

# **FINDINGS OF FACT**

## **East Bay Regional Park District Borel Property Underground Storage Tank Removal & Soil Remediation Project**

### **I. INTRODUCTION**

The California Environmental Quality Act (CEQA), Public Resources Code Sections 21000 et seq., states that if a project would result in significant environmental impacts it may be approved, if feasible mitigation measures or feasible alternatives that can avoid or substantially lessen the significant impacts of the project are adopted, or when there are no such feasible mitigation measures or alternatives but specific economic, legal social, technological or other benefits or considerations of the project outweigh the unavoidable adverse environmental effects.

Therefore, when an environmental impact report (EIR) has been completed which identifies one or more potentially significant environmental impacts, the approving agency must make one or more of the following findings for each identified significant impact:

1. Changes or alterations which avoid or substantially lessen the significant environmental effects of the project as identified in the Final EIR have been required or incorporated into the Project; or
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency; or
3. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or Project alternatives identified in the Final EIR, and that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment (Pub. Resources Code, Section 21081).

As "lead agency" under California Code of Regulations, Title 14, Section 15367, the East Bay Regional Park District (Park District) hereby adopts the following California Environmental Quality Act findings relating to the Borel Property Underground Storage Tank (UST) Removal and Soil Remediation Project (Project) approved by the Park District on June 6, 2023.

## **II. PURPOSE AND BACKGROUND**

The Project supports its objectives to remediate and restore the Project Site while protecting nearby communities, future site occupants and visitors by removal of the UST and remediation of 600 cubic yards of contaminated soil. The Project will also allow the site to be developed without any land use restrictions. The contaminated soil extends below the ca. 1923 garage. In order to remediate this soil, the Project proposes to demolish the ca. 1923 garage. The ca. 1923 is not individually eligible for the California Register of Historic Resources (CRHR) but is a contributing element to a historic Park District recommended eligible to the CRHR and is therefore a historical resource for the purposes of CEQA.

More specifically, the Project objectives are:

- Remediate the Project Site through the removal of the leaking underground storage tank and prevent further release or threatened release of hazardous substances from the historical uses on the Project site.
- The Project also includes the remediation of approximately 600 cubic yards of contaminated soil surrounding the UST.
- Complete remediation prior to the July 30, 2023, deadline imposed on the Park District by the Regional Water Quality Control Board (RWQCB)
- Restore the Project Site by removing all contaminated and oil-stained soil in order to:
  - Protect proximal environmental resources (e.g., vegetation, groundwater, and surface water) from contamination;
  - Protect nearby communities from hazardous conditions;
  - Protect future property occupants and visitors; and
  - Allow the Project property to be developed into a future agricultural public park without any land use restrictions related to hazards and hazardous materials.

## **III. PURPOSE OF THE EIR**

This EIR will serve as the primary source of environmental information for the actions and approvals associated with the East Bay Regional Park District (Park District). In accordance with Section 21002.1 of CEQA, the purpose of this EIR is to provide the Park District, serving as the lead agency, information on: the potentially significant environmental impacts that would result from implementation of the Project; alternatives to the Project; and mitigation measures, which may reduce or avoid any significant effects. This EIR will also be used as an information document by other

public agencies, in connection with any approvals or permits necessary for construction and operation of the Project. The Project evaluated in this EIR does not represent a commitment from the Park District to implement the Project. This EIR serves as an informational document regarding the impacts resulting from implementation of the Project if they are fully realized. Future projects that are not contained within the scope of this EIR will require further environmental review.

#### **IV. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION PROCESS**

The Park District prepared and circulated a Notice of Preparation (**NOP**) Friday, December 16, 2022, through Monday, January 16, 2023. The NOP was circulated in order to receive input from interested public agencies (e.g., responsible and trustee agencies) and private parties on the contents of the EIR.

The Park District prepared and circulated the Draft EIR for a period of 45-days, extending from Thursday, March 30, 2023, through Monday, May 15, 2023. The Draft EIR was posted on the Park District's website at: <https://www.ebparks.org/projects>. A hardcopy of the Draft EIR was made available at the Park District's office located at 2950 Peralta Oaks Court, Oakland, CA 94605. A Notice of Availability of the Draft EIR was transmitted to responsible and trustee agencies, regulatory agencies and other stakeholders to request comments on the Draft EIR, pursuant to *State CEQA Guidelines* Section 15086. Comments on the Draft EIR were received during the comment period, and those comments are responded to in the Final EIR.

The Final EIR comprises the Draft EIR and the comments on the Draft EIR submitted by interested public agencies, organizations, and members of the public; written responses to the environmental issues raised in those comments; revisions to the text of the Draft EIR reflecting changes made in response to comments and other information; and other minor changes to the text of the Draft EIR. The Final EIR is hereby incorporated in this document by reference.

The Final EIR was distributed on May 26, 2023, over 10 days before the June 6, 2023, public hearing.

#### **V. INCORPORATION OF FINAL EIR BY REFERENCE**

The EIR evaluated the Proposed Project, as well as alternatives to the Proposed Project. For these findings, the Project is defined as the project studied in the EIR.

The Final EIR consists of: (1) the Draft EIR, (2) all appendices to the Draft EIR; (3) Section 1, "Introduction"; (4) Section 2, "Revisions and Additions"; (5) Section 3, "Response to Comments"; (6) Section 4, "Mitigation Monitoring and Reporting Program." As documented in the Final EIR, Section 3, Responses to Comments, the Park District received no comments during the DEIR review period and, therefore, no responses were necessary.

The Final EIR, consisting of the aforementioned components, is hereby incorporated by reference into these findings.

## **VI. GENERAL FINDINGS**

### **A. Terminology of Findings**

Section 15091 of the *State CEQA Guidelines* requires that, for each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three allowable conclusions. The first is that "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR." The second potential finding is that "[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency." The third permissible conclusion is that "[s]pecific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR. "For purposes of these findings, the term "mitigation measures" shall constitute the "changes or alterations" discussed above. The term "avoid or substantially lessen" will refer to the effectiveness of one or more of the mitigation measures or alternatives to reduce an otherwise significant environmental effect to a less-than-significant level. In the process of adopting mitigation measures, the Park District will also be making decisions on whether each mitigation measure proposed in the Draft EIR is feasible or infeasible. Pursuant to the *State CEQA Guidelines*, "feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors" (*State CEQA Guidelines*, Section 15364.) When the Park District finds a measure is not feasible, evidence for its decision will be provided.

### **B. Certification of Final EIR**

In adopting these findings in accordance with CEQA, the Park District has considered the environmental effects as shown in the Final EIR prior to undertaking implementation of the proposed Project. These findings represent the independent judgment and analysis of the Park District.

### **C. Changes to the Draft EIR**

No substantive changes to the Draft EIR were made in the Final EIR; no comments were received.

### **D. Evidentiary Basis for Findings**

These findings are based upon substantial evidence in the entire record before the Park District as described in **Section III**. The references to the adopted Borel Property Underground Storage Tank Removal and Soil Remediation Project Draft EIR, and Final EIR set forth in these findings are for ease of reference and are not intended to provide an exhaustive list of the evidence relied upon for these findings.

## E. Location and Custodian of Records

Pursuant to Public Resources Code Section 21081.6 and California Code of Regulations, Title 14, Section 15091, the Park District is the custodian of the documents and other material that constitute the record of proceedings upon which the Park District's decision is based, and such documents and other material are located at: the administrative offices of the Park District located at 2950 Peralta Oaks Court, Oakland, CA 94605.

## VII. FINDINGS REGARDING IMPACTS IDENTIFIED IN THE EIR TO BE LESS THAN SIGNIFICANT OR NO IMPACT AND REQUIRING NO MITIGATION

This section presents a listing of environmental resources with findings from project impacts having no potential to cause significant impact and therefore require no project-specific mitigation.

### Finding of No Impact

Agricultural  
Land Use and Planning  
Mineral Resources  
Population and Housing  
Public Services  
Recreation

### Finding of Less than Significant Impact (Before Mitigation)

#### *Aesthetics*

- a) Have a substantial adverse effect on a scenic vista.

**Finding:** No Impact. The Project Site is not located within a Town designated Scenic Hillside area, nor a Major Ridgeline area. The Project property is primarily flat, and the foothills of the Las Trampas Regional Wilderness Park are visible in the distance from the Project Site looking northwest.

The Project consists of the removal of the ca. 1923 garage, trellis attached to that garage, and a leaking UST. The Project will also include the removal of the contaminated soil surrounding that UST. The Project would not construct any additional structures that may impact existing scenic views of the Las Trampas Regional Wilderness Park. The remainder of the existing former agricultural land will be preserved. Therefore, the Project would have no impacts to a scenic vista.

- b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

**Finding:** Less Than Significant Impact. The Project Site is located adjacent to a State-designated Scenic Highway I-680. However, the Project Site is shielded from I-680 by intervening trees. The Project would not alter the visual character of the existing Project Site. The Project would demolish the ca. 1923 garage, which is a historical resource for the purposes of CEQA due to its status as a contributing factor to a recommended eligible historic district to the CRHR. However, the demolition would not make the historic district ineligible for listing. The overall viewshed of the site would not change because the property would still retain its agricultural characteristics. Additionally, the vegetation that creates a visual buffer between the Project property and I-680 would remain. No new structures would be constructed. Therefore, the Project would have a less than significant impact on scenic resources within a state scenic highway.

- c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality.

**Finding:** No Impact. With the exception of the removal of the garage and trellis, the Project would preserve the existing landscape and remaining of the structures. The appearance of the Project property would remain the same as existing conditions, and the Project would not alter the visual character of the Project property. The public views of the foothills of the Las Trampas Regional Wilderness Park will remain visible from the Project Site and adjacent streets. Therefore, no impact would occur.

- d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

**Finding:** No Impact. As stated above, with the exception of the removal of the garage and trellis, the Project would preserve the existing landscape and remainder of the structures. Removal of the garage, trellis, underground storage tank, and surrounding soil would not introduce new sources of light or glare on-site, or in the surrounding community. Construction activities would take place during daytime hours. As a result, no impact would occur.

## **Air Quality**

- a) Conflict with or obstruct implementation of the applicable air quality plan.

**Finding:** Less than Significant Impact. The most recent clean air plan is the Bay Area 2017 Clean Air Plan. The Plan includes control measures that are intended to reduce air pollutant emissions in the Bay Area either directly or indirectly. The Project would not conflict with the latest Clean Air planning efforts since the Project is not considered

growth-inducing and would consist of demolition and remediation. It would not have the potential to substantively alter air quality attainment statuses for the region. Therefore, the Project would not conflict with or obstruct implementation of the applicable air quality plan.

- b) 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.

**Finding:** Less than Significant Impact. Construction emissions from the Project may result from vehicle trips to and from the Project Site, and use of heavy equipment for excavation and earth moving required for demolition and remediation activities. Excavation and demolition may generate emissions of ozone precursors (reactive organic gas [ROG] and nitrogen oxides [NO<sub>x</sub>]), carbon dioxide [CO], and dust (PM<sub>10</sub>, and PM<sub>2.5</sub>). However, implementation of General Plan Policy 34.03, which includes best practices such as regular watering, would reduce impacts to a less than significant level.

- c) Expose sensitive receptors to substantial pollutant concentrations.

**Finding:** Less than Significant Impact. Construction activity and the associated generation of diesel particulate matter (DPM) emissions from the use of off-road diesel equipment required for demolition and remediation activities would be short term and exhaust from construction equipment dissipates rapidly. Therefore, short-term construction activities would not generate a significant health risk. Furthermore, construction would comply with California regulations limiting the idling of heavy-duty construction equipment to no more than 5-minutes, which would reduce nearby sensitive receptors' exposure to temporary and variable DPM emissions. The Project consists of demolition and remediation activities, and therefore, it would not create additional vehicle trips to the Project property during operation. As a result, the Project would not conflict with a program, plan, ordinance, or policy that aims to reduce vehicle miles traveled (VMT) and associated mobile emissions. Impacts would be less than significant.

- d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

**Finding:** Less than Significant Impact. The Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines identify certain land uses as sources of odors. These land uses include wastewater treatment plants, food processing facilities, composting facilities, petroleum refineries, chemical manufacturing, landfills, dairies, and fiberglass manufacturing. The Project will remain as a non-operating walnut farm, which is not considered an odor source. Construction activities associated with the Project may generate detectable odors from heavy-duty equipment exhaust. However, construction-related odors would be short-term in nature and cease upon completion of the Project. Impacts would be less than significant.

## **Biologic Resources**

- 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, or regulation, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

**Finding:** Less than Significant Impact. As shown in the Draft EIR, several of special-status wildlife species have the potential to occur within the vicinity of the Project Site. Specifically, approximately two amphibians (California tiger salamander and the foothill yellow-legged frog), two birds (Swainson's hawk, and the tricolored blackbird), one mammal (the San Joaquin kit fox), one reptile (Alameda whipsnake), and two insects as candidate endangered (the Crotch bumble bee and the western bumblebee). Additionally, buildings such as the ca. 1923 garage included in this project have the potential to host roosting bats.

The Project proposes to demolish the ca. 1923 garage and a trellis attached to the garage, as well as remove the underground storage tank (UST). The Project also includes the remediation of contaminated soil surrounding that UST. The Project would not introduce new habitable structures or uses that would significantly affect the habitat of any plant or wildlife species. Additionally, the Project would not result in the disturbance or removal of any trees, thereby leaving any existing habitat for special status-bird species unaffected. As part of the Park District's due diligence on the project site, a roosting bat survey was conducted to analyze the project site for potential bat habitat and signs of nesting bats. The survey concluded that the garage did not provide suitable habitat and no signs of current or historical use by bats were observed. Therefore, Project operations would not introduce new significant impacts to the habitats of any existing wildlife species.

Project construction, including demolition and remediation activities, could disturb any existing candidate, sensitive, or special status species present on-site, as well as the movement of any species. As a result, impacts would be potentially significant. However, the Project would be subject to the policies in the General Plan to reduce significant impacts to biological resources. General Plan Policy 21.10 would require preparation of a biological assessment, and General Plan Policy 21.11 requires the protection of the nests of raptors and other birds when in active use, as required by the California Fish and Game Code (CFGC) and the Migratory Bird Treaty Act (MBTA). Consistent with the General Plan 2030, implementation of General Plan Policies 21.10 and 21.11 would ensure impacts to nesting birds are less than significant.

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

**Finding:** No Impact. While no riparian habitat exists within the Project property, the San Ramon Creek runs adjacent to the Project property to the west. The Project involves the demolition of the garage and trellis, as well



as removal of the underground storage tank (UST) and associated contaminated soil remediation. The Project would not impact the San Ramon Creek. Furthermore, the remediation of contaminated soil would eliminate the potential for contamination to migrate into the ground water and streambed, potentially benefiting San Ramon Creek. As a result, the Project would have no impact on riparian habitats or other sensitive natural communities surrounding the Project Site.

- c). Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

**Finding:** No Impact. The Project Site is not located within any federally recognized wetlands. Therefore, no impact to federally protected wetlands would occur.

- 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.

**Finding:** No Impact. The Project does not involve the construction of any new structures that would interfere with the movement of any native resident or migratory wildlife species. The Project would not remove any existing trees from the Project property, nor would the Project impact the adjacent riparian habitat of San Ramon Creek. The Project property is surrounded by development on all sides and would not remove or impact a wildlife corridor. No impact would occur.

- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

**Finding:** No Impact. Construction associated with the Project would not impact existing trees on the Project property. The Project would also be required to comply with Section 32-79 of the Municipal Code, the Tree Preservation Ordinance, which restricts the alteration or removal of Town street trees. No impact would occur.

- 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.

**Finding:** No Impact. The Project property is not located in an area subject to an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved conservation plans. Therefore, no impact would occur.

## **Energy**

- a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.

**Finding:** Less than Significant Impact.

## **Construction**

Construction activity would use energy in the form of petroleum-based fuels to power construction vehicles and equipment throughout the Project property, construction worker travel to and from the Project property, and vehicles used to deliver materials to the Project property.

Construction equipment would be maintained to applicable standards, and construction activity and associated fuel consumption and energy use would be temporary and typical of construction sites. The Project would comply with Title 24 and CALGreen standards. Therefore, the Project would not involve the inefficient, wasteful, and unnecessary use of energy during construction, and the construction-phase impact related to energy consumption would be less than significant.

## **Operation**

The Project's operational energy impacts would be no greater than its existing operational energy uses, as the Project includes removal of a garage, trellis, UST, and soil remediation. The Project does not include any changes to the current operation of the Project site. The Project's on-site operational energy impact would be considered less than significant.

- b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

**Finding:** Less than Significant Impact. The Project would comply with all state and local plans and policies described above for renewable energy and energy efficiency. Therefore, implementation of the Project would result in less than significant impacts associated with renewable energy or energy efficiency plans.

## **Geology and Soils**

- a) Directly or indirectly cause 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 Division of Mines and Geology Special Publication 42; (ii) strong seismic ground shaking; (iii) seismic-related ground failure, including liquefaction; (iv) landslides.

- i) **Finding:** No Impact. The California Geological Survey (CGS) establishes regulatory zones around active faults, called Alquist-Priolo Earthquake Fault Zones, which extend from 200 to 500 feet on each side of the known fault. These zones identify areas where a potential surface fault rupture could prove hazardous for buildings used for human occupancy. Development projects located within an Alquist-Priolo Earthquake Fault Zone are required to prepare special geotechnical studies to characterize hazards from any potential surface ruptures. The Project is not located within a State of California Earthquake Fault Hazard Zone or an Alquist-Priolo Earthquake Fault Zone, and the Project would not result in any new habitable structures. Therefore, no impact would occur.
  
  - ii) **Finding:** Less Than Significant Impact. Adherence to current building codes and engineering practices would ensure that the Project would not expose people, property, or infrastructure to seismically induced ground shaking hazards that are greater than the average risk associated with locations in active fault lines and would minimize the potential to expose people or structures to substantial risk, loss, or injury. Additionally, the Project involves the demolition of an existing garage, the removal of a UST, and the remediation of contaminated soil from that leaking UST, and would not build any structures, habitable or otherwise, or add any feature that could add to the risk of loss, injury, or death on the Project property. With compliance with existing regulatory requirements, Project impacts associated with seismic ground shaking would be less than significant.
  
  - iii) **Finding:** No Impact. Liquefaction is a seismic phenomenon in which loose, saturated, fine-grained granular soils behave similarly to a fluid when subjected to high-intensity ground shaking. Liquefaction occurs when three general conditions exist: (1) shallow groundwater; (2) low-density, fine, clean sandy soils; and (3) high intensity ground motion. The Project Site is not located within an area with shallow groundwater, sandy soils, or within a State of California Earthquake Fault Hazard Zone. Therefore, the Project Site is not susceptible to liquefaction. No impact would occur.
  
  - iv) **Finding:** No Impact. Landslides and other types of slope failures, such as lateral spreading, can result in areas with varying topography in the event of an earthquake. The topography of the Project property is relatively flat with no significant slopes existing within its vicinity. The Project Site is not located within a landslide zone and is not susceptible to landslides. Thus, the Project would not result in potential adverse effects involving landslides. No impacts would occur.
- c) Result in substantial soil erosion or the loss of topsoil.

**Finding:** Less than Significant Impact. Construction activities associated with the Project would result in ground surface disruption during demolition, removal of the UST and excavation of contaminated soil, which would temporarily expose soils, allowing for possible erosion. The Project would be required to comply with federal,

regional, and local regulations pertaining to soil erosion related-construction activity. Therefore, impacts would be less than significant.

- c, d) 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.

Be located on expansive soil, as defined in Table 18-I-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.

**Finding:** Less than Significant Impact. Expansive soils contain types of clay minerals that occupy considerably more volume when they are wet or hydrated than when they are dry or dehydrated. Soil volume changes associated with changes in the moisture content of near-surface expansive soils can cause upward movement of the ground when they become wet or cause settlement when they dry out, exerting forces on structures and potentially causing damage to building foundations. The Project includes excavation of approximately 600 cubic yards of soil to remediate the contaminated soil from the leaking UST. The Project is not located within an area that is subject to landslides, lateral spreading, or subsidence, and Project construction and operational activities would not have the potential to trigger these impacts on or offsite. As a result, impacts would be less than significant.

- f) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

**Finding:** No Impact. The Project includes demolition of the ca. 1923 garage and trellis, the removal of an existing UST, and remediation of contaminated soil surrounding the UST. No additional structures or residences are proposed as this time. Any future development on the Project site would be connected to the Contra Costa County Sanitary District (CCCSD) sanitary system, and sewer infrastructure would be able to serve the Project site. Therefore, the Project would have no impact on soils due to the use of septic tanks or alternative wastewater disposal systems.

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

**Finding:** Less than significant Impact. The Town of Danville is underlain by sedimentary deposits that have the potential to contain fossils. The Project proposes the excavation of approximately 600 cubic feet of soil, which could unearth previously unknown paleontological resources. California Public Resources Code Section 5097.2 prohibits excavation or removal of any “vertebrate paleontological site ... or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands.” General Plan Policy 24.09 requires development projects to consult with a qualified paleontologist or geologist to determine whether fossils or geologic features with high scientific value are present. Compliance with

state and local regulations would ensure there would be no destruction of paleontological resources. Impacts would be less than significant.

### **Greenhouse Gas Emissions**

- a) Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment.

**Finding:** Less than Significant Impact. GHG emissions associated with the Project would occur over the short-term from construction activities, consisting primarily of emissions from equipment exhaust and worker and trips from the demolition and excavation activities. The BAAQMD Guidelines state that GHG emissions from construction represent a very small portion of a project's lifetime GHG emissions. The Project does not include any changes to the operation of the Project property. The Project would not generate additional trips to the Project property, and therefore, the Project would not generate any additional operational emissions. Impacts would be less than significant.

- b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gas emissions.

**Finding:** No Impact. The Project is limited to demolition of the ca. 1923 garage and trellis, removal of an UST, and soil remediation. There would be no additional structures or vehicle trips associated with Project operation. Thus, the project would not interfere with BAAQMD significance thresholds, or the Association of Bay Area Governments' strategies to reduce GHG emissions. Furthermore, the Project would not add additional population to the surrounding area that would lead to increased VMT and associated mobile emissions.

Furthermore, the Project's operational GHG impacts would be no greater than its existing operational GHG emissions. Thus, the Project would comply with all applicable plans, policies, and programs adopted for the purpose of reducing GHG emissions. The net increase in GHG emissions, direct and indirect, would be consistent with applicable greenhouse gas reduction strategies. No Impact would occur.

### **Hazards & Hazardous Materials**

- a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

**Finding:** Less Than Significant Impact. Construction activities would involve the use of potentially hazardous materials, including vehicle fuels, oils, and fluids. All hazardous materials would be transported, contained, stored, used, and disposed of in accordance with manufacturers' instructions and would be handled in compliance with all applicable standards and regulations. Construction related hazardous materials use would be temporary, and does not constitute routine transport, use, or disposal. The Project includes the removal of the leaking UST, and

remediation of approximately 600 cubic yards of soil. The Project would require the one-time transportation of the removed contaminated soil and the UST. Adherence to General Plan Policy 28.02 and compliance with applicable standards and regulations would ensure that construction and remediation activities would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. As the current contaminated conditions on the Project Site, the Project would result in a beneficial impact regarding hazardous materials, and a less than significant impact would occur.

- b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

**Finding:** Less than Significant Impact. A Phase I and Phase II ESA prepared in January 2022 identified current hazardous conditions regarding the release of chemicals from the UST that likely spread to the groundwater table. The Project involves the removal of the UST, and remediation of the surrounding soil. Demolition and excavation activities could result in the exposure of existing identified contaminants. However, the Project involves a Remedial Action Workplan to ensure proper treatment of contaminated soil. As a result of the remediation activities associated with the Project, the Project would have a beneficial impact regarding the release of hazardous materials into the environment.

Furthermore, in accordance with General Plan Policy 28.05, any asbestos containing materials, lead based paint, or polychlorinated biphenyls (PCBs) found to be present in buildings or structures proposed for demolition would be removed in accordance with uniformly applied federal, state, and local regulations to ensure worker safety and avoid release into the environment. Therefore, the Project would have a less than significant impact.

- c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school.

**Finding:** Less than Significant Impact. There is one school located within one-quarter mile of the Project property: The Redwoods International Montessori Preschool & Kindergarten, approximately 0.2 miles west. However, the Remedial Action Workplan associated with the Project to remove the hazardous existing conditions would ensure that the Project would not emit hazardous emissions that would impact the nearby school.

- 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.

**Finding:** Less Than Significant Impact. The Project Site is designated as “pending review” by the SWRCB GeoTracker list. However, since the site status is pending review and labeled as “Non-Case Information” the site does not appear on the GeoTracker map. This is a remediation project and therefore, due to the nature of the project impacts would be less than significant.

- 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 or excessive noise for people residing or working in the project area.

**Finding:** No Impact. The Project is not located within an airport land use plan and there are no public or private airports or airstrips within two miles of the Project Site. The closest airport to the Project is the Livermore Municipal Airport, located approximately 10.3 miles southeast of the Project site. Therefore, no impacts would occur.

- f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

**Finding:** No Impact. The Town of Danville Emergency Operations Plan identifies the Town's responsibilities during natural disasters and human-caused emergencies and provides a response and recovery framework to coordinate the Town's services to address the disaster or emergency. Additionally, the General Plan includes several goals and policies for maintaining high levels of emergency preparedness. Policies 29.02, 29.03 and 29.04 address on-going preparation and training for emergency preparedness. Policy 29.03 also provides for emergency traffic control plans in collaboration with other jurisdictions in San Ramon Valley in the event of planned or emergency closure of I-680 or other major circulation routes within the community. All Project construction activities would be contained on the Project property, the construction phase of the Project would not block existing driveways and emergency routes. As such, construction activities would not conflict with the evacuation guidelines outlined in the Emergency Operations Plan.

- g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

**Finding:** No Impact. The Project Site is not located in a Very High Fire Severity Zone. The California Department of Forestry and Fire Protection (Cal Fire) does not identify any such zones within the City of Danville or surrounding communities. The Project Site are adjacent to an urbanized area. The Project area itself would not expose people or structures to risk of loss, injury, or death from wildland fires as it is in an urbanized area that is not prone to wildfires. Thus, the Project would not expose persons or structures to wildfire hazard risks. No impact would occur, and no further analysis is necessary.

## Hydrology and Water Quality

- a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.

**Finding:** Less than Significant Impact. The Project proposes to demolish the ca. 1923 garage and a trellis attached to that garage and remove the underground storage tank (UST). The Project also includes the remediation of contaminated soil surrounding that UST. The Project would involve soil disturbance through demolition and excavation of contaminated soil. This would result in soil exposure which could lead to mobilization by rainfall/runoff and/or wind as these are the primary modes of sediment releases. Thus, Project-related construction activities may increase on-site erosion and siltation and may result in temporary impacts to surface water quality of nearby San Ramon Creek. Dislodged sediments may be discharged into the storm drain system. In accordance with the Construction General Permit (CGP) requirements, the Project would incorporate Best Management Practices (BMPs) that intercept stormwater and prevent pollutants from discharging into San Ramon Creek and the storm drain system.

- b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

**Finding:** Less than Significant Impact. The Project Site is located in the San Ramon Valley groundwater basin. However, the Town of Danville does not pump groundwater from the basin. Project would not install any groundwater wells, would not require the use of groundwater for any new uses, and would not otherwise directly withdraw any groundwater. Thus, the Project would not substantially deplete groundwater supply, nor would the Project interfere with groundwater recharge. Impacts would be less than significant.

- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would i) result in substantial erosion or siltation on- or off-site; ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; iii) 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; or iv) impede or redirect flood flows?

**Finding:** Less than Significant Impact. The Project proposes to demolish the ca. 1923 garage and a trellis attached to that garage, as well as to remove the UST. The Project also includes the remediation of contaminated soil surrounding that UST. The Project would not cause an increase in the impervious surfaces on the Project property. There would be no change in the drainage patterns of the site, nor any increased runoff.



Construction activities associated with the Project would involve soil disturbance through demolition and excavation of contaminated soil. This would result in soil exposure which could lead to mobilization by rainfall/runoff and/or wind as these are the primary modes of sediment releases. As discussed above, the Project would comply with the regulations outlined in the San Francisco Bay RWQCB's CGP and Contra Costa County's Stormwater Discharges from Municipal Sources permit (MS4) pertaining to impacts to the water quality surface waters and select and implement BMPs to adequately offset the increase in erosion and sedimentation caused by the Project.

The Project property is generally flat and is located in a Zone X (unshaded), which is not considered a Special Flood Hazard Area and would not result in impacts to the 100-year flood. As a result, the Project would not substantially alter the existing drainage pattern of the area in a manner which would result in flooding on- or off-site; 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; or impede or redirect flood flows.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.

**Finding:** Less than Significant Impact. As previously discussed, the Project property is located in a Zone X (unshaded), which is not subject to seiches or tsunamis. The Project would be required to comply with Provisions C.3, the Danville Stormwater Management and Discharge Control Ordinance, and General Plan Policies 26.02 and 26.03 to reduce the impacts of stormwater runoff and potential flooding. Therefore, the Project would not risk release of pollutants due to inundation from flood hazard, tsunami, or seiche zones.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

**Finding:** Less than Significant Impact. As discussed, the Project would comply with Provision C.3 of the Bay Area Municipal Regional Permit (MRP) and would implement the Town's Stormwater Management and Discharge Control Ordinance and Grading Ordinance to reduce pollutants from construction. Therefore, the Project would not conflict with or obstruct implementation of the San Francisco Bay Basin Plan or a sustainable groundwater management plan. Impacts would be less than significant.

## **Transportation**

a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

**Finding:** No Impact. The Project proposes to demolish the ca. 1923 garage and trellis, as well as remove the underground storage tank (UST). The Project also includes the remediation of contaminated soil surrounding that UST. Construction-related trucks and vehicles for the Project would be nominal and would be parked off-road within

the Project property. Thus, Project-related construction activities and operations would not impact the existing roadway and bicycle circulation system along Fostoria Way and Camino Ramon. Therefore, the project would have no impact.

b) Conflict or be inconsistent with *CEQA Guidelines* section 15064.3, subdivision (b).

**Finding:** Less than Significant Impact. *CEQA Guidelines* Section 15064.3(b)(3) states, “If existing models or methods are not available to estimate the vehicle miles traveled for the particular project being considered... may analyze the project’s vehicle miles traveled qualitatively. Such a qualitative analysis would evaluate factors such as the availability of transit, proximity to other destinations, etc.” The Project is limited to demolition and excavation activities. During construction, materials delivery and similar construction truck trips would occur, however these would be limited in terms of duration and would cease once construction operation are complete. For Project operation, the Project does not propose any changes to existing operations. As a result, trips and associated VMT would be expected to remain similar to existing conditions. Therefore, the Project would remain consistent with Section 15064.3(b) of the *CEQA Guidelines*. Less than significant impacts would occur.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

**Finding:** No Impact. The Project includes proposes to demolish the ca. 1923 garage and trellis, as well as remove the underground storage tank (UST). The Project also includes the remediation of contaminated soil surrounding that UST. The Project site layout and design would remain the same. Vehicle access to and from the Project property would remain via Camino Ramon, the same as existing conditions. As design and layout of the Project property would remain the same, the Project would not include any design features that would substantially increase hazards or incompatible use. No impacts would occur.

d) Result in inadequate emergency access.

**Finding:** No Impact. The Project would not remove or close the existing vehicle driveway on-site. Access to the Project property would continue to be provided via Camino Ramon. Additionally, the Project would be subject to General Plan Policies 12.02, 12.05, 14.02, which aim to maintain a safe circulation network. As such, the Project would not result in inadequate emergency access and no impact would occur.

## VIII. FINDINGS REGARDING IMPACTS ANALYZED IN THE EIR AND DETERMINED TO BE SIGNIFICANT BUT MITIGATED TO LESS THAN SIGNIFICANT

This section includes findings for project impacts which are potentially significant, but which are mitigated to a less than significant level with the imposition of mitigation measures. The Park District finds that all potentially significant impacts of this project listed below can and will be substantially lessened or avoided by imposition of mitigation measures. Specific findings of the Park District for each impact are set forth below in this section.

The Park District hereby finds that the following potential environmental impacts can and will be mitigated to below a level of significance, with implementation of the mitigation measures recommended in the EIR.

### **Cultural Resources**

- a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.

*Significance Before Mitigation:* Potentially Significant

### **Mitigation Measure**

**MM CUL-I:** Prior to the proposed demolition of the ca. 1923 wood-framed garage, or any other ground-disturbing activities at the Project Site, an Architectural Historian or Historian who meets the Secretary of Interior's Professional Qualification Standards (SOIs) shall complete equivalent to Historic American Building Survey (HABS) documentation of the garage within the context of the historic district. The documentation will be similar to the National Park Service's HABS Level III documentation for the garage and include a sketch plan of the historic district, digital photography of the interior and exterior of garage as well as contextual photographs of the garage within the setting of the historic district, and a short form historical report utilizing relevant historical context from the HRE. The recordation shall document the physical characteristics of not only the building proposed for demolition, but also its relationship to the district setting and landscape, in effect, documenting a portion of the district setting, which could be considered a more meaningful way to mitigate or lessen the effects on the historic district. While the recordation will generally follow HABS guidance, it will not be submitted to the permanent collection at the Library of Congress. Following the completion of the documentation, the materials will be placed on file with the Park District archives, the Town of Danville, and with local historical societies (including at minimum the Danville Historical Society and the San Ramon Valley Museum).

**Finding:** Less Than Significant with Mitigation

The Park District finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Per Section 21084.1 of the *State CEQA Guidelines*, demolition of the ca. 1923 garage would remove part of an eligible historic district, implementation of **MM CUL-1** would reduce the Project's potential impacts to the Borel Ranch Historic District to a less-than-significant impact with mitigation incorporated.

### **Cultural Resources**

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.

Significance Before Mitigation: Potentially Significant

### **Mitigation Measure**

**MM CUL-2:** If archaeological resources are encountered during construction or during ground-disturbing activities, work in the immediate area should be halted and the Park District shall retain an archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for Archaeology immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for CRHR eligibility. If the discovery proves to be significant under CEQA and cannot be avoided by the project, additional work may be warranted, such as data recovery excavation, to mitigate any significant impacts to archaeological resources.

**Finding:** Less Than Significant with Mitigation

The Park District finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

The Project site is documented as having been continuously occupied and/or used as an agricultural landscape since it was purchased in the 1890s, the previous disturbance of the Project Site (the installation of the UST), and because of the historic-period use of the vicinity of the Project Site as a fuel area, there is a low to moderate potential to encounter buried historic-period archaeological resources. However, with **Mitigation Measure MM CUL-2** would ensure the reduction of the Project's potential impacts to the Borel Ranch Historic District to a less-than-significant impact with mitigation incorporated.

- c) Disturb any human remains, including those interred outside of dedicated cemeteries.

*Significance Before Mitigation:* Potentially Significant

**Mitigation Measure**

**MM CUL-3:** In the event that human remains are found, the Project will be required to comply with the procedures set forth by Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.94 of the State of California, this includes the following:

- In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains.
- If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

**Finding:** Less than Significant with Mitigation

The Park District finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

Implementation of **MM CUL-3** would reduce the Project's potential impacts to human remains uncovered during Project-related activities to less than significant with mitigation incorporated.

## **Tribal Cultural Resources**

**Impact TCR-1:** Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- i) Listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources Code Section 5020.1(k), or
- ii) 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 Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

*Significance Before Mitigation:* Potentially Significant

### **Mitigation Measure**

**MM TCR-1:** Unanticipated Discovery of Tribal Cultural Resources (TCR). No TCR's have been identified within the Project. However, if such resources are identified during Project implementation, they would be treated according to **Mitigation Measure CUL-2** and **CUL-3**.

**Finding:** Less Than Significant with Mitigation

The Park District finds that changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.

The Project Site is considered sensitive for buried archaeological resources due to its proximity to San Ramon Creek. New TCRs may be identified through implementation of the proposed Project. If previously unidentified TCRs are encountered during construction activities, there is a potential for destruction, damage, or loss of the TCRs. The Project-related construction activities that could result in such adverse impacts include demolition and excavation, which will disturb the surface and subsurface deposits associated with TCRs. Implementation of **MM TCR-3** would reduce the Project's potential impacts to human remains uncovered during Project-related activities to less than significant with mitigation incorporated.

## IX. ALTERNATIVES TO THE PROJECT

*State CEQA Guidelines* §15126.6(a) requires an evaluation of “a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives.” The objectives of the Project are identified in Section 2.0, Project Description, of the Draft EIR, and in Section II of these Findings. Alternatives are used to determine whether or not a variation of the Project would reduce or eliminate significant project impacts within the basic framework of the objectives.

*State CEQA Guidelines* §15126.6(e) requires that, among other alternatives, a “no project” alternative be evaluated in comparison to the Project. *State CEQA Guidelines* §15126.6(e)(2) requires that the “no project” analysis “discuss the existing conditions ... as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.”

The project alternatives evaluated in detail in the EIR were the following:

1. No Project Alternative
2. Garage Preservation

### Project Objectives and Legal Requirements

At the time of project approval, the lead agency’s decision-making body must determine whether the alternatives are feasible or not. The lead agency must consider whether specific “economic, legal, social, technological, and other considerations ...make infeasible mitigation measures or alternatives identified in the environmental impact report.” (Pub. Res. Code, § 21081(a)(3); *State CEQA Guidelines* § 15091(a)(3)).

Importantly, CEQA gives lead agencies the authority to approve a project notwithstanding its significant environmental impacts, if the agency determines it is not “feasible” to lessen or avoid the significant effects. (Pub. Res. Code, § 21002). If specifically identified benefits of the project outweigh the significant unavoidable environmental impacts, the adverse impacts may be considered “acceptable,” thereby allowing for lead agency approval of the project, notwithstanding such adverse impacts, provided the agency adopts a statement of overriding considerations. (Pub. Res. Code, § 21081.1(b); *State CEQA Guidelines* § 15093).

As called for by the *State CEQA Guidelines*, the achievement of project objectives must be balanced by the ability of an alternative to reduce the significant impacts of the project. CEQA does not require adoption of an alternative that does not adequately meet most of the basic project objectives as determined by the lead agency decision makers.

The objective of the Project is to remediate the hazardous condition caused by the leaking underground storage tank. More specifically, the Project aims to:

- Remediate the Project Site through the removal of the leaking underground storage tank and prevent further release or threatened release of hazardous substances from the historical uses on the Project site.
- The Project also includes the remediation of approximately 600 cubic yards of contaminated soil surrounding the UST.
- Complete remediation prior to the July 30, 2023, deadline imposed on the Park District by the California RWQCB.
- Restore the Project Site by removing all contaminated and oil-stained soil in order to:
  - Protect proximal environmental resources (e.g., vegetation, groundwater, surface water) from contamination;
  - Protect nearby communities from hazardous conditions;
  - Protect future property occupants and visitors; and
  - Allow the Project property to be developed into a future agricultural public park without any land use restrictions related to hazards and hazardous materials.

## **Findings Regarding Alternatives Considered in the EIR**

### **Alternative 1 – No Project**

Section 15126(2)(4) of the *State CEQA Guidelines* requires evaluation of the No Project Alternative. As described in the *State CEQA Guidelines*, the purpose of describing and analyzing the No Project Alternative is to allow decision makers to compare the impacts of approving the project with the impacts of not approving the project. However, “no project” does not necessarily mean that development will be prohibited. The No Project Alternative includes “what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.”

### **Consideration of No Project Alternative**

The No Project Alternative (Alternative 1) would reduce most impacts compared to the Proposed Project by eliminating all proposed construction associated with the Proposed Project. However, Alternative 1 would not meet any of the Proposed Project’s objectives.



## Findings

The Park District finds that the No Project Alternative would require no construction or ground disturbance would occur, no impacts to cultural resources would occur. Furthermore, Mitigation Measures MM CUL-2, MM CUL-3, and TCR-I would not be required. Therefore, Alternative 1 would have *no impact to cultural resources or tribal cultural resources*, and impacts would be less than the Project.

### **Alternative 2 – Garage Preservation Alternative**

The Garage Preservation Alternative (Alternative 2) assumes that the Project would be implemented, however the ca. 1923 garage and trellis attached to the garage would be preserved. Alternative 2 would remove the UST and remediate as much contaminated soil as possible surrounding the UST. These remediation activities would take place surrounding the garage and trellis and would leave them intact.

This Alternative would require the remediation schedule to be extended in order to secure the garage and trellis and to use horizontal remediation techniques (e.g., soil vapor extraction, horizontal extraction) that require longer time periods to accomplish remediation to regulatory standards. Therefore, the RWQCB deadline would be missed.

It also would be possible to leave impacted soils in place, but hazardous substances remaining in place would restrict future park uses and require expenditures to support indefinite monitoring costs.

### **Consideration of Garage Preservation Alternative**

Under the Garage Preservation Alternative, the ca. 1923 garage and trellis attached to the garage would be preserved and the UST would be removed. Similar to the Project, ground disturbing activities would be required to remove some/all of the contaminated soil from the leaking UST from the Project Site. As a result, the project would have the potential to impact buried prehistoric artifacts, as well as previously undiscovered human remains during construction activities. Alternative 2 would be subject to **Mitigation Measures MM CUL-2, MM CUL-3 and MM TCR-I**, which would reduce impacts to archaeological resources and/or Tribal Cultural Resources to a less than significant level. Alternative 2 would preserve the ca 1923. garage and trellis, which is part of the eligible historic district associated with the agricultural practice of walnut orchard farming in the San Ramon Valley from ca. 1880 to ca. 1960. The preservation of this resource would remove the need for **Mitigation Measure MM CUL-I** and would and would ensure impacts to historical resources would be less than significant. As such, impacts under the Garage Preservation Alternative would be less than significant and would be reduced compared to the Project.

## Findings

The Project's objective includes remediation of the hazardous condition caused by the leaking UST. Alternative 2 could meet this objective removing and/or remediating approximately 600 cubic yards of contaminated soil

surrounding the UST. However, methods to remediate the contaminated soil in place would fail to meet other Project objectives. Thorough remediation of the contaminated soil would not be reasonably possible by the July 30th timeline imposed on the Project. Additionally, another Project objective is for the property to be developed into a future public agricultural park with no constraints on use. Soil remediation techniques such as soil vapor extraction, would not effectively address the impacts to groundwater quality, and would require ongoing monitoring. This monitoring would constrain future uses and increase operating costs of the park site. For these reasons, while Alternative 2 would be less significant when compared to the Project, Alternative 2 would not meet all Project objectives.

For the above-mentioned reasons, the Park District hereby finds that the benefits of the Project outweigh and override any adverse environmental impacts associated with the Borel Property Underground Storage Tank Removal and Soil Remediation Project.

## **XII. ADOPTION OF A MITIGATION MONITORING PROGRAM FOR THE CEQA MITIGATION MEASURES**

Section 21081.6 of the Public Resources Code requires the Park District to adopt a monitoring or reporting program regarding the changes in the Project and mitigation measures imposed to lessen or avoid significant effects on the environment. The Mitigation Monitoring and Reporting Plan (MMRP), included as Chapter 4.0 in the Final EIR, is hereby adopted.