue to Richardson Bay. The existing structures on the property are proposed to remain. The new stairs and platform will have minimal disturbances to the soil as well as minimal cut and no fill.

Applicable Local Plans, Policies, Regulations, and Laws

City of Belvedere General Plan 2030

Goal HAZ-1: Strive to protect the community from injury and damage resulting from natural catastrophes and other hazard conditions.

Policy HAZ-1.1: Construction shall be located and designed to avoid or minimize the hazards from earthquake, erosion, landslides, floods, and fire.

Actions:

HAZ-1.1.1: Institutionalize the Environmental Hazards policies through review for possible amendment of the grading, subdivision, zoning, building code, design review, and other sections of the Belvedere Municipal Code. Particular attention should be paid to the adequacy of building setbacks with respect to fire safety concerns.

HAZ-1.1.2: All new construction in the City shall ensure that it follows current seismic codes as set forth by the California Building Code (CBC).

HAZ-1.1.3: City staff review of existing structures undergoing renovations shall consider seismic retrofits such as attachment of walls to foundations and roofs, adding structural bracing and shear walls, and addition of shutoff systems for electrical, water, and gas connections. These can be undertaken in order to improve the performance and safety of these structures.

HAZ-1.1.4: New construction must not compromise public infrastructure which is key to emergency access, egress, and flood prevention.

Geology and Slope Stability. The entire shoreline area along Belvedere Island is identified in the General Plan Environmental Hazards Element (Chapter 8) as having high erosion potential because of its location at the bottom of a steep hillside. The landslide susceptibility varies along the shoreline of Belvedere Island, as does the potential for settlement, liquefaction and ground lurching. None of the proposed structures are for human habitation, and furthermore no residential units are permitted in the Recreation or Open Space zoning districts.

Seismic Hazards. The site is not located near an active fault, nor within a current Alquist-Priolo Special Studies Zone or Seismic Hazards Zone as shown on the most recently published maps from the California Geologic Society. However, historically the entire San Francisco Bay Area has the potential for strong earthquake shaking from several fault systems, primarily the San Andreas Fault, which lies approximately 8 miles to the southwest; and the Hayward Fault, 10 miles to the northeast. Earthquakes along the active faults in the region could cause moderate to strong ground shaking at the site. The most significant adverse impact associated with strong seismic shaking is potential damage to structures and improvements. None of the proposed structures are for human habitation, and residential units are not permitted in the Recreation or Open Space zoning districts. Furthermore, the project has been designed by a registered professional engineer (W.B. Clausen Structural Engineers, May 9, 2019), following current engineering practices. Prior to issuance of a building permit, the project design must be found by the Building Department to conform to the current standards for earthquake-resistant construction and other potential hazards, including the UBC, for seismic safety. Conformance with the UBC would reduce any potential impacts from seismic events, unstable soils, and other hazards to a less-than-significant level.

VII. Greenhouse Gas Emissions

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
VII. Greenhouse Gas Emissions. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

The proposed project is consistent with the June 2010 Belvedere General Plan and the greenhouse gas emissions anticipated from implementation of the General Plan fall below the BAAQMD thresholds of significance for greenhouse gas emissions. Additionally, the General Plan incorporates provisions to further reduce greenhouse gas emissions. In April 2011, the City of Belvedere adopted a Climate Action Plan (CAP), which focuses on the efforts Belvedere can take to reduce its greenhouse gas emissions and mitigate, to the extent feasible at the local level, the potential impacts of climate change. Most of the policies in the CAP are related to transportation, “green building”, energy efficiency and renewable energy. The CAP is not included in the General Plan itself, but integrates the strategies and actions identified in the relevant elements of the General Plan.

Of the many GHG reduction strategies identified in the CAP, the following goals and policies are applicable to the proposed project:

Goal 3.5.C2: Reduce All Other Solid Waste Disposal to Landfills by 25%.

Develop Construction and Demolition Recycling Ordinance specific to Belvedere’s conditions that will require the salvage, reuse, and recycling of construction debris at all construction sites. (General Plan Policy SUST-5.1)

For projects that involve demolition of structures or substantial renovation of an existing building, the City requires that contractors demonstrate how this target will be met for construction waste and debris.

The proposed project would not generate a substantial source of greenhouse gas emissions that may have a significant impact on the environment. Due to the relative small scale of proposed improvements and construction activities, and because the proposed improvements would not substantially change or increase the intensity of the existing use of the site, GHG emissions associated with the project would be below the thresholds that signal a significant impact. Therefore, impacts related to GHG emissions, both individually and cumulatively, would be less than significant and no mitigation is required.

VIII. Hazards and Hazardous Materials

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with	Less-Than-Significant Impact	No Impact
----------------------	--------------------------------	----------------------------	------------------------------	-----------

		Mitigation Incorporated			
VIII.	Hazards and Hazardous Materials. Would the project:				
a)	Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b)	Create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c)	Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d)	Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h)	Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

The project site is not known to have any hazardous materials or hazardous conditions. No airports, private airstrips, or schools are within ¼ mile radius of the site. The project site is not in a wildland fire hazard risk area. The project would not involve the transportation of hazardous materials or create foreseeable upset and accident conditions. While road closure is not expected during construction, any request for road closure would be subject to review and approval by the Public Works Department, to ensure that no interference with emergency response vehicles would occur.

Based on the above, implementation of the project would not cause a significant impact related to hazardous materials or hazards.

IX. Hydrology and Water Quality

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
IX. Hydrology and Water Quality. Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 that would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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 which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Result in inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

The proposed project would not influence groundwater supplies or substantially alter the existing drainage pattern of the site or area, because the proposed pier decking, pier head and boat lift would be located above the water line and are designed to allow water to flow through, under or around the structures.

The design and construction of residential dock and pier improvements are subject to review by the City Engineer and Public Works Department, and are subject to the requirements of the Marin County Stormwater Pollution Prevention Program (MCSTOPPP). The project also requires a water quality certification from the RWQCB for the discharge to waters of the State of California associated with the construction of the new pier and boat lift. City building permit standard requirements include the submission of an erosion control plan, which includes the measures that would be taken to prevent loose dirt and soil from washing into Richardson Bay.

Implementation of standard requirements from the City of Belvedere, MCSTOPPP, and RWQCB, to the extent they are applicable to in-water construction, would ensure that the project does not violate any water quality standards or impair water quality. Therefore, any potential impacts on water quality and water quality requirements attributable to erosion of soils would be less than significant.

Seiches and tsunamis are short duration earthquake-generated water waves in large enclosed bodies of water and the open ocean, respectively. The extent and severity of a tsunami would be dependent upon ground motions and fault offset from active faults. The site is located within a mapped tsunami inundation area. According to data from the National Oceanic and Atmospheric Administration (NOAA), approximately 77 credible seiches or tsunamis have been recorded or observed within the San Francisco Bay area since 1700. Of these, the only tsunamis to cause damage near San Rafael resulted from the 1960 Chile earthquake (Magnitude 9.5) and the 1964 Alaska earthquake (Magnitude 9.2). The 1964 tsunami was the most damaging historic event, with a maximum wave height of 1.22-meters recorded at San Rafael.

There have been eight credible local seiche events observed in San Francisco Bay between 1854 and 1906, six of which are attributed to earthquake activity and two to landslides. The Mare Island earthquake caused the largest seiche with 0.6-meter amplitude waves near Benicia, and is attributed to slip on the Rodgers Creek fault. No confirmed seiches have been recorded in San Francisco Bay since 1906. In light of the recorded history of seiches in the San Francisco Bay and site elevations, the risk of a seiche or tsunami damage is low.

Sea Level Rise

Global surface temperature increases are accelerating the rate of sea level rise worldwide through thermal expansion of ocean waters and melting of land-based ice (e.g., ice sheets and glaciers). Bay water level is likely to rise by a corresponding amount. In the last century, sea level in the Bay rose nearly eight inches. Current science-based projections of global sea level rise over the next century vary widely. In 2010 the California Climate Action Team (CAT) developed sea level rise projections (relative to sea level in 2000) for the state that range from 10 to 17 inches by 2050, 17 to 32 inches by 2070, and 31 to 69 inches at the end of the century. The CAT has recognized that it may not be appropriate to set definitive sea level rise projections, and, based on a variety of factors, state agencies may use different sea level rise projections. Although the CAT values are generally recognized as the best science-based sea level rise projections for

California, scientific uncertainty remains regarding the pace and amount of sea level rise. Moreover, melting of the Greenland and Antarctic ice sheet may not be reflected well in current sea level rise projections. As additional data are collected and analyzed, sea level rise projections will likely change over time. The proposed pier, dock and lift, like most marine-oriented structures, must be located on the Bay, and BCDC Climate Change policies encourage small projects provided they do not negatively impact the Bay and do not increase risks to public safety. (BCDC, San Francisco Bay Plan - Climate Change, amended 2011).

X. Land Use and Planning

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
X. Land Use and Planning. Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

City of Belvedere General Plan and Zoning Ordinance

The project site is located on west side of Belvedere Island, which is one of the oldest neighborhoods in Belvedere. The site has a “Low Density Single Family Residential” designation on the City of Belvedere General Plan Land Use Map and is located within the “R-15 Residential” Zoning District and surrounding land uses are residential. The proposed pier, dock and lift are located on Marin County-owned parcel which has an “Open Space” designation on the City of Belvedere General Plan 2030 Land Use Map.

General Plan 2030. As noted in the General Plan Land Use Element, the Open Space land use category is intended for land voluntarily designated and dedicated by its owner, public or private, to be used in perpetuity for the natural scenic open space. Most of the Open Space uses in Belvedere are related to San Francisco Bay and include enjoyment of natural scenic beauty, wildlife habitat, public and private gardens, paths and uncovered walkways and like uses consistent with preservation of natural scenic beauty. Outdoor recreational uses, including parks, beaches and like uses consistent with preservation of natural scenic beauty may also be allowed with a use permit from the City. The General Plan notes that reconstruction of existing private structures on open space land deeded by the Belvedere Land Company to the City is limited by the terms of the land dedication. No residential uses may be constructed on such parcels, and existing residential uses may not be reconstructed if destroyed. Areas in the Open Space land use category also fall within the policies of the Richardson Bay Special Area Plan.

The proposed Project is consistent with the Open Space land use category because it is proposing a pier, dock, and lift for recreational use. No residential use or habitable use is proposed, and as discussed in Section I of this Initial Study, scenic views and resources would be preserved. Furthermore, the Project is consistent with General Plan policies intended to protect scenic views, biological, cultural, and tribal cultural resources, as addressed in Sections I, IV, V and XVII of this Initial Study.

If approved, the project design would comply with all City of Belvedere Zoning Ordinance and Architectural and Environmental Design Review regulations. In addition, the project requires approval by other agencies, including the San Francisco Bay RWQCB, USACE, and BCDC. Receipt of project approval from these agencies would ensure that the project would not conflict with state and federal water quality, hazards, and biological resources policies and plans. The project conforms to the Richardson Bay Special Area Plan, which would also be confirmed by BCDC through that agency’s permitting process.

Based on the above, impacts related to land use and planning would be less than significant.

XI. Mineral Resources

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XI. Mineral Resources. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

There are no known mineral resources in the City of Belvedere, and therefore, the proposed project would have no impact on mineral resources.

XII. Noise

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XII. Noise. Would the project result in:				
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- | | | | | |
|---|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
-

Discussion

Because Belvedere is a fairly quiet community, intermittent noise sources are noticeable. Noise is not absorbed by open stretches of water, therefore, noise that occurs along the Belvedere shoreline can be noticeable from a substantial distance across the water, affecting a larger area.

Applicable Local Plans, Policies, Regulations, and Laws

City of Belvedere General Plan 2030

The Noise Element in the City’s General Plan 2030 (Chapter 9) which contains Goals, Policies, and Actions addressing the community’s exposure to existing and projected noise sources. These goals, policies and actions are derived from Belvedere’s Overall Vision and Guiding Principles that preserve the special and unique sense of place of Belvedere while allowing changes that enhance the community.

Those most applicable to the proposed project are listed below:

Goal N-1: Continue to maintain compatible noise levels within the city and to protect the public health and welfare of its residents by reducing or eliminating unnecessary noise impacts.

Policy N-1.1: Utilize the Noise and Land Compatibility Standards shown in Figure N-1, and the noise level performance standards in Tables N-1 and N-2, as a guide for future planning and development decisions.

Actions:

N-1.1.1: Continue to apply the current Noise Ordinance to regulate construction noise, amplified sound, hours of use for equipment, etc.

N-1.1.2: Adopt and apply quantitative noise standards for stationary noise sources, to be incorporated into the City of Belvedere Municipal Code (Title 8, Health & Safety, Chapter 8.10, Noise) for the resolution of noise complaints associated with existing sources.

Policy N-1.3: Minimize noise due to construction impacts.

Actions:

N-1.3.1: Approval from the Building Permit and Planning Departments is required to be issued for all construction requirements in the City. The hours for construction shall

continue to be limited from 8:00 a.m. to 5:00 p.m. Monday through Friday. The City Manager may, upon discretion, grant written exceptions to this condition whenever such work can be demonstrated to be necessary to protect the public's health and safety.

N-1.3.2: A noise control plan shall be reviewed as part of Design Review for all development applications involving pile driving or jack hammering.

Policy N-1.4: Minimize noise generated from outdoor uses and events such as exterior speakers, spa and pool equipment, roof-mounted exhaust fans, emergency generators, multiple air conditioning units, exterior inclined elevators, as well as infrequent loud noises such as pile driving that can be disturbing to nearby homes.

Actions:

N-1.4.1: The City of Belvedere shall not approve of any mechanical equipment that exceeds 55 dBA at the property line without appropriate mitigation measures.

N-1.4.3: The operation of nuisance noise sources shall typically be prohibited between the hours of 9:00 p.m. and 7:00 a.m., Sunday through Thursday, and between 11:00 p.m. to 7:00 a.m. on Fridays and Saturdays. These restrictions shall also apply to amplified sounds and mechanical equipment in neighborhoods, such as HVAC equipment, exhaust fans, generators, and landscape equipment.

N-1.4.4: Exterior speakers are discouraged. If installed, exterior speakers shall be minimized and shall face the subject residence rather than being directed outward toward the hillside and water. Amplified sound shall not be directed towards the neighboring properties or the water. Sound from exterior speakers and equipment will be contained by appropriate insulating features.

N-1.4.5: Erratic loud noise sources such as pile driving shall conform to the City's mandated construction hours of 8:00 a.m. to 5:00 p.m. on weekdays, and shall not occur on weekends or City holidays.

Operational Noise. The proposed boat lift is required to conform with noise standards in the Belvedere Municipal Code that prohibit the conduct of any loud, unnecessary, or unusual noises between the hours of 9 p.m. and 7 a.m. Sunday through Thursday and 11 p.m. to 7 a.m. Friday and Saturday in such a manner as to be plainly audible at a distance of 50 yards from the structure, vehicle, or premises. Therefore, operation of the proposed project would have a less-than-significant impact related to noise.

Use of the proposed pier and dock would be subject to the noise standards in the Belvedere Municipal Code that prohibit the conduct of any loud, unnecessary, or unusual noises between the hours of 9 p.m. and 7 a.m. Sunday through Thursday and 11 p.m. to 7 a.m. Friday and Saturday in such a manner as to be plainly audible at a distance of 50 yards from the structure, vehicle, or premises. Therefore, operation of the proposed project would have a less-than-significant impact related to noise.

Construction-generated Noise. Construction of the pier, pier head, dock, lift, stairs and deck would be subject to standard conditions of approval limiting hours of construction. Hours of construction are

limited to 8 a.m. to 5 p.m. Monday through Friday, and no work on city holidays. Application of these standard limitations on hours of construction would ensure that any temporary and/or periodic increase in noise from project construction would be limited to less noise-sensitive times of day. However, project construction would still create a temporary and/or periodic increase in ambient noise levels in the project vicinity above levels existing without the project during construction activities.

Chapter 8. 10 of the Belvedere Municipal Code regulates noise within the City (See paragraph above for regulations).

According to the General Plan, the maximum noise levels that could be considered potentially compatible with single-family residential land uses is 60 Ldn, with conditionally acceptable levels up to 75 Ldn. The maximum noise level that could be considered potentially compatible with recreation parcels is 65 Ldn, with conditionally acceptable levels up to 80 Ldn. According to the analysis in the General Plan, occasional noise complaints might occur if noise exceeded 65 Ldn, but complaints could more typically be expected at levels over 65 Ldn. Noise associated with pile driving can be as loud as 81-96 dBA as measured 50 feet from the project site. For reference, the estimated noise level of Tiburon Boulevard at Lyford Drive in 1989 was measured at 68 dBA, and any increase of 10 dBA is generally perceived by the human ear as a doubling of noise levels.

With implementation of Mitigation Measure N-1 below, the standard limitations on hours of construction, restrictions on in-water construction activities discussed under Section IV, Biological Resources, and conformance with noise standards contained in the Belvedere Municipal Code, noise impacts associated with project construction and operation would be less than significant.

Mitigation Measure

Mitigation Measure N-1: Create and Implement a Noise Control Plan (construction). In conformance with General Plan Policy N-1.3, the project sponsor/property owner and/or contractors shall create and implement a noise control plan specific to the proposed project, which shall be reviewed and approved by the Building and Planning Departments prior to issuance of a building permit and enforced through City inspections. The Noise Control Plan shall include but not be limited to the following:

- Measures that will be taken to minimize noise and vibration impacts on adjacent properties from pile driving and/or jack hammering
- Identify any combination of legal, nonpolluting methods to maintain or reduce noise impacts to levels at or less than 75 Ldn, as measured 50 feet from the location of construction activity; and
- Provide name and telephone number of person who will be responsible for implementing these measures.

XIII. Paleontological Resources

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
----------------------	--------------------------------	---------------------------------------	------------------------------	-----------

XIII. Paleontological Resources – Would the project:

- a) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?
-

Applicable Local Plans, Policies, Regulations, and Laws

City of Belvedere General Plan 2030

Chapter 6 of the City of Belvedere General Plan 2030 contains the Cultural, Archaeological, and Historical Resource Preservation Element by which future projects and developments, including this project, will be guided. This includes the following goal, policy and objectives, related to protection of paleontological resources:

Goal Pres-3: Demonstrate sensitivity to Belvedere’s prehistoric past by establishing formal procedures for minimizing and mitigating impacts to archaeologically and culturally significant resources.

Policy PRES-3.1: Continue to protect cultural, archaeological, and paleontological resources.

Actions:

Pres-3.1.6: In the event unanticipated paleontological resources are uncovered during construction, all work must be halted and an evaluation must be undertaken by a qualified paleontologist to identify the appropriate mitigation for the feature.

Discussion

Paleontological resources are the recognizable remains of once-living, non-human organisms. Identified as fossils, these resources represent a record of history of life on the planet dating back as far as 4 billion years ago. Paleontological resources can include shells, bones, leaves, tracks, trails, and other fossilized floral or faunal materials. Paleontological resources do not represent human activity.

A “unique paleontological resource or site” is one that is considered significant under current professional paleontological standards. An individual vertebrate fossil specimen may be considered unique or significant if it is identifiable and well preserved, and it meets one of the following criteria:

- a type specimen (i.e., the individual from which a species or subspecies has been described);
- a member of a rare species;
- a species that is part of a diverse assemblage (i.e., a site where more than one fossil has been discovered)
- wherein other species are also identifiable, and important information regarding life history of individuals can be drawn;
- a skeletal element different from, or a specimen more complete than, those now available for its species; or
- a complete specimen (i.e., all or substantially all of the entire skeleton is present).

The value or importance of different fossil groups varies depending on the age and depositional environment of the rock unit that contains the fossils, their rarity, and the extent to which they have already been identified and documented. “Value” also considers the ability to recover similar materials under more

controlled conditions (such as for scholarly research). Marine invertebrates are generally common because the fossil record is well developed and well documented, and they would generally not be considered a unique paleontological resource. Identifiable vertebrate marine and terrestrial fossils are generally considered scientifically important because they are, comparatively, relatively rare.

Local Geology

According to a geologic map titled “Geologic Map and Map database of Parts of Marin, San Francisco, Alameda, Contra Costa, and Sonoma Counties, California” prepared by Blake Graymer and Jones, the project site is mapped to be underlain by metamorphic rocks of the Cretaceous and Jurassic Franciscan Complex.

Paleontological Resources in the Project Vicinity

A search of the University of California Museum of Paleontology collections database identified 364 previously recorded paleontological resources, mostly microfossils and invertebrates, in Marin County, most of which located along the Marin coast. One of the 364 listed resources (an invertebrate) is recorded as being located in Belvedere, and two of the 364 listed resources were located on the Tiburon Peninsula: one microfossil found in a mudflat at California Point located on the north side of the Tiburon Peninsula in unincorporated Marin County; and the other (an invertebrate) found somewhere on the Tiburon Peninsula (no specific location identified).

Potential Impacts

According to the CEQA Guidelines, a project would have a significant impact on paleontological resources if it would directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

A fossil may be considered significant if it provides data useful in determining the age(s) of a rock unit or sedimentary stratum, therefore contributing to an increased knowledge of the depositional history of a region and the timing of geologic events therein. A paleontological resource may also be considered significant if it provides important information on the evolutionary trends among organisms, particularly relating living inhabitants of the earth to extinct organisms or if it demonstrates unusual or specular circumstances in the history of life. The significance of a paleontological resource may also be determined by its relative abundance, or lack thereof, within a region. For example, if a fossil type is in short supply or is not found in other geologic locations and it is in danger of being depleted or destroyed by the elements, vandalism, or commercial exploitation, the resource is likely to be considered significant.

There is nothing to indicate that the project site is sensitive for paleontological resources because of its location, local geology, and level of disturbance of the project area. However, it is possible that paleontological resources could be uncovered during construction. With implementation of the mitigation measure below, the Proposed Project would result in less than significant impacts to paleontological resources.

Mitigation Measures

PR-1: Unanticipated Discovery. If paleontological resources are discovered during earthmoving activities, the construction supervisor shall immediately cease work in the vicinity of the find and notify the City. A qualified paleontologist shall be retained to evaluate the resource and prepare a recovery plan in accordance with Society of Vertebrate Paleontology guidelines (1996). The recovery plan may include, but is not limited to, a field survey, construction monitoring, sampling and data recovery procedures,

museum storage coordination for any specimen recovered, and a report of findings. Recommendations in the recovery plan that are determined by the lead agency to be necessary and feasible shall be implemented before construction activities can resume at the site where the paleontological resources were discovered.

XIV. Population and Housing

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XIV. Population and Housing. 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)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

The project site is a privately owned property that would continue to be used for private residential use. The existing single family residence and other structures on the property are proposed to remain. Therefore, the project would have no impact on population growth or existing housing that would necessitate the construction of replacement housing.

XV. Public Services

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XV. Public Services. Would the project:				
a) 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:				
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

The project site is a privately owned property that would continue to be used for private residential use, with no substantial increase in intensity of use. Therefore, the project does not require increased fire protection, police protection, schools, parks, or other public facilities. The Tiburon Fire Protection District (TFPD) has reviewed the plans for the proposed project and has issued a letter indicating that the plans submitted for the proposed project comply with all applicable codes and standards. Therefore, impacts on public services would be less than significant.

XVI. Recreation

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XVI. Recreation. Would the project:				
a) 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion

The subject property has been developed as a residential use since the 1950's and would continue to be utilized as such upon project completion. The proposed project would not diminish or restrict existing public access to the open shoreline of Richardson Bay. Additionally, as detailed in Section I above, the project will not diminish significant views from public areas.

The potential for this project to have an adverse physical effect on the environment is the subject of this initial study. The project sponsor/property owner has voluntarily agreed to incorporate mitigation measures identified in this Initial Study. Therefore, the proposed project, as mitigated, would have a less-than-significant adverse physical effect on the environment

XVII. Transportation/Traffic

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XVII. Transportation/Traffic. Would the project:				

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
-

Discussion

The project site is located on private property and County of Marin property that is used residential and for outdoor recreation and open space, and would continue to be utilized as such upon project completion. The project involves the construction of stairs, deck/walkway, pier, dock, and a lift. These waterfront improvements are intended for private recreational use of watercraft.

The project does not influence a congestion management program or air traffic patterns. The project does not generate any conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. The project would not obstruct use of the water by other watercraft. Any staging that would be necessary for project construction will be addressed at the preconstruction meeting between the project contractor, City Building Official, City Public Works Manager, and City Engineer. While road closure is not expected, any requests for road closure would be subject to review and approval by the Public Works Manager, to ensure no interference with emergency response vehicles. The project would not obstruct fire district water access to Belvedere Island. Impacts related to transportation and traffic would be less than significant. Furthermore, the project site is not within or near the designated navigation channels identified in the Richardson Bay Special Area Plan. Therefore, the project would have no impact on marine navigation. (RBSAP, Dec 6, 1984, Map 6, p. 49).

XVIII. Tribal Cultural Resources

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
XVIII. Tribal Cultural Resources – Would the project:				
a) cause a substantial adverse change in the significance of a tribal cultural resource as defined in §21074?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Regulatory Context

Effective July 1, 2015, Assembly Bill 52 (AB 52) amended CEQA to mandate consultation with California Native American tribes during the CEQA process to determine whether or not the proposed project may have a significant impact on a Tribal Cultural Resource.

Section 21073 of the Public Resources Code defines California Native American tribes as “a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004.” This includes both federally and non-federally recognized tribes. As noted below, in Belvedere, the Federated Indians of Graton Rancheria (“FIGR”) has requested City consultations on projects that have the potential to impact a Tribal Cultural Resource.

Section 21074(a) of the Public Resource Code defines “Tribal Cultural Resources” for the purpose of CEQA as:

- 1) Sites, features, places, cultural landscapes (geographically defined in terms of the size and scope), sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - a. included or determined to be eligible for inclusion in the California Register of Historical Resources; and/or
 - b. included in a local register of historical resources as defined in subdivision (k) of Section 5020.1; and/or
 - c. a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

Additionally, to constitute a Tribal Cultural Resource, it must retain integrity which is the retention of location, design, setting, materials, workmanship, feeling, and association.

A Tribal Cultural Resource is a distinct CEQA resource. However, because criteria A and B above also meet the definition of a Historical Resource under CEQA (see Section V, Cultural Resources), a Tribal Cultural Resource may also require additional (and separate) consideration as a Historical Resource. Tribal Cultural Resources may or may not exhibit archaeological, cultural, or physical indicators.

If requested by the tribe, a lead agency must give formal, written notification to the tribe of any project that may have a significant impact on Tribal Cultural Resources. Prior to the release of a negative declaration, mitigated declaration, or environmental impact report for a project, a lead agency must begin consultation with the Native American tribe affiliated with the area of the proposed project if: 1) the tribe has requested such consultation; and 2) the tribe responds to the lead agency's formal notification within 30 days and requests consultation. (Pub. Res. Code, § 21080.3.1(b).)

As part of the consultation process, either party may propose mitigation measures to avoid or mitigate potentially significant impacts to a Tribal Cultural Resource. (Pub. Res. Code, § 21080.3.2.)

Consultation is concluded when either: 1) the lead agency or the tribe agree to appropriate mitigation measures to mitigate or avoid a significant effect (if a significant effect exists); or 2) when either party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Public Resources Code section 21080.3.2(b).) In the event a lead agency and tribe cannot reach agreement after working in good faith after a reasonable effort, the lead agency will require the mitigation measures it determines are necessary to avoid or reduce any impact to Tribal Cultural Resources that may, or may not, exist on the site to a less than significant level.

Here, as described below, the City as the lead agency gave formal notification to the Federated Indians of Graton Rancheria ("FIGR"). However, because the City did not receive any response from FIGR, no consultation was required under CEQA. (Pub. Res. Code, § 21080.3.1(b).)

Ethnography. Ethnographically, the Project area is in the southern portion of the territory occupied by the Penutian-speaking Coast Miwok. Coast Miwok territory stretched from Duncan's Point (in Sonoma County) in the north to Sausalito (in Marin County) in the south and from Sonoma in the east to the Pacific Ocean (Kelly 1978). The Coast Miwok language is considered one of the California Penutian languages. Several places in the area derive their names from Coast Miwok language. Cotati, meaning "to punch", and Tamalpais, or "coast hill" both come from the Coast Miwok language.

Coast Miwok lived in permanent, often large, villages. Typical Coast Miwok houses were conical structures with grass covering a framework of interlocking poles. Larger villages contained sweathouses, which served as a center for social and religious activities. The Coast Miwok had a highly developed monetary system based on clam shell beads and had strong property systems in place. Large villages had a non-hereditary Chief whose job was to oversee the village and give daily speeches to residents. There were also two important female figures in the village; the Woman Chief was involved in religious ceremonies and cult activities and the second figure, the Maien, organized the construction of the ceremonial house and the preparation of festivals (Kelly 1978).

Subsistence of the Coast Miwok consisted of a wide variety of plants, seafood, and game found near the sea as well as inland. Due to the Miwok's diversified terrain, they were well-rounded in game hunting, fishing, and foraging, adapting to what was plentiful at different times of the year. During the winter months there was a heavy reliance on geese and dried stored foods such as acorns, kelp, and seeds. Salmon running in the winter were also caught using circular dip nets, weirs, and spears. During the summer, larger game such as deer, bear and elk were hunted in the hills. Summer also gave way to plant gathering, which was used to offset the winter months when large game was scarce (Kelly 1978).

The Coast Miwok population, according to Kroeber, has always been small, at an average of 1,500 during aboriginal times. By 1851, however, their population had plummeted to about 250 and by 1920 it was down to five. The drastic population decrease coincided with the decreases in all California Indian populations during early Euro-American incursion.

Today, there exist remains of several hundred Coast Miwok sites located throughout Marin and southern Sonoma County, most of which have been identified through archaeological surveys. The material remains at a site are instructive as to the types of activities carried out there. Long-term habitation sites found throughout most of this area are marked by the presence of well-developed midden deposits, which are unusual soils that have resulted from the long-term buildup of organic materials and prehistoric human activity. In Belvedere, there are several recorded prehistoric sites. Prehistoric sites are capable of yielding a variety of information about the early peoples of the region. Such sites may include locations of cultural, social, or economic importance and may also have spiritual significance to the ancestors of these peoples or to living Native Americans. Archeological discoveries in the City of Belvedere are remarkable for the great quantities of traded and local items, such as large caches of abalone beads, pendants, and ceremonial objects. They are also remarkable for the information they provide about what transpired in Belvedere long ago. Recent construction has uncovered archeological sites that dated to 39 A.D. Investigations of the sites and salvage recovery has resulted in the discovery of hundreds of significant artifacts, including dozens of human burials, some appearing to be of high-status individuals, as well as hearths, cooking features, ash lenses, and other artifact concentrations. Archeological research estimates that some of the artifacts and burials are more than 1,000 years old (City of Belvedere 2010).

Project Consultation History. A summary of the Project consultation is provided below:

- July 1, 2015: FIGR issued a general request letter to the City to request formal notification on all CEQA projects, pursuant to AB 52.
- September 17, 2019: The City of Belvedere noticed FIGR by letter of the Project.
- As of the date of this writing, the City has not received further communication from FIGR regarding this project.

Because FIGR did not respond to the City's formal notification of the project, no consultation is required under CEQA. (Pub. Res. Code, § 21080.3.1(b).)

Tribal Cultural Resources. As discussed in Section V, Cultural Resources, significant Native American archaeological sites have been identified within the City of Belvedere, many of them on Belvedere Island. However, the proposed waterfront improvements are not within an area identified by Archeological Resource Service (ARS) as being part of a recorded archaeological site.

Potential Impacts

AB 52 established that a substantial adverse change to a Tribal Cultural Resource has a significant effect on the environment. In assessing substantial adverse change, the City must determine whether or not the project will adversely affect the qualities of the resource that convey its significance. The qualities are expressed through integrity. Integrity of a resource is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association (CCR Title 14, Section 4852(c)). Impacts are significant if the resource is demolished or destroyed or if the characteristics that made the resource eligible are materially impaired (CCR Title 14, Section 15064.5(a)). Accordingly, impacts to a

Tribal Cultural Resource would likely be significant if the project negatively affects the qualities of integrity that made it significant in the first place. In making this determination, the City need only address the aspects of integrity that are important to the TCR's significance.

Although there is no evidence of Native American habitation and/or use of the project site, there always remains the potential for ground-disturbing activities to expose and disturb unknown Tribal Cultural Resources. Such disturbances could constitute a significant impact. However, should construction reveal any Tribal Cultural Resources, with the implementation of TCR-1, impacts on Tribal Cultural Resources would be less than significant.

Mitigation Measures

Mitigation Measure TCR-1: Unanticipated Discovery Measures for Tribal Cultural Resources. If subsurface deposits believed to be cultural or human in origin are discovered during construction, then all work must halt within a 50-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologist, shall be retained to evaluate the significance of the find, and shall have the authority to modify the no-work radius as appropriate, using professional judgment. The following notifications shall apply, depending on the nature of the find:

- a. If the professional archaeologist determines that the find does not represent a Tribal Cultural Resource, then work may resume immediately and no agency notifications are required.
- b. If the professional archaeologist determines that the find may represent a Tribal Cultural Resource that *does not* involve human remains, then he or she shall immediately notify the City of Belvedere, the applicable landowner, and FIGR of the find. The City shall offer to consult with the tribe in writing regarding the determination of whether the find represents a Tribal Cultural Resource and appropriate mitigation measures. If after acting in good faith and after reasonable effort the City concludes that mutual agreement cannot be reached, the City shall make the final determination regarding the existence of the Tribal Cultural Resource and mitigation and/or avoidance measures. Alternatively, if the City does not receive a response from the tribe within thirty (30) days of said notice, the City (using its reasonable judgement in consultation with the professional archaeologist), shall make the determination as to whether the find represents a Tribal Cultural Resource and implement appropriate treatment measures to mitigate potentially significant impacts if necessary.
- c. If the find *does include* human remains, or remains that are potentially human, then reasonable protection measures shall be taken to protect the discovery from disturbance (AB 2641). The archaeologist shall notify the Marin County Coroner (per Section 7050.5 of the Health and Safety Code). The provisions of Section 7050.5 of the California Health and Safety Code, Section 5097.98 of the California Public Resources Code, and Assembly Bill 2641 will be implemented. If the Coroner determines the remains are Native American and not the result of a crime scene, then the Coroner will notify the Native American Heritage Commission, which then will designate a Native American Most Likely Descendant (MLD) for the project (Section 5097.98 of the Public Resources Code), which may or may not be the FIGR Tribe. The designated MLD will have 48 hours from the time access to the property is granted to make recommendations concerning treatment of the remains. If the landowner does not agree with the recommendations of the MLD, then the NAHC can mediate (Section 5097.94 of the Public Resources Code). If no agreement is reached, the landowner must rebury the remains where they will not be further disturbed (Section 5097.98 of the Public Resources Code). This will also include either recording the site with the NAHC or the appropriate Information

Center; using an open space or conservation zoning designation or easement; or recording a reinterment document with the county in which the property is located (AB 2641). Work cannot resume within the no-work radius until the lead agencies, through consultation as appropriate, determine that the treatment measures have been completed to their satisfaction.

XIX. Utilities and Service Systems

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
XIX. Utilities and Service Systems. Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider that 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion

The project involves the construction of a pier, pier head, boat lift, stairs and deck/walkway. These waterfront improvements are intended for private recreational use of watercraft.

The project would not influence existing or proposed stormwater facilities, water supply and wastewater facilities, nor would the project generate significant levels of solid waste. Therefore, the project would have a less-than-significant impact on utilities and service systems.

XX. Mandatory Findings of Significance

ENVIRONMENTAL ISSUES	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less-Than-Significant Impact	No Impact
Mandatory Findings of Significance.				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or 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, eliminate tribal cultural resources, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<small>Authority cited: Sections 21083 and 21083.05, Public Resources Code. Reference, Section 5088.4, Gov. Code; Sections 21080(c), 21080.1, 21080.3, 21083, 21083.05, 21083.3, 21093, 21094, 21095, and 2111, Public Resources Code; Sundstrom v. County of Mendocino, (1988) 202 Cal.App.3d 296; Leonoff v. Monterey Board of Supervisors, (1990) 222 Cal.App.3d 1337; Eureka Citizens for Responsible Govt. v. City of Eureka (2007) 147 Cal.App.4th 357; Protect the Historic Amador Waterways v. Amador Water Agency (2004) 116 Cal.App.4th at 1109; San Franciscans Upholding the Downtown Plan v. City and County of San Francisco (2002) 102 Cal.App.4th 656.</small>				

Discussion

The project, with proposed mitigation measures, would not cause substantial adverse effects on human beings, degrade, the quality of the environment, substantially reduce the habitat of a fish or 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. Although the Project has the potential to affect unknown, buried historical resources and archaeological resources under Section 15064.5 of the CEQA Guidelines and Tribal Cultural Resources as defined by the CEQA Statute Section 21074, mitigation measures have been provided to reduce these potential impacts to a less than significant level. Although the project has the potential to affect eel grass, mitigation measures have been provided to reduce potential impacts to less than significant.

For the reasons discussed above in this document, and incorporated in this discussion section, the proposed project, as mitigated, would not generate any significant direct, indirect, or cumulatively considerable impacts on human beings or the environment.

REFERENCES

- Bay Area Air Quality Management District. CEQA Guidelines. December 1999.
- City of Belvedere. Belvedere General Plan 2030. June 2010. Chapters 1-6 and Appendices
_____. Belvedere Climate Action Plan. April 2011.
_____. Belvedere Municipal Code. Title 19, Zoning.
_____. Belvedere Municipal Code, Title 20, Architectural and Environmental Design Review.
- Federal Emergency Management Agency (FEMA). Flood Insurance Rate Map (FIRM) Panel
06041C0527E effective date 3/16/2016.
- Kelly, Isabel Truesdell
1978 "Coast Miwok." In Handbook of North American Indians, Vol 8., California. Edited by R.F.
Heizer. Smithsonian Institution, Washington, D.C.
- Kroeber, Alfred L.
1925 Handbook of the Indians of California. Bureau of American Ethnology Bulletin 78. Washington.
- Lamphier-Gregory. Northern Waterfront General Plan Amendment Draft EIR. Table IV.H-4: Typical
Construction Equipment Noise Levels. January 2006.
- Merkel & Associates. 2014 San Francisco Bay Eelgrass Inventory Prepared for National Marine
Fisheries Service NOAA. Sheet 14.
- Roop, William and Sally Evans
2009 *An Evaluation of Cultural Resources and a Legislative Overview for the City of Belvedere General
Plan Update, Marin County, California*. Prepared for Metropolitan Planning Group.
Archaeological Resource Service, Petaluma. ARS Project No. 08-070.
- San Francisco Bay Development and Conservation Commission. LTMS Management Plan 2001.
Available at: http://www.bcdc.ca.gov/dredging/ltms/ltms_mgemnt.shtml.
_____. Richardson Bay Special Area Plan. 1985. Available at: [http://www.bcdc.ca.gov/
pdf/rbsap/rbsap.pdf](http://www.bcdc.ca.gov/pdf/rbsap/rbsap.pdf).
_____. San Francisco Bay Plan. 2011. Available at:
http://www.bcdc.ca.gov/laws_plans/plans/sfbay_plan#38.
- University of California Museum of Paleontology Collections Database, accessed March 23, 2017.
<http://www.ucmp.berkeley.edu/>

APPENDICES

Appendix A: Application forms and supplemental materials submitted to City of Belvedere Planning Department.

Appendix B: Project Plans prepared by W.B. Clausen Structural Engineers, dated May 9, 2019