

# CALIFORNIA ENVIRONMENTAL QUALITY ACT STATEMENT OF FINDINGS

The Department of Toxic Substances Control (DTSC) has issued Findings for this project pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code, Division 13, Section 21081) and implementing Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15091 et seq.)

## A. PROJECT SUBJECT TO DTSC APPROVAL

PROJECT TITLE: Kiku Crossing Removal Action Workplan		CALSTARS CODING:
PROJECT ADDRESS: 480 East Fourth Avenue	CITY: San Mateo	COUNTY: San Mateo
PROJECT SPONSOR: MidPen Housing Corporation	CONTACT: Mollie Naber	PHONE/ EMAIL: (650) 339-6181 mollie.naber@midpen-housing.org

APPROVAL ACTION UNDER CONSIDERATION BY DTSC:			
<input type="checkbox"/> Initial Permit Issuance	<input type="checkbox"/> Permit Renewal	<input type="checkbox"/> Permit Modification	<input type="checkbox"/> Closure Plan
<input checked="" type="checkbox"/> Removal Action Workplan	<input type="checkbox"/> Remedial Action Plan	<input type="checkbox"/> Interim Removal	<input type="checkbox"/> Regulations
<input type="checkbox"/> Other (specify):			

STATUTORY AUTHORITY:	
<input type="checkbox"/> California H&SC, Chap. 6.5	<input checked="" type="checkbox"/> California H&SC, Chap. 6.8
<input type="checkbox"/> Other (specify):	

<p><b>PROJECT DESCRIPTION</b></p> <p><u>Project Description:</u> The proposed project activities involve excavation, transportation, and off-site disposal of 180 cubic yards of contaminated soil. Project activities would be accomplished through approval and implementation of a Removal Action Workplan (RAW) for volatile organic compounds (VOCs) in groundwater and lead-impacted soils at the Kiku Crossing site (480 East Fourth Avenue and 400 East Fifth Avenue) in the downtown area of the City of San Mateo (Site).</p> <p><u>Background:</u> Based on the documentation reviewed, the 480 East Fourth Avenue property consisted of residences from about 1888 to 1891. A lumber planning mill was operated at the property beginning approximately in 1910 until 1990. The 480 East Fourth Avenue property was redeveloped and used as a service station and car wash for approximately 30 years, which was demolished in the early 1980s. In 1998, the property was a parking lot and improved with a commercial building, which was demolished in 2010.</p> <p>For approximately a year, from 2013-2014, the property was used as a temporary fire station, which has since been removed. Based on the inquiries made with the City of San Mateo, the property was used by the City Fire Department to park vehicles. It was reported that two 4,000-gallon underground storage tanks (USTs) were removed from the Site in 1985. Metals, VOCs, and total petroleum hydrocarbons (TPHs) were reported to have exceeded action levels following subsurface investigations conducted in 2019 and 2020. The Site owner entered into a Standard Voluntary Agreement (Docket Number: HSA-FY 19/20-146) with DTSC to facilitate site remediation and certification for redevelopment with multi-family affordable housing.</p> <p><u>Project Activities:</u> The RAW proposed excavation, transportation, and off-site disposal of contaminated soil over a period of 6 to 8 weeks. In addition, clean import soil will be used to backfill excavated areas. The following project-specific activities are intended to prevent exposure of contaminants to future site occupants and protect the environment.</p> <ul style="list-style-type: none"> <li>• Excavation – Approximately 180 cubic yards (13 truckloads) of contaminated soil will be excavated and loaded onto trucks for disposal. Standard equipment including backhoes, excavators, and front-end loaders and/or other appropriate equipment will be used to conduct excavation activities. Depending on the engineering characteristics of the existing onsite soil, clean import soil may be used to backfill excavated areas (up to 13 additional truckloads assuming all excavated soil will be backfilled). Confirmation sampling will be conducted to ensure cleanup goals have been met.</li> <li>• Transportation and Off-Site Disposal – Based on the results of sample analysis, soils will be classified as either non-hazardous, California hazardous, or federal Resource Conservation and Recovery Act (RCRA) hazardous</li> </ul>
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waste. Contaminated soil will be transported by truck to an approved off-site disposal facility. An approved truck route and haul hours, and traffic control will be followed for trucks disposing of contaminated soil, in accordance with a DTSC-approved Site Remediation Traffic Management Plan.

- Land Use Covenant– Based on the current site conditions, groundwater exceeds the PCE Maximum Contaminant Level, but is a de minimis risk. A Land Use Covenant will be recorded to prevent the use of on-Site groundwater.

The Department of Toxic Substances Control (DTSC) utilized information and analysis in the City of San Mateo Initial Study/Environmental Assessment (IS/EA) for the *City-Owned Downtown Affordable Housing and Parking Garage Site PA19-033* to support a final determination about the type of environmental document required to be prepared for the proposed Kiku Crossing Removal Action Workplan as provided by Sections 15162, 15163, and 15164 of the CEQA Guidelines. Specifically, the Initial Study/Environmental Assessment analyzed potential impacts related to contaminated soils in Section 4.10 (Hazards and Hazardous Materials) and analyzed potential impacts related to excavation and off-site disposal activities in Section 4.4 (Air Quality), Section 4.5 (Biological Resources), Section 4.6 (Cultural Resources), Section 4.8 (Geology and Soils), Section 4.9 (Greenhouse Gas Emissions), Section 4.11 (Hydrology and Water Quality), Section 4.14 (Noise), Section 4.18 (Transportation), and Tribal Cultural Resources (Section 4.19).

Related to Hazards and Hazardous Materials, the IS/EA concluded construction and demolition activities could expose construction workers to potentially unacceptable health risks from contaminated groundwater and soil vapor. In response, the IS/EA recommends implementation of environmental cleanup plan(s) and a Health and Safety Plan (HASP).

Related to Air Quality, the IS/EA concluded no significant impacts would occur.

Related to Biological Resources, the IS/EA concluded that removal of 54 existing trees on the project site could result in the loss of fertile eggs or nestlings, or otherwise lead to nest abandonment of raptor or other migratory birds. In response, the IS/EA recommends implementation of scheduling construction activities outside of nesting season and establishing buffers, as necessary.

Related to Cultural Resources, the IS/EA concluded that the project could result in impacts to buried prehistoric or historical archaeological deposits and/or human remains. In response, the IS/EA recommends implementation of archaeological monitoring during ground disturbing activities.

Related to Geology and Soils, the IS/EA concluded no significant impacts would occur.

Related to Greenhouse Gas Emissions, the IS/EA concluded no significant impacts would occur.

Related to Hydrology and Water Quality, the IS/EA concluded no significant impacts would occur.

Related to Noise, the IS/EA concluded that construction noise generated by the proposed project would result in a significant temporary noise impact. In response, the IS/EA recommends implementation of a construction noise logistics plan which includes measures such as restricting construction activity hours, equipping construction equipment with mufflers and sound control devices, and notifying nearby residents.

Related to Transportation, the IS/EA concluded no significant impacts would occur.

Related to Tribal Cultural Resources, the IS/EA concluded the project could cause a substantial adverse change in the significance of an unknown tribal cultural resource. In response, the IS/EA recommends implementation of archaeological monitoring during ground disturbing activities.

## B. LEAD AGENCY ENVIRONMENTAL DOCUMENT REVIEWED

Lead Agency: City of San Mateo

Lead Agency Environmental Document Title: City-Owned Downtown Affordable Housing and Parking Garage Site PA19-033

Date Certified: August 17, 2020

State Clearinghouse Number: 2020050511

**C. STATEMENT OF FINDINGS AND FACTS FOR ADEQUACY OF LEAD AGENCY ENVIRONMENTAL DOCUMENT**

Using its independent judgment, DTSC makes the following findings:

The Lead Agency Final Environmental Document includes a description of the Project now before DTSC for decision

The Lead Agency Final Environmental Document adequately analyzed impacts associated with the Project before DTSC for decision.

DTSC concurs with the findings made by the Lead Agency Final Environmental Document relating to the Project before DTSC for decision.

Mitigation measures are included in the Lead Agency Final Environmental Document for the following resources that would potentially be affected by the DTSC project and have been or will be implemented by the project proponent:

<input type="checkbox"/> Aesthetics	Mitigation Measure: None
<input type="checkbox"/> Agricultural/Forestry Resources	Mitigation Measure: None
<input type="checkbox"/> Air Quality	Mitigation Measure: None
<input checked="" type="checkbox"/> Biological Resources	Mitigation Measure: MM BIO-4.1, MM BIO-4.2, MM BIO-4.3, MM BIO-4.4 (refer to the Initial Study/Environmental Assessment, City-Owned Downtown Affordable Housing and Parking Garage Site PA19-033 (May 2020), see Attachment A).
<input checked="" type="checkbox"/> Cultural Resources	Mitigation Measure: MM CUL-2.1, MM CUL-2.2 (refer to the Initial Study/Environmental Assessment, City-Owned Downtown Affordable Housing and Parking Garage Site PA19-033 (May 2020), see Attachment A).
<input type="checkbox"/> Energy	Mitigation Measure: None
<input type="checkbox"/> Geology/Soils	Mitigation Measure: None
<input type="checkbox"/> Greenhouse Gas Emissions	Mitigation Measure: None
<input checked="" type="checkbox"/> Hazards/Hazardous Materials	Mitigation Measure: MM HAZ-2.1 (refer to the Initial Study/Environmental Assessment, City-Owned Downtown Affordable Housing and Parking Garage Site PA19-033 (May 2020), see Attachment A).
<input type="checkbox"/> Hydrology/Water Quality	Mitigation Measure: None
<input type="checkbox"/> Land Use/Planning	Mitigation Measure: None
<input type="checkbox"/> Mineral Resources	Mitigation Measure: None
<input checked="" type="checkbox"/> Noise	Mitigation Measure: MM NOI-1.1, MM NOI-1.2, MM NOI-2.1 (refer to the Initial Study/Environmental Assessment, City-Owned Downtown Affordable Housing and Parking Garage Site PA19-033 (May 2020), see Attachment A).
<input type="checkbox"/> Population/Housing	Mitigation Measure: None
<input type="checkbox"/> Public Services	Mitigation Measure: None
<input type="checkbox"/> Recreation	Mitigation Measure: None
<input type="checkbox"/> Transportation	Mitigation Measure: None
<input checked="" type="checkbox"/> Tribal Cultural Resources	Mitigation Measure: MM CUL-2.1 (refer to the Initial Study/Environmental Assessment, City-Owned Downtown Affordable Housing and Parking Garage Site PA19-033 (May 2020), see Attachment A).
<input type="checkbox"/> Utilities/ Service Systems	Mitigation Measure: None
<input type="checkbox"/> Wildfire	Mitigation Measure: None

Mitigation measures identified in the Lead Agency Final Environmental Document have been adopted by DTSC for this Project and have been or will be implemented by the project proponent to avoid, reduce, or substantially lessen the project impacts. No additional mitigation measures are necessary, and no additional mitigation monitoring plan is required pursuant to CEQA.

For each significant environmental effect identified for the Project:

Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects as identified in the Lead Agency Final Environmental Document.

Such changes or alterations are within the responsibility and jurisdiction of City of San Mateo and not DTSC.

Such changes have been adopted by this public agency or can and should be adopted by this public agency.

Mitigation measures included in the Lead Agency Final Environmental Document are infeasible, and therefore, will not be incorporated into the DTSC Project for the following reasons:

**Based on the above findings, DTSC concludes:**

The proposed Project will not result in significant and unavoidable effects to the environment.

The proposed Project will result in significant and unavoidable effects to the following environmental resources:\*

- |  |
|--|
| <input type="checkbox"/> Aesthetics                      |
| <input type="checkbox"/> Agricultural/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"/> Population/Housing              |
| <input type="checkbox"/> Public Services                 |
| <input type="checkbox"/> Recreation                      |
| <input type="checkbox"/> Transportation                  |
| <input type="checkbox"/> Tribal Cultural Resources       |
| <input type="checkbox"/> Utilities/Service Systems       |
| <input type="checkbox"/> Wildfire                        |

\*Impacts to these resources would remain significant even after applying mitigation measures described in the Lead Agency Final Environmental Document, or there is no feasible mitigation available.

\*In accordance with Cal. Code of Regs., title 14, section 15093, a Statement of Overriding Considerations was adopted by the Lead Agency for these resources. DTSC adopts a Statement of Overriding Considerations for these resources having determined that the DTSC Project benefits outweigh the significant environmental effects for the following reasons:

None of the conditions requiring a subsequent EIR or Negative Declaration pursuant to Cal. Code Regs., title 14 Section 15162 exist.

In accordance with Cal. Code of Regs., title 14, section 15093, a Notice of Determination indicating the results of said Findings will be filed with the Governor’s Office of Planning and Research/ State Clearinghouse.

**D. CERTIFICATION**



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Project Manager Signature

9/22/2021

\_\_\_\_\_

Date

Arthur Machado  
Project Manager Name

Engineering Geologist  
Project Manager Title

(415) 723-0792  
Phone #

Sincerely,



9/22/2021

\_\_\_\_\_

Date

Supervisor Signature

Juliet C. Pettijohn  
Supervisor Name

Branch Chief  
Supervisor Title

(510) 540-3843  
Phone #

## Attachment A

The following mitigation measures are included in the Lead Agency Final Environmental Document would potentially be affected by the DTSC project.

### **MM BIO-4.1:**

Construction activities (or at least the commencement of such activities) should be scheduled to avoid the nesting season to the extent practicable. If construction activities are scheduled to take place outside of the nesting season, all impacts on nesting birds protected under the MBTA and CDFW will be avoided. The nesting season for most birds in San Mateo County extends from February 1st through August 30<sup>th</sup>.

### **MM BIO-4.2:**

If it is not practicable to schedule construction activities between September 1 and January 31 then preconstruction surveys for nesting birds shall be conducted by a qualified ornithologist to ensure that no active nests will be disturbed during project implementation. These surveys shall be conducted no more than 14 days prior to the initiation of construction. During this survey, the ornithologist shall inspect all trees and other potential nesting habitats (e.g., trees, shrubs, ruderal grasslands, buildings) in and immediately adjacent to the impact areas for nests).

### **MM BIO-4.3:**

If an active nest is found sufficiently close to work areas to be disturbed by these activities, the ornithologist shall determine the extent of a construction-free buffer zone to be established around the nest (typically 300 feet for raptors and 100 feet for other species), to ensure that nests of species protected by the MBTA and CDFW shall not be disturbed during project implementation.

### **MM BIO-4.4:**

If construction activities will not be initiated until after the start of the nesting season, all potential nesting substrates (e.g., bushes, trees, grasses, and other vegetation) that are scheduled to be removed by the project may be removed prior to the start of the nesting season (e.g., prior to February 1st).

### **MM CUL-2.1:**

Archaeological monitoring shall occur for removal of the asphalt/concrete pavement, potholing, tree removal, and other ground disturbing activities prior to construction. If a sufficient subsurface sample has not been observed and documented by an archaeologist, mechanical presence/absence exploration shall occur to access the stratigraphy for the entire project APE. If this monitoring and trenching effort cannot be considered because of construction deadlines and methods, a suite of mechanical coring at both locations can be implemented as a logistical alternative. The depth should be commensurate with proposed impacts detailed in the vertical component to the Project APE. Given the size of the core samples, the samples may not yield sufficient information to make reliable conclusion as to the intactness of a potential archaeological resource. If archaeological deposits or features that appear eligible to the National Register of Historic Places are identified during exploration, an archaeological research design and work/treatment plan shall be prepared to facilitate archaeological excavation and evaluated any feature or deposit discovered to the National Register. Native American involvement and monitors will be needed for any Native American resources identified.

If buried, or previously unrecognized archaeological deposits or materials of any kind are inadvertently exposed during any construction activity, work within 50 feet of the find shall cease until a qualified archaeologist can assess the find and provide recommendations for further treatment, if warranted. Construction and potential impacts to the area(s) within a radius determined by the archaeologist shall not recommence until the assessment is complete.

### **MM CUL-2.2:**

In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall be stopped. The San Mateo County Coroner shall be notified and make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) immediately. Once the NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.

### **MM HAZ-2.1:**

One or more environmental cleanup plan(s) and a model Health and Safety Plan (HASP), to be adopted by project contractors, shall be approved by an environmental agency of applicable jurisdiction prior to issuance of a grading permit for the proposed construction. The environmental cleanup plan(s) shall establish the measures to safely remove and or mitigate significant environmental health and safety risks (short- and long-term) potentially posed to future site users by the presence of hazardous materials in existing fill, contaminated groundwater, and soil gas beneath the site. Such environmental mitigation and or remediation approaches and techniques may include, among others, excavation of impacted media for disposal at appropriately permitted landfill facilities, engineered barriers to minimize exposure to hazardous materials. The environmental cleanup plan shall also include truck routes to avoid significant pedestrian, remediation-related truck traffic.

The HASP, which will be adopted and implemented by the general contractor and its subcontractors, will be prepared by an appropriately credentialed individual and outline proper soil and groundwater handling procedures and other health and safety requirements for the protection of workers handling hazardous materials in fill and contaminated groundwater during construction. The HASP shall be consistent with the worker protection requirements of the Cal/OSHA Title 8 regulations for the protection of worker safety. The HASP shall also include measures and protocols for the protection of the public's environmental health which shall include among others: management of stockpiles and onsite soils to prevent the mobilization of particulate matter (e.g., through windblown dust, soil tracked-out through trucks or other construction vehicles); and retention of construction water onsite.

The presence of hazardous materials in fill and contaminated groundwater pose soil, soil gas and groundwater management and potential health risks to be addressed as part of the Site development activities. The environmental cleanup plan(s) and or HASP objectives will be to protect environmental health and safety by minimizing exposure to construction workers, nearby residents and/or pedestrians, and future Site users to constituents in the soil, soil gas and groundwater.

**MM NOI-1.1:**

Prior to issuance of building permits, mechanical equipment shall be selected and designed to reduce impacts on surrounding uses, in conformance with the City's requirements. A qualified acoustical consultant shall be retained by the project applicant to review mechanical noise as the equipment systems are selected in order to determine specific noise reduction measures necessary to reduce noise to comply with the noise limit of 55 dBA L50 or less at residential property lines, and 60 dBA L50 or less at commercial property lines. Noise reduction measures could include, but are not limited to the following:

- Selection of equipment that emits low noise levels;
- Installation of additional noise barriers such as enclosures, and;
- Increased height screening walls to block the line of sight between the noise source and the nearest receptors.

**MM NOI-1.2:**

The project applicant shall incorporate the following mitigation measures into the proposed project to minimize the impact of construction noise on existing sensitive receptors.

- A construction noise logistics plan shall be prepared that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction.
- Construction activities shall be governed by the City's Municipal Code, unless permission is granted with a development permit or other planning approval.
- All construction equipment shall be equipped with mufflers and sound control devices (e.g., intake silencers and noise shrouds) that are in good condition and appropriate for the equipment.
- Maintain all construction equipment to minimize noise emissions.
- Stationary equipment shall be located on the site so as to maintain the greatest possible distance to the sensitive receptors.
- Unnecessary idling of internal combustion engines shall be strictly prohibited.
- Residential uses within 500 feet and commercial or office uses within 200 feet of the project site shall be notified of the construction schedule in writing.
- The construction contractor shall provide the name and telephone number an on-site construction liaison. In the event that construction noise is intrusive to the community, the construction liaison shall investigate the source of the noise and require that reasonable measures be implemented to correct the problem.

**MM NOI-2.1:**

The project applicant shall incorporate the following mitigation measures into the proposed project to reduce construction vibration impacts to a less than significant level.

- Prior to the issuance of a grading permit, the project applicant shall submit a Construction Vibration Monitoring and Control Plan (Plan) prepared by an acoustical/vibration consultant, structural engineer or other appropriately qualified professional.
- The Plan shall identify protocols for project construction activities to maintain vibration levels at or below the potential for building damage threshold. The protocols could include continuous vibration monitoring during the phases of construction most likely to generate high vibration levels such as excavation and foundation phases.
- A pre-construction survey of the storage building along the project garage's property line shall also be conducted. The survey shall include photo or video documentation. The Plan shall adopt a building damage vibration threshold of PPV 0.5 inches per second or identify an alternative threshold as appropriate based on the condition of the building and the actual construction equipment/activities.
- Because the construction vibration analysis identifies the potential for construction vibration to cause annoyance at the adjacent existing office building at 700 S. Claremont St. (i.e. calculated PPV exceeds 0.10 inches per second), the Plan shall also identify project construction methods to maintain vibration levels below the annoyance threshold. If it is not feasible to limit construction vibration level to below the threshold, the Plan shall specify the expected periods that could result in annoyance and provide protocols for notifying the owner of the office building prior to those activities.

For consistency with noise policies contained in the General Plan, the following Conditions of Approval are recommended for consideration by the City.