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# CEQA Findings of Fact and Statement of Overriding Considerations Hidden Canyon Residences and Preserve Project City of Pleasanton, Alameda County, California

## State Clearinghouse Number 2019080461

Prepared for:
**City of Pleasanton**
**Community Development Department**
200 Old Bernal Avenue
Pleasanton, CA 94566
925.931.5613

Contact: Natalie Amos, Associate Planner

Prepared by:
**FirstCarbon Solutions**
2999 Oak Road, Suite 250
Walnut Creek, CA 94597
925.357.2562

Contact: Mary Bean, Project Director
Prathna Maharaj, AICP, Senior Project Manager

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# CEQA FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

## 1.1 - Introduction

In accordance with requirements under the California Environmental Quality Act (CEQA) and based on the nature and scope of the proposed project, the City of Pleasanton (City), in its discretion as Lead Agency, directed the preparation of a Draft Environmental Impact Report and attached appendices (collectively, Draft EIR). The Draft EIR for the Hidden Canyon Residences and Preserve Project (proposed project) provides a detailed explanation related to the preparation of this environmental document as well as information regarding the applicable regulatory framework, the various project components and the project site, along with a robust analysis of the potential environmental impacts that could occur as a result of the construction and operation of the proposed project. As detailed more fully below, the Draft EIR was prepared, noticed, published, circulated, reviewed and completed in full compliance with CEQA. The Draft EIR identifies significant effects on the environment, which may occur as a result of implementation of the proposed project and identifies those mitigation measures that would reduce impacts to below a level of significance. After circulating the Draft EIR for a 60-day public review and comment period (including a required 45-day and a 15-day extension), the City of Pleasanton prepared a Final Environmental Impact Report (Final EIR). The Final EIR (consisting of the Introduction, Errata, and Responses to Written Comments) incorporates the Draft EIR by reference in its entirety. The City of Pleasanton is required to certify the Final EIR pursuant to CEQA Guidelines Section 15090 prior to approving a project and make certain findings with respect to these impacts pursuant to CEQA Guidelines Section 15091.

The CEQA Guidelines provide that prior to approving a project, the Lead Agency shall certify that:

1) The Final EIR has been completed in compliance with CEQA;
2) The Final EIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the Final EIR prior to approving the project; and
3) The Final EIR reflects the lead agency's independent judgment and analysis. (CEQA Guidelines § 15090).

CEQA Guidelines Section 15091 further explains that:

> No public agency shall approve or carry out a project for which an EIR has been completed which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
>
> (a) 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.

(b) 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.

(c) Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

The required findings shall be supported by substantial evidence in the record (CEQA Guidelines § 15091).

This document sets forth the required findings described above (hereinafter, "Findings"). For the purpose of these Findings, the "EIR" shall consist of the Draft EIR, all appendices attached to the Draft EIR, and the Final EIR. The Final EIR incorporates the Draft EIR. References herein to the EIR are to the collective documentation contained in the Draft EIR and Final EIR. All acronyms used within this document shall have the same meaning as defined in the Draft EIR.

## 1.2 - Statement of Findings

The City of Pleasanton has prepared an EIR pursuant to CEQA. The Draft EIR for the Hidden Canyon Residences and Preserve Project (proposed project) identifies significant effects on the environment, which may occur as a result of the proposed project. The Final EIR (consisting of the Introduction, Errata, and Responses to Comments) incorporates the Draft EIR. For these Findings, the "EIR" shall consist of the Draft EIR, all appendices attached to the Draft EIR, and the Final EIR. All acronyms used within this document shall have the same meaning as defined in the Draft EIR.

**Section 1.5** sets forth potential environmental effects of the proposed project which have no impact or are not significant because of the design of the proposed project.

**Section 1.6** sets forth those potential environmental effects of the proposed project which are not significant because they can feasibly be mitigated below a level of significance.

**Section 1.7** discloses the environmental impacts that remain significant and unavoidable even with the incorporation of feasible mitigation.

**Section 1.8** summarizes the alternatives discussed in the EIR and makes findings with respect to the feasibility of alternatives and whether the alternatives would lessen the significant environmental effects of the proposed project.

The following sets forth all significant effects of the proposed project and with respect to each effect, makes one or more findings set forth in Section 1.1, Introduction, and provides facts in support of such findings.

As discussed above, the City of Pleasanton is required to make certain findings with respect to these impacts pursuant to CEQA Guidelines Section 15091. Accordingly, the City of Pleasanton hereby makes these required findings, as set forth in this document ("Findings"). These Findings summarize

the environmental determinations about the proposed project's significant impacts before and after mitigation, and summarize the proposed project's individual and cumulative impacts. These Findings do not attempt to describe the full analysis of each environmental impact. Instead, they provide a summary description of each significant impact and the applicable mitigation measures identified in the EIR and adopted by the City of Pleasanton, and state the conclusions regarding the significance of each impact after incorporation of the identified mitigation measures. A comprehensive explanation of these environmental impact conclusions can be found in the EIR, as supplemented and explained in staff reports and materials presented by the project applicant, the City of Pleasanton staff, and various project consultants, and other relevant materials in the administrative record. The EIR is incorporated into these Findings in its entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the proposed project in spite of the potential for associated significant and unavoidable adverse impacts.

## 1.3 - Project Summary

### 1.3.1 - Project Description

**Residential**

The proposed project would result in the construction of 28 new detached single-family residential units, three of which would include accessory dwelling unit (ADU) plans ranging in size from 394 to 720 square feet. The proposed project would also demolish two existing homes owned by the Lester Family on two separate existing lots, Lots 29 and 30, for the construction of two new single-family homes in the same location. All residential lots would have a maximum lot size of approximately 14,884 square feet. Residential units would contain three different floor plans ranging from 3,750 to 4,250 square feet, with four architectural styles: Rustic Villa (Mediterranean), Spanish, Prairie, and Farmhouse. All plans would feature classic elements, details, color schemes, and stonework to fit in or be congruent with the rolling landscape of the development site and open space.

The proposed 28 new detached single-family residential units would be accessible off a landscaped gated entry off Dublin Canyon Road. Three new internal roadways (Street A, Street B, and Court C) would provide connection to the project site from Dublin Canyon Road. An access road at the end of Street A would be provided to allow continued access for grazing livestock on the open space areas outside of the City's Urban Growth Boundary (UGB). The proposed project includes construction of sidewalks along Street A, Street B, and Court C. The proposed project also includes the construction of a 5-foot-wide sidewalk along the front of lot 30 along Dublin Canyon Road and a pedestrian crossing at Canyon Meadows that would facilitate access to the proposed East Bay Regional Parks District (EBRPD) trailhead. Crosswalks are also proposed within the development site.

Access to the two proposed homes on Lots 29 and 30 would retain the existing entrance on Dublin Canyon Road. This entrance would be converted into a paved loop that would connect to the EBRPD easement to the east of the existing property. Bollards would be installed at the Lester driveway connection to Dublin Canyon Road and a private access gate would be constructed at the loop's connection with the EBRPD easement. A 5-foot-wide sidewalk or pathway would also be constructed

on the northern frontage of Lot 30 facing Dublin Canyon Road to facilitate access to a proposed EBRPD trailhead.

Landscape elements would be native and native-type species that are drought-tolerant and wind resistant to conserve water use. No artificial landscape plantings are proposed. High-efficiency drip irrigation would also reduce outdoor water use. A proposed 30-foot minimum firebreak planting area would be installed behind proposed residences behind Lots 1 and 2 near the intersection of Dublin Canyon Road and Street B, and behind Lots 13 and 14 on the northern end of Court C.

The proposed project would include lighting elements for security and wayfinding typical of a residential subdivision. Lighting elements would include roadway lighting, accent lighting at the entrance from Dublin Canyon Road to Street B, and accent lighting associated with landscaping and single-family residences. A community identification plaque would be provided at the development site's entrance at the intersection of Dublin Canyon Road to Street B.

The proposed project would include bioretention areas and vaults for on-site stormwater management near the proposed main entrance at the intersection of Dublin Canyon Road and Street B and along Street A. Proposed 12-inch storm drains throughout the development site would be provided connections to bioretention areas for pre-treatment before draining into a 12-inch storm drain located in Dublin Canyon Road. The proposed storm drains would connect to a new 24-inch storm drain located in Dublin Canyon Road by extension of an 18-inch storm drain located at the intersection of Street A and Street B and within Street A. Additionally, 12- and 8-inch storm drains are also proposed within Court C. A 12-inch storm drain is proposed along private and public roads surrounding Lots 29 and 30, which would connect to existing facilities adjacent to Dublin Canyon Road to the north.

Pleasanton Garbage Services would provide weekly solid waste and recycling services. Each residential household would be provided with a garbage and recycling cart.

Pacific Gas and Electric Company (PG&E) would provide gas and electric service. Pacific Bell Telephone Company (Pac Bell), Xfinity, and AT&T would provide telecommunications services.

Both the 28 detached single-family residential units and the two existing single-family residential units proposed for development are located within the City's UGB and would be annexed into the City as part of the proposed project.

## Open Space

The proposed project would preserve approximately 117.1 acres of designated open space on four parcels: Parcel A, which would contain 39.9 acres to be owned and managed by the Homeowner's Association (HOA); Parcel B, which would contain 69.3 acres to be dedicated to the EBRPD; Parcel C, which would add another 7.6 acres of open space to be retained by the Lester Family for future dedication to EBRPD; and Parcel D would contain 0.30 acre to be owned and managed by the HOA. Throughout the duration of development for the proposed project, Parcel C would be retained by the Lester Family for continued agricultural use. However, as part of a "life estate dedication," upon

the passing of the last Lester Family member ownership of this parcel would transfer to the EBRPD, thus securing approximately 76.9 acres of open space, parking/staging, and trail use.

Parcel A, Parcel C, and Parcel D are located inside the City's UGB and would be annexed into the City as part of the proposed project. Parcel B is located outside of the City's UGB and would not be annexed into the City as part of the proposed project.

### Roadway Improvements

The proposed project would construct several roadway improvements on Dublin Canyon Road, including the construction of a traffic signal and a proposed pedestrian crossing at the intersection of Canyon Meadows Drive and Dublin Canyon Road across from the Oak Hills Congregation to facilitate access to the proposed EBRPD trailhead. Six-foot-wide bike lanes would also be constructed on both sides of Dublin Canyon Road along the northern frontage of the project site. An Emergency Vehicle Access (EVA) roadway would also be constructed to facilitate connection between the southern boundary of the Oak Hills Congregation Site from Dublin Canyon Road and the proposed Street A.

The existing Oak Hills Congregation Site is located inside the City's UGB and would be annexed into the City as part of the proposed project.

### Construction

For purposes of analysis in the Draft EIR, construction was assumed to occur in five sub-phases from the first quarter of 2026 to the second quarter of 2028. Residential construction would occur in one phase and would involve the removal of accessory structures and the two existing residential structures owned by the Lester Family on Lots 29 and 30 at the northeastern portion of the site.

Grading would cover approximately 21.2 acres and would generate approximately 129,850 cubic yards of material to support the construction of lots, streets, and foundations. 14,630 cubic yards of trench spoils and anticipated soil swelling would result in a total of 142,200 cubic yards of cut and fill work, which would be balanced on site. The proposed grading is designed to avoid potential impacts to Devany Creek and associated vegetation, and would provide a natural slope beyond the proposed residences. Specifically, grading at the two Lester Family-owned sites would avoid areas of 25 percent slope or greater except along small road segments at the sites' entrance on Dublin Canyon Road and along a portion of the EVA.

Construction traffic would use Dublin Canyon Road to access the project site for all site development activities. Construction staging would occur along Dublin Canyon Road when feasible and at the site of the proposed EBRPD trailhead and parking area.

Construction hours would comply with the City's Municipal Code requirements and would occur between the hours of 8:00 a.m. and 8:00 p.m., Monday through Saturday. Limited construction would occur on Sundays and holidays only as needed with pre-approval by the Chief Building Official.

### 1.3.2 - Project Objectives and Statement of Underlying Purpose

The underlying purpose of the proposed project is to facilitate single-family residential housing for the project site consistent with the City's adopted planning documents; to promote open space for conservation and recreational purposes; and to implement roadway improvements to Dublin Canyon Road that would enhance safety and accessibility. Thus, the objectives of the proposed project are to:

1. Provide a well-designed residential neighborhood with a strong sense of community and connection with adjacent open space.
2. Encourage redevelopment of underused sites containing available infrastructure as identified in the Pleasanton General Plan Housing Element.
3. Develop a residential community consistent with Measures PP and QQ.
4. Provide open space areas across the project site and dedicate land to the EBRPD to be permanently preserved.
5. Provide public access, including a public parking/staging area and a trail connection, to Pleasanton Ridge.
6. Preserve the open space character at the edges of the City, in accordance with the City of Pleasanton General Plan Community Character Element.
7. Improve Dublin Canyon Road to increase access and safety by constructing roadways, sidewalks, bike lanes, and a traffic signal.

### 1.3.3 - Required Approvals

Discretionary approvals and permits are required for implementation of the proposed project. The proposed project would require the following discretionary approvals and actions, including:

- EIR Certification (City Council)
- Approve General Plan amendment, rezoning, and growth management allocation (City Council)
- Approve annexation, subdivision, and development plans including a development agreement (City Council)
- Issue architectural review permit (City Council)
- Approve street and sidewalk improvements (City Public Works and Community Development Department)
- Approve water, sewer, stormwater, and street light improvements (City Public Works and Community Development Department)

Subsequent ministerial actions would be required for the implementation of the proposed project including a demolition permit and building permits from the City's Building Inspection Department and grading permits from the City Engineering Department.

It is the City's intent that the Final EIR and the adopted Findings be relied upon to the fullest extent permitted by law in connection with the issuance of any permits or approvals necessary to effectuate the proposed project.

## 1.4 - Background

The City of Pleasanton released a Notice of Preparation (NOP) of an environmental impact report for public review from August 28, 2019 to September 26, 2019 (30-day review period). The NOP and copies of comments received are included as Appendix A to the Draft EIR.

On September 11, 2019, a scoping meeting was held at the City Council Chambers located at 200 Old Bernal Avenue, Pleasanton, CA 94566-0802. The meeting was held at 7:00 p.m. during which individuals and organizations/agency representatives were invited to provide oral comments on the scope of the Draft EIR. Many comments received during the NOP scoping period addressed concerns suggesting further evaluation on significant environmental impacts, including impacts on scenic hillside views, proposed circulation patterns, existing agricultural uses, traffic congestion, geometric design hazards, driver safety, pedestrian safety, stormwater runoff, and soil instability resulting from proposed hillside grading activities.

The Draft EIR was prepared and circulated for an extended 60-day public review period between November 21, 2025 and January 20, 2026. The Draft EIR was publicly available at the City Council Chambers on 200 Old Bernal Avenue, Pleasanton, CA 94566-0802. The Draft EIR was also posted on the City of Pleasanton Community Development Department website at https://www.cityofpleasantonca.gov/our-government/community-and-economic-development/short-range-projects/ during the public review period.

A public meeting was held on December 10, 2025, at 7:00 p.m. at the City Council Chambers on 200 Old Bernal Avenue, Pleasanton, CA 94566-0802 during which individuals and organizations/agency representatives were invited to provide oral comments on the EIR.

The City of Pleasanton prepared a Final EIR, consisting of the comments received on significant environmental issues, written responses to those comments, and an Errata making minor, non-substantive changes to the Final EIR.

The City of Pleasanton subsequently considered all oral and written comments regarding environmental issues in the Final EIR and determined, based on all of the evidence presented, including but not limited to the EIR, written and oral testimony given at public meetings and hearings in connection therewith, and the submission of comments from the public, organizations and regulatory agencies, as well as all other relevant information in the administrative record, the following environmental impacts associated with the proposed project are: (1) less than significant and do not require mitigation; or (2) potentially significant but will be avoided or reduced to a level of insignificance through the identified mitigation measures; or (3) significant and cannot be fully mitigated to a level of less than significant but will be substantially lessened to the extent feasible by the identified mitigation measures.

The City of Pleasanton concludes that implementation of the proposed project could result in potentially significant adverse environmental impacts. As reflected in the Final EIR, there is disagreement among various parties regarding particular conclusions in the EIR. CEQA and relevant case law interpreting the CEQA statute and Guidelines provide the standards for treating disagreement among experts in the context of an EIR, as follows: Where evidence and opinions conflict on an issue concerning the environment, and the lead agency knows of these controversies in advance, the EIR and/or related findings must acknowledge the controversies, summarize the conflicting opinions of the experts, and include sufficient information on the controversy. In making a decision on a project where there is disagreement among experts, the lead agency is not obligated to select the viewpoint that purports to be the most environmentally sensitive. Instead, decision-makers are vested with the discretion to weigh expert opinion and choose which they intend to rely on and are not required to resolve a dispute among experts. In their proceedings, decision-makers must consider comments received concerning the adequacy of the EIR and address any objections raised in these comments. However, decision-makers are not obligated to follow any directives, recommendations, or suggestions presented in comments on an EIR, and can certify an EIR without needing to resolve disagreements among experts.

In making its decision to certify the EIR and approve the proposed project, the City of Pleasanton recognizes that a range of technical and scientific opinions exist with respect to certain environmental issues, particularly with respect to existing agricultural uses, and transportation impacts. The Lead Agency has acquired a comprehensive and well-rounded understanding of the range of this technical and scientific opinion by its review of the EIR; as well as by its review of the information provided by the experts who prepared the EIR; the Lead Agency's other consultants and its staff; along with testimony, letters, reports, and other relevant materials in the administrative record, as well as its own experience and expertise in these matters. The materials reviewed by the Lead Agency include conflicting expert opinions and conflicting statements of facts, as well as other comments on the environmental issues set forth in the EIR. This comprehensive review has enabled the Lead Agency to make its decisions after weighing and considering the various viewpoints on these important issues, and the Lead Agency has made determinations of significant effects based on substantial evidence, not public controversy or speculation. Accordingly, the Lead Agency hereby certifies that its Findings and determinations are based on all of the evidence contained in the EIR, as well as the evidence and other information in the record addressing the environmental impacts of the proposed project, and hereby elects to rely on the analysis and evidence set forth in the EIR.

## 1.5 - Potential Environmental Effects Which are Not Significant or Less than Significant

The City of Pleasanton has heard, been presented with, reviewed, and considered all of the information and data in the administrative record, including the Draft and Final EIR, and all oral and written evidence presented to it during all meetings and hearings. The EIR reflects the independent judgment of the City of Pleasanton and is deemed adequate for purposes of making decisions on the merits of the proposed project.

To provide more meaningful public disclosure, reduce the time and cost required to prepare an EIR, and focus on potentially significant effects on the environment of a proposed project, this EIR

focuses on those potential effects on the environment of the proposed project which the City of Pleasanton has determined are or may be significant. Accordingly, consistent with Public Resources Code Sections 21100 and 21002.1 and Section 15128 of the CEQA Guidelines, the EIR focused its analysis on potentially significant impacts, and limited discussion of other impacts for which it can be seen with certainty there is no potential for significant adverse environmental impacts. CEQA Guidelines Section 15091 does not require specific findings to address environmental effects that an EIR identifies as "no impact" or a "less than significant" impact and for which no mitigation is necessary.

The City of Pleasanton agrees with the characterization in the EIR of all project-specific impacts identified as "no impact" or "less than significant" and finds that those impacts have been described accurately and either have no impact on the physical environment or a less than significant impact, as described in the EIR. The City of Pleasanton further finds that no substantial evidence was submitted or identified during the public comment period indicating that the proposed project would have a potentially significant impact with respect to the environmental impacts or topical categories listed below.

Therefore, based on its independent judgment and the entire administrative record before it, the City of Pleasanton has determined and finds that the following direct, indirect and cumulative environmental impacts will not exceed any established thresholds, will have either no impact or less than significant effects and no mitigation is necessary:

- Air Quality (Draft EIR, Section 3.2)
- Energy (Draft EIR, Section 3.5)
- Greenhouse Gas Emissions (Draft EIR, Section 3.7)
- Hydrology and Water Quality (Draft EIR, Section 3.9)
- Noise (Draft EIR, Section 3.11)
- Recreation (Draft EIR, Section 3.13)
- Utilities and Service Systems (Draft EIR, Section 3.15)

In addition to finding the entire topical areas listed above as having no impact or less than significant impact, the City of Pleasanton has determined and finds that the following environmental thresholds would have either no impact or less than significant effects and no mitigation is necessary:

**Impact AES-1:** The proposed project would not have a substantial adverse effect on a scenic vista. The City finds that impacts would be less than significant. (Draft EIR, pp. 3.1-6 to 3.1-7).

**Impact AES-2:** The proposed project would not damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic Highway. The City finds that impacts would be less than significant. (Draft EIR, p. 3.1-7).

**Impact AES-3:** The proposed project would not, 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), and would not conflict with

applicable zoning and other regulations governing scenic quality. The City finds that impacts would be less than significant. (Draft EIR, pp. 3.1-8 to 3.1-11).

**Cumulative Aesthetics Impacts:** The City finds that the proposed project would have less than significant cumulative impacts with respect to aesthetics. (Draft EIR, pp. 3.1-16 to 3.1-18).

**Impact BIO-4:** The proposed project would not 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 wildlife nursery sites. The City finds that impacts would be less than significant. (Draft EIR, pp. 3.3-43 to 3.3-44).

**Impact BIO-6:** The proposed project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. The City finds that there would be no impact. (Draft EIR, p. 3.3-46).

**Impact CUL-1:** The proposed project would not cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5. The City finds that there would be no impact. (Draft EIR, p. 3.4-25).

**Impact CUL-3:** The proposed project could disturb human remains, including those interred outside of formal cemeteries. The City finds that impacts would be less than significant. (Draft EIR, pp. 3.4-26 to 3.4-27).

**Cumulative Cultural Resources Impacts:** The City finds that the proposed project would have less than significant cumulative impacts with respect to cultural resources. (Draft EIR, pp. 3.4-29 to 3.4-32).

**Impact GEO-2:** The proposed project would not result in substantial soil erosion or the loss of topsoil. The City finds that impacts would be less than significant. (Draft EIR, pp. 3.6-28 to 3.6-29).

**Impact GEO-5:** The proposed project would not 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. The City finds that there would be no impact. (Draft EIR, p. 3.6-32).

**Cumulative Geology, Soils, and Seismicity Impacts:** The City finds that the proposed project would have less than significant cumulative impacts with respect to geology, soils and seismicity. (Draft EIR, pp. 3.6-35 to 3.6-37).

**Impact HAZ-2:** The proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment. The City finds that impacts would be less than significant. (Draft EIR, pp. 3.8-18 to 3.8-19).

**Impact HAZ-3:** The proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. The City finds that impacts would be less than significant. (Draft EIR, pp. 3.8-19 to 3.8-20).

**Impact HAZ-4:** The proposed project would not 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. The City finds that impacts would be less than significant. (Draft EIR, pp. 3.8-20 to 3.8-21).

**Impact HAZ-5:** 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, the proposed project would not result in a safety hazard or excessive noise for people residing or working the project area. The City finds that there would be no impact. (Draft EIR, p. 3.8-21).

**Impact HAZ-6:** The proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. The City finds that impacts would be less than significant. (Draft EIR, pp. 3.8-21 to 3.8-22).

**Impact HAZ-7:** The proposed project would not expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires. The City finds that impacts would be less than significant. (Draft EIR, pp. 3.8-22 to 3.8-23).

**Cumulative Hazards and Hazardous Materials Impacts:** The City finds that the proposed project would have less than significant cumulative impacts with respect to hazards and hazardous materials. (Draft EIR, pp. 3.8-23 to 3.8-26).

**Impact LAND-1:** The proposed project would not physically divide an established community. The City finds that impacts would be less than significant. (Draft EIR, p. 3.10-10).

**Impact LAND-2:** The proposed project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The City finds that impacts would be less than significant. (Draft EIR, pp. 3.10-11 to 3.10-12).

**Cumulative Land Use and Planning Impacts:** The City finds that the proposed project would have less than significant cumulative impacts with respect to land use and planning. The City finds that impacts would be less than significant. (Draft EIR, pp. 3.10-12 to 3.10-13).

**Impact PUB-1:** The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection. The City finds that impacts would be less than significant. (Draft EIR, pp. 3.12-13 to 3.12-14).

**Impact PUB-2:** The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other

performance objectives for police protection. The City finds that impacts would be less than significant. (Draft EIR, pp. 3.12-14 to 3.12-15).

**Impact PUB-3:** The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools. The City finds that impacts would be less than significant. (Draft EIR, pp. 3.12-15 to 3.12-16).

**Impact PUB-4:** The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks. The City finds that there would be no impact. (Draft EIR, pp. 3.12-16 to 3.12-17).

**Impact PUB-5:** The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities. The City finds that impacts would be less than significant. (Draft EIR, p. 3.12-18).

**Cumulative Public Services Impacts:** The City finds that the proposed project would have less than significant cumulative impacts with respect to public services. The City finds that impacts would be less than significant. (Draft EIR, pp. 3.12-19 to 3.12-22).

**Impact TRANS-1:** The proposed project would not conflict with a program plan, ordinance or policy of the circulation system, including transit, roadway, bicycle and pedestrian facilities. The City finds that impacts would be less than significant. (Draft EIR, pp. 3.14-11 to 3.14-12).

**Impact TRANS-3:** The proposed project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). The City finds that impacts would be less than significant. (Draft EIR, pp. 3.14-14 to 3.14-15).

**Impact TRANS-4:** The proposed project would not result in inadequate emergency access. The City finds that impacts would be less than significant. (Draft EIR, pp. 3.14-15 to 3.14-16).

**Cumulative Transportation Impacts (Conflict with a Transportation Policy or Plan, Design Hazards, Emergency Access):** The City finds that the proposed project would have less than significant cumulative impacts with respect to conflict with a Transportation Policy or Plan, design hazards, and emergency access. The City finds that impacts would be less than significant. (Draft EIR, pp. 3.14-16 to 3.14-18).

**Impact WILD-1:** The proposed project would not substantially impair an adopted emergency response plan or emergency evacuation plan. The City finds that impacts would be less than significant. (Draft EIR, pp. 3.16-11 to 3.16-12).

**Impact WILD-2:** The proposed project would not, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. The City finds that impacts would be less than significant. (Draft EIR, pp. 3.16-12 to 3.16-13).

**Impact WILD-3:** The proposed project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. The City finds that impacts would be less than significant. (Draft EIR, pp. 3.16-13 to 3.16-14).

**Cumulative Wildfire Impacts:** The City finds that the proposed project would have less than significant cumulative impacts with respect to wildfire. The City finds that impacts would be less than significant. (Draft EIR, pp. 3.16-15 to 3.16-16).

## 1.6 - Potential Environmental Effects Which Can Be Mitigated Below a Level of Significance

The City of Pleasanton hereby finds that feasible mitigation measures have been identified in the EIR that will avoid or substantially lessen the following potentially significant environmental impacts discussed below to a less than significant level. The potentially significant impacts, and the mitigation measures that will reduce them to a less than significant level, are as follows:

### 1.6.1 - Impact AES-4: Daytime Glare

**Impact AES-4:** The proposed project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, p. 3.1-16). 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 EIR. (CEQA Guidelines § 15091(a)(1)).

#### Mitigation Measures

**MM AES-4 Adhere to Design Review Process and Standards**

As part of the design review process for the proposed project, the applicant shall include the following features in its design review submittal:

- Structures facing a public street or neighboring property shall use minimally reflective glass, and other materials and colors used on the exterior of buildings and structures shall be selected with attention to minimizing reflective glare.

- Building windows shall be tinted with an anti-reflective material.

**Facts in Support of Findings:** The proposed project would result in the net development of 28 new single-family residences with associated windows and reflective building materials on an undeveloped site. Thus, upon full buildout the proposed project would inevitably increase the amount of glare generated at the project site when compared to existing conditions. (Draft EIR, p. 3.1-15). As such, impacts on daytime glare during operations would be potentially significant. However, the proposed project would be required to undergo standard design review process to ensure compliance with applicable lighting and energy requirements to reduce these impacts. (Draft EIR, p. 3.1-16). This includes those within the California Energy Code designed to minimize spillover of light and glare onto adjacent land uses. To ensure compliance with these standards, Mitigation Measure (MM) AES-4 would be implemented to ensure conformance with all applicable light and glare requirements, including those from the California Energy Code, in order to reduce impacts on daytime glare to less than significant.

The Lead Agency finds that MM AES-4 is feasible, is adopted, and will further reduce impacts related to daytime glare impacts. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with light and glare would be less than significant with mitigation incorporated.

## 1.6.2 - Impact BIO-1: Special-status Species

**Impact BIO-1:** The proposed project would not 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 regulations, or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service.

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, p. 3.3-37). 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 EIR. (CEQA Guidelines § 15091(a)(1).)

### Mitigation Measures

**MM BIO-1a Compensation Measures for Congdon's Tarplant**

The project shall compensate for the loss of tarplant on the project development area via the preservation of estimated individuals at a mean ratio of 8:1. However, per the East Alameda County Conservation Strategy (EACCS), mitigation for Congdon's tarplant must also demonstrate habitat enhancement, not just preservation; therefore, a Resource Management Plan (RMP) shall be prepared and implemented, as described below by a qualified Biologist. At a minimum, the RMP shall include the following:

- Party or parties responsible for implementation of the RMP.
- Allowed and prohibited activities on preserved lands.
- The locations and types of any fencing, signs and/or displays to be constructed on preserved lands.
- A monitoring and management plan for non-native and/or invasive species considered detrimental to protected resources (i.e., weed abatement and invasive species removal).
- The types, frequency, and timing of any maintenance activities to be conducted on preserved lands (i.e., litter removal, fence or sign repairs, fire prevention activities such as mowing, etc.).
- A grazing and/or mowing component, and requirements of any grazing/mowing plan shall also be included. For grazing, this plan shall include applicable stocking rates (based on the best current information), how other sensitive resources occurring on-site such as riparian habitats will be protected (if necessary) and any monitoring requirements, such as the monitoring of Residual Dry Matter (RDM). A mowing plan shall include timing of mowing activities to best enhance habitat for this species.
- A mechanism whereby the RMP shall be funded in perpetuity. Such a mechanism would be the establishment by the applicant of a non-wasting endowment, funded by the applicant and/or through monthly Homeowner Association (HOA) fees.

**MM BIO-1b Avoidance and Minimization Measures for the California Red-legged Frog**

*Avoidance and Minimization*

Conduct protocol-level California red-legged frog (CRLF) surveys or assume presence on-site.

Implementation of the following measures, partially summarized below, shall be taken during construction to avoid harm or mortality to individual CRLF.

- Conduct protocol-level CRLF surveys or assume presence on the site.
- Prior to the start of construction, an approved qualified Biologist will train all construction personnel regarding habitat sensitivity, identification of special-status species, and required practices.
- Pre-construction surveys shall be conducted to ensure that CRLF are absent from the construction area. If CRLF are present, they shall be relocated by a qualified Biologist.
- The construction zone shall be cleared, and silt fencing shall be erected and maintained around construction zones to prevent CRLF from moving into these areas.
- A Biological Monitor shall be present on-site during times of construction, such as any impacts to the creek, to ensure no CRLF are harmed, injured, or killed during project buildout.

*EACCS-specific CRLF Avoidance Minimization Measures:*

- If aquatic habitat is present, a qualified Biologist shall stake and flag an exclusion zone prior to activities. The exclusion zone shall be fenced with orange construction zone and erosion control fencing (to be installed by construction crew). The exclusion zone shall encompass the maximum practicable distance from the work site and at least 500 feet from the aquatic feature wet or dry.
- A qualified Biologist shall conduct pre-construction surveys prior to construction activities (before groundbreaking). If individuals are found, work shall not begin until they are moved out of the construction zone to a United States Fish and Wildlife Service (USFWS) or California Department of Fish and Wildlife (CDFW) approved relocation site.
- A Service-approved Biologist shall be present for initial ground-disturbing activities.
- If the work site is within the typical dispersal distance (contact USFWS/CDFW for latest research on this distance for species of interest) of potential breeding habitat, barrier fencing shall be constructed around the worksite to prevent amphibians from entering the work area. Barrier fencing shall be removed within 72 hours of completion of work.
- No monofilament plastic shall be used for erosion control.
- Construction personnel shall inspect open trenches in the morning and evening for trapped amphibians.
- A qualified Biologist possessing a valid Endangered Species Act Section 10(a)(1)(A) permit or Service approved under an active biological opinion, shall be contracted to trap and to move amphibians to nearby suitable habitat if amphibians are found inside fenced area.
- Work shall be avoided within suitable habitat from October 15 (or the first measurable fall rain of 1 inch or greater, to May 1).

In addition, the EACCS specifies that a project shall obtain an Incidental Take Permit if occupied habitat is adjacent to the site and suitable habitat is on the project site.

*Compensation*

The project proposes to preserve in perpetuity approximately 104.6 acres of the project site as open space outside of the grading envelope. This amount of open space would more than sufficiently compensate for any loss of CRLF upland habitat. Additionally, to ensure that mitigation habitat meets or exceeds the value of the habitat lost to development. Additionally, Focal Species Impact/Mitigation Scoring Sheets, located in Appendix E of the EACCS, were used as part of the assessment for suitability of mitigation lands for CRLF. Standardized mitigation ratios for CRLF, according to Table 3-7 in the EACCS, are 3:1 if the development area is within critical habitat and 2.5:1 if the development area is outside of critical habitat. The vast majority of the development area of the project is outside of critical habitat;

therefore, the proposed project is consistent with standardized ratios set forth by the EACCS for this species.

An RMP shall be prepared explicitly to manage the proposed open space areas for potentially sensitive species potentially occurring. This plan will be submitted to the City for review and approval. At minimum, this plan should:

- Identify approaches to be used and provide evidence that sufficient water budget exist for any proposed enhancement.
- Identify a suitable planting regime for restoring or enhancing riparian habitats.
- Identify success criteria for monitoring both wetland and riparian habitats that are consistent with similar habitats regionally.
- Monitor restored or enhanced riparian habitats for 5 years.
- Define and identify maintenance and management activities to manage open space habitats to meet stated goals of supporting habitat characteristics suitable for CRLF. This would include suitable fencing to control access, limited cattle grazing or other procedures to manage grass height and forage production at levels that benefit CRLF, removal of trash.
- Define and provide for a financial mechanism such as a non-wasting endowment or an assessment district that funds open space management into perpetuity.

**MM BIO-1c** **East Alameda County Conservation Strategy-specific Avoidance and Minimization Measures for Alameda Whipsnake**

- No monofilament plastic shall be used for erosion control.
- Barrier fencing may be used to exclude focal reptiles. Barrier fencing shall be removed within 72 hours of completion of work.
- Construction crews or on-site Biological Monitor shall inspect open trenches in the morning and evening for trapped reptiles.
- Ground disturbance in suitable habitat shall be minimized.
- A United States Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW) approved Biological Monitor shall be present for all ground-disturbing activities in suitable habitat.
- A qualified Biologist possessing a valid Endangered Species Act Section 10(a)(1)(A) permit or Service approved under an active biological opinion, and approved by the CDFW shall be contracted to trap and to move reptiles to nearby suitable habitat if listed reptiles are found inside fenced area.

*Compensation*

Clustering and siting of the project has also allowed for in-perpetuity preservation of 104.6 acres of open space of similar habitat quality to the approximately 24 acres that would be impacted by the project. This amount of open space would more than sufficiently compensate for any loss of Alameda whipsnake upland habitat.

Additionally, Focal Species Impact/Mitigation Scoring Sheets located in Appendix E of the East Alameda County Conservation Strategy (EACCS) were used as part of the assessment for suitability of mitigation lands for Alameda whipsnake. Standardized mitigation ratios for Alameda whipsnake, according to Table 3-9 in the EACCS, are as follows:

1. If the development area is within critical habitat and the mitigation area is within critical habitat, and both are within the same Recovery Unit (both areas in this case are within Recovery Unit 3) the mitigation ratio is 3:1.
2. If the development area is outside of critical habitat but inside a Recovery Unit and the mitigation area is outside critical habitat but inside the same recovery unit, the mitigation ratio is 3:1.
3. If the development area is outside of critical habitat but inside a Recovery Unit and the mitigation area is inside critical habit and within the same Recovery Unit, 2.5:1.
4. All other types of mitigation would require site-specific agency approval.

Areas proposed for preservation by the project would meet the EACCS goals of preserving a mosaic of habitats at an approximate 3:1 ratio, including woodland and upland habitats adjacent to riparian woodlands. The majority of the proposed open space consists of upland habitats (i.e., grasslands).

**MM BIO-1d Mitigation Measures for Golden Eagle, White-tailed Kite, Northern Harrier, and Migratory Birds**

Trees planned for removal shall be removed during nonbreeding season (September 1 through January 31). If it is not possible to avoid tree removal or other disturbances during breeding season (February 1 through August 31), a qualified Biologist shall conduct a pre-construction survey for tree-nesting raptors and other tree- or ground-nesting migratory birds in all trees or other areas of potential nesting habitat within the construction footprint and within 250 feet of the footprint. This survey shall be conducted no more than 7 days prior to initiation of demolition/construction activities during the early part of breeding season (February 1 through April 30), and no more than 30 days prior to initiation of these activities during the latter part of the breeding season (May 1 through August 31). If nesting raptors or migratory birds are detected on the project site during the survey, a suitable construction-free buffer will be established around all active nests. Precise dimensions of the buffer (up to 250 feet) would be determined at that time and may vary depending on location and species. Buffers will remain in place for the duration of breeding season or until it has been confirmed by a qualified Biologist that all chicks have fledged and are independent of their parents. Pre-construction surveys during nonbreeding season are not necessary, as birds are expected to abandon their roosts during construction activities. Implementation of the above measures

would mitigate impacts to tree-nesting raptors and other migratory birds to a less than significant level.

*Specific East Alameda County Conservation Strategy Avoidance and Minimization Measures for the golden eagle*

Although nesting habitat is marginal on the development site and its proximity, in the unlikely event that an eagle did nest on the project site, the following mitigation would ensure that the project does not cause nest abandonment. Pre-construction surveys for other nesting birds and raptors shall include a survey for nesting golden eagles to determine their presence or absence within 250 feet of the development footprint.

- If an active nest is identified near a proposed work area, work shall be conducted outside of the nesting season (February 1 to September 1).
- If an active nest is identified near a proposed work area and work cannot be conducted outside of the nesting season, a no-activity zone shall be established by a qualified Biologist. The no-activity zone will be large enough to avoid nest abandonment and at a minimum will be a 250-feet radius around the nest.
- If an effective no-activity zone cannot be established in either case, an experienced golden eagle Biologist will develop a site-specific plan (i.e., a plan that considers the type and extent of the proposed activity, the duration and timing of the activity, the sensitivity and habituation of the eagles, and the dissimilarity of the proposed activity with background activities) to minimize the potential to affect the reproductive success of the eagles.

*Compensation*

The project proposes to preserve approximately 104.6 acres of the project site outside of the grading envelope as open space. This amount of open space would more than sufficiently compensate for any loss of golden eagle foraging habitat. Additionally, Focal Species Impact/Mitigation Scoring Sheets located in Appendix E of the EACCS were used as part of the assessment for suitability of mitigation lands for the golden eagle. Standardized mitigation ratios for the golden eagle, according to Table 3-10 in the EACCS, is 3:1 within the East Bay Hills Mitigation Area where the project and associated conservation land are sited. The majority of the area proposed for preservation consists of grassland habitat, although it also includes woodland and riparian woodland habitat.

**MM BIO-1e Avoidance and Minimization Measures for American Badger**

Pre-construction surveys conducted for burrowing owls (MM BIO-1i) will also be used to determine presence or absence of badgers within or immediately adjacent to the development footprint. Therefore, the burrowing owl study identified in MM BIO-1i will include American badger. If an active badger den is identified during pre-construction surveys within or immediately adjacent to the construction envelope, a construction-free buffer of up to 300 feet (or other distance specified by California

Department of Fish and Wildlife [CDFW]) shall be established around the den. Because badgers are known to use multiple burrows in a breeding burrow complex, a Biological Monitor shall be present on the project site during construction activities to ensure the buffer is adequate to avoid direct impact to individuals or den abandonment. The monitor would be necessary on the project site until it is determined that any badger young are of an independent age and construction activities would not harm individual badgers. Once it has been determined that badgers have vacated the project site, burrows can be collapsed or excavated and ground disturbance can proceed.

Specific Avoidance and Minimization Measures for the badger reported in Table 3-3 of the East Alameda County Conservation Strategy (EACCS) include:

- If potential dens are located within the proposed work area and cannot be avoided during construction, qualified Biologist will determine if the dens are occupied or were recently occupied using methodology coordinated with the United States Fish and Wildlife Service (USFWS) and CDFW.
- If unoccupied, the qualified Biologist will collapse these dens by hand in accordance with USFWS procedures. Exclusion zones will be implemented following USFWS procedures or the latest USFWS procedures available at the time. The radius of these zones will follow current standards or will be as follows: Potential Den–50 feet; Known Den–100 feet; Natal or Pupping Den–to be determined on a case-by-case basis in coordination with USFWS and CDFW.
- Pipes will be capped and trenches will contain exit ramps to avoid direct mortality while construction areas are active.

*Compensation*

The project shall permanently protect 104.6 acres as open space, which is considered more than adequate to offset any loss of badger habitat. Additionally, Focal Species Impact/Mitigation Scoring Sheets located in Appendix E of the EACCS were used as part of the assessment for suitability of mitigation lands for the badger. Standardized mitigation ratios for the badger, according to Table 3-10 in the EACCS, is 3:1 within the East Bay Hills Mitigation Area, where the project and associated conservation land are sited.

**MM BIO-1f Mitigation Measures for Crotch's Bumble Bee**

A qualified Biologist shall conduct pre-construction surveys with methodology approved by the California Department of Fish and Wildlife (CDFW) during the three stages of Crotch's bumble bee flight period; once a positive identification is made, no further general surveys are necessary; at that point, intensive surveys would occur. The three stages of flight periods include: 1) queen flight after emergence is February–March; 2) highest detection time for nests is April–August; 3) queens solo flight is September–October when queens find a hibernation area. Surveys will be conducted in the two flight periods prior to the start of construction with two

surveys occurring at least 3 weeks apart within each of those flight periods. These surveys will increase the likelihood this species and their underground nests are observed will they be present on the project site. Survey schedules are shown below:

| Start of Construction Date | Required Survey Periods | Dates of Survey Periods |
|---|---|---|
| November–March | 2 and 3 | Two surveys April–August<br>Two surveys September–October |
| April–August | 3 and 1 | Two surveys September–October<br>Two surveys February–March |
| September–October | 1 and 2 | Two surveys February–March Two surveys April–August |

Bumble bees observed shall be photographed and a Global Positioning System (GPS) point taken. If a Crotch's bumble bee is positively identified, general surveys shall stop and intensive surveys will begin.

*General Survey Timing*

This survey shall be conducted the season prior to the start of work (i.e., if work is expected to start in the late summer, surveys may occur that same year; if work is expected to start in winter or early spring, the surveys shall occur the year before).

*Avoidance*

Should a Crotch's bumble bee be observed, intensive surveys to locate underground nests shall be conducted. Appropriate weather for intensive surveys is warm and sunny or sunny with some overcast with temperatures between 60° Fahrenheit (degrees Fahrenheit) and 90°. Should an underground nest be located, individuals at the nest shall be photographed to confirm species. If a confirmed underground nest of Crotch's bumble bee is observed, the nest shall be flagged and a 25-foot buffer established around the nest.

*Minimization*

If a Crotch's bumble bee or a Crotch's bumble bee nest is observed, an avoidance plan would be developed and reviewed by CDFW prior to project work and/or vegetation removal or ground disturbance.

*Compensation*

If Crotch's bumble bee exists on-site and if take avoidance is not feasible, then a mitigation plan that provides for on- or off-site compensation shall be completed. The mitigation plan shall provide for a minimum of a 1:1 replacement ratio of suitable habitat. It shall define the location and whether this mitigation is on- or off-site, measures to restore and/or enhance existing habitat, management strategies to

maintain the conservation value of the habitat into perpetuity, and a funding source for the ongoing management.

Compensation may necessitate the need to obtain an Incidental Take Permit from CDFW under the California Endangered Species Act (CESA). If in the end, the Fish and Game Commission chooses to not list the Crotch's bumble bee under CESA, then this would vacate the need to implement the minimization and avoidance methods above.

**MM BIO-1g Mitigation Measure for San Francisco Dusky-footed Woodrats**

*Avoidance and Minimization*

A qualified Biologist shall conduct a pre-construction survey for San Francisco dusky footed woodrat nests no more than 30 days and no less than 14 days prior to the onset of construction activities in or within 50 feet of riparian habitat. This survey timing allows for the scheduling of and deconstruction of any woodrat nests which need relocating. The survey shall encompass all construction zones and surrounding lands within 50 feet. If no woodrat nests are present, no additional measures are required.

A report shall be prepared for submission to the City summarizing the results of the survey which identifies any buffer zones and outlines recommended next steps, including measures implemented to prevent impacts to San Francisco dusky-footed woodrats.

*Nest deconstruction*

Identified nests shall be avoided, where possible. If avoidance is not possible, as determined by a qualified Biologist in coordination with the applicant, the nest(s) will be manually deconstructed by a qualified Biologist when helpless young are not present, typically during the nonbreeding season (October through January). The nest will be reconstructed in a nearby suitable area.

*Construction-free buffers*

If it is determined during the pre-construction survey that young may be present, a suitable buffer, delineated with flagging, depending on the timing within the breeding season (ranging from 15–50 feet) will be established around the nest by the qualified Biologist and maintained during construction until the young are independent and have successfully moved from the nest on their own.

**MM BIO-1h Mitigation Measure for Ringtails**

*Pre-construction Survey*

A qualified Biologist shall conduct pre-construction surveys for the ringtail prior to any disturbance to the property. All suitable areas within the project site shall be

surveyed with walking transects within 2 days prior to the onset of construction. This survey can be conducted in conjunction with other pre-construction surveys.

*Tailgate Training*

All workers on the project and access corridor shall attend a tailgate training that includes a description of the species, summary of its biology, and minimization measures and instructions on what to do if a ringtail is observed.

*Protective Measures for Individuals*

In the event an individual is discovered within a construction zone on-site, construction would be halted until the individual self-relocates from the project site. A ringtail would not be expected to be residing within the area of development; therefore, self-relocation is believed to be inevitable. Once the Biologist has determined that the animal has moved outside of potential danger, construction activities could resume. If the ringtail is found to be residing within a construction zone on-site, an appropriate construction-free buffer (to be determined by a qualified Biologist) would be established around the area being used by the ringtail until the nest is abandoned by adult(s) and young for the year (approximately after September).

**MM BIO-1i Avoidance and Minimization Measures for Burrowing Owls**

To avoid potential impacts to active burrowing owl nests and adult owls, a qualified Biologist shall conduct pre-construction surveys for burrowing owls within the construction footprint and within 250 feet of the footprint no more than 7 days prior to project ground disturbance during the early part of breeding season (i.e., February 1 through April 30), and no more than 30 days prior to onset of ground disturbance during any other times of year. These surveys shall be conducted in a manner consistent with accepted burrowing owl survey protocols. Specific Avoidance and Minimization Measures for the burrowing owl are reported in Table 3-3 of the East Alameda County Conservation Strategy (EACCS). These measures are mandatory for mitigation and include:

- If an active nest is identified near a proposed work area work will be conducted outside of the nesting season (March 15 to September 1).
- If an active nest is identified near a proposed work area and work cannot be conducted outside of the nesting season, a no-activity zone shall be established by a qualified Biologist. The no-activity zone shall be large enough to avoid nest abandonment and will at a minimum, be 250-feet radius from the nest.
- If the burrowing owls are present at the project site during the nonbreeding period, a qualified Biologist shall establish a no-activity zone of at least 150 feet.
- If an effective no-activity zone cannot be established in either case, an experienced burrowing owl Biologist shall develop a site-specific plan (i.e., a plan that considers the type and extent of the proposed activity, the duration and timing of the activity, the sensitivity and habituation of the owls, and the

dissimilarity of the proposed activity with background activities) to minimize the potential to affect the reproductive success of the owls.

*Compensation*

To ensure that mitigation habitat meets or exceeds the value of habitat lost to development, Focal Species Impact/Mitigation Scoring Sheets located in Appendix E of the EACCS were used as part of the assessment for suitability of mitigation lands for the burrowing owl. Standardized mitigation ratios for the burrowing owl, according to Table 3-10 in the EACCS, is 3:1 within the East Bay Hills Mitigation Area where the project and associated conservation land is sited.

**Facts in Support of Findings:**

## Congdon's Tarplant

Congdon's tarplant was observed on the project site during field and focus surveys. (Draft EIR, p. 3.3-25). Although four new populations identified in 2023 would be located within the proposed conservation area and would thus not be affected by project construction activities, the proposed project would still result in significant harm or removal of Congdon's tarplant during project construction. (Draft EIR, p. 3.3-25). Therefore, the proposed project would be required to implement MM BIO-1a which would involve the preservation of Congdon's tarplant at an 8:1 ratio and preparation of a sitewide Resource Management Plan (RMP) to manage the 104.6 acres of open space for all potentially sensitive species, including Congdon's tarplant. Through implementation of MM BIO-1a, the proposed project would reduce potential impacts on Congdon's tarplant during grading and habitat modification to a less than significant level.

## California Red-legged Frog

Approximately 104.6 acres of open space west of the project site within Parcel B is proposed for conservation purposes and is classified as Critical Habitat Unit ALA-1b for the California Red-legged Frog (CRLF). (Draft EIR, p. 3.3-25; Errata, p. 5-3). According to the results of the site-specific habitat assessment, aquatic features on the project site lack suitable hydrology to provide breeding habitat for the species. (Draft EIR, Appendix C) However, the CRLF may also occur within riparian corridors on-site or in their immediate vicinity during movement and foraging activities. (Draft EIR, p. 3.3-25). Although the proposed project would use clustering and siting features to reduce impacts on riparian corridors that would qualify as potential CRLF foraging habitat to the extent feasible, the proposed project would implement MM BIO-1b out of an abundance of caution to further reduce these impacts. Through implementation of MM BIO-1b, the proposed project would reduce potential impacts on the CRLF to less than significant.

## Alameda Whipsnake

The project site is located almost entirely within Critical Habitat for the Alameda whipsnake. (Draft EIR, p. 3.3-26). As a result, the proposed project would result in the loss of approximately 24 acres of upland habitat suitable for all life stages of the whipsnake, which includes potential impacts to Alameda Whipsnake habitat located adjacent to the proposed project's boundaries. Therefore, the

proposed project would be required to implement MM BIO-1c, which involves the use of compensatory measures such as the preservation of approximately 104.6 acres of open space of similar habitat quality. Based on standardized mitigation ratios required by EACCS, this would more than sufficiently make up for the species' loss of upland habitat. (Draft EIR, p. 3.3-30). Therefore, through implementation of MM BIO-1c, the proposed project would reduce potential impacts on the Alameda whipsnake to less than significant.

### Nesting Birds

Trees located throughout the oak woodland and riparian woodland habitats and lone trees would provide located in the grassland habits of the project site provide suitable nesting habitat for tree-nesting raptors and migratory birds, including special-status species such as the white-tailed kite, northern harrier, and golden eagle. (Draft EIR, p. 3.3-26). Therefore, the proposed project would be required to implement MM BIO-1d, which would involve limiting tree removal activities to the nonbreeding season (September 1 through January 31) to the extent feasible and the use of pre-construction surveys. The preservation of approximately 104.6 acres of open space included in MM BIO-1d would also more than sufficiently make up for any loss in golden eagle foraging habitat. Through implementation of MM BIO-1d, the proposed project would reduce potential impacts on nesting birds to less than significant.

### American Badger

The project site provides potential denning and foraging habitat for badgers. (Draft EIR, p. 3.3-26). Although the 104.6 acres of open space proposed for conservation purposes under the proposed project would more than sufficiently compensate for any loss in badger habitat, out of an abundance of caution, in case badgers are present during construction-related ground disturbance, implementation of MM BIO-1e would be required. (Draft EIR, p. 3.3-27). Through implementation of MM BIO-1e, the proposed project would reduce potential impacts on the American badger to less than significant.

### Crotch's Bumble Bee

There is a possibility for Crotch's bumble bee to occur on the project site. As such, the loss of underground nests during project-related demolition, excavation, and grading activities would constitute a potentially significant impact. (Draft EIR, p. 3.3-27). Although the proposed project would acquire an Incidental Take Permit from CDFW, out of an abundance of caution the proposed project would also implement MM BIO-1f requiring the use of pre-activity surveys and follow-up intensive surveys. Through implementation of MM BIO-1f, the proposed project would reduce potential impacts on Crotch's bumble bee to less than significant.

### San Francisco Dusky-footed Woodrats

No woodrat nests were observed during field and focus surveys. (Draft EIR, Appendix C) However, since riparian habitats may provide potentially suitable habitat for the species and in the case that woodrats may occur on the project site during construction-related ground disturbance, out of an abundance of caution, the proposed project would implement MM BIO-g. Through implementation

of MM BIO-1g, the proposed project would reduce potential impacts on the San Francisco dusky-footed woodrats to less than significant.

### Ringtails

Suitable habitat for ringtails is restricted to the riparian woodlands on-site. Although there is a small chance that site development would result in direct mortality or injury to any ringtail individuals, direct mortality or injury to this species would constitute a potentially significant impact. (Draft EIR, p. 3.3-27). Therefore, out of an abundance of caution, the proposed project would implement MM BIO-1h. Through implementation of MM BIO-1h, the proposed project would reduce potential impacts on ringtails to less than significant.

### Burrowing Owls

No burrowing owls have ever been documented on-site during numerous surveys since 2014. (Draft EIR, p. 3.3-27). However, the project site does contain annual California grassland habitat with the potential to support this species. Therefore, although the proposed project would acquire an Incidental Take Permit from CDFW, out of an abundance of caution in case burrowing owls may colonize the site prior to construction activities, the proposed project would also implement MM BIO-1i. Through implementation of MM BIO-1i, the proposed project would reduce potential impacts on burrowing owls to less than significant.

The Lead Agency finds that MM BIO-1a through MM BIO-1i are feasible, are adopted, and will further reduce impacts related to special-status species. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with special-status species would be less than significant with mitigation incorporated.

## 1.6.3 - Impact BIO-2: Riparian Habitat

**Impact BIO-2:** The proposed project would not 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 United States Fish and Wildlife Service.

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, p. 3.3-28). 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 EIR. (CEQA Guidelines § 15091(a)(1)).

### Mitigation Measures:

**MM BIO-3 Mitigation Measures for Aquatic/Wetland Habitats:**

*Minimization*

To minimize impacts, measures taken during construction activities shall include placing construction silt fencing around preserved aquatic features and riparian areas to ensure that construction activities do not inadvertently impact these areas.

As part of project buildout, all proposed lighting shall be designed to avoid light and glare impacts to preserved riparian corridors. Light sources shall not be visible from riparian areas and will not illuminate riparian areas or cause glare on the opposite side of the channels (e.g., to neighboring properties). Additionally, proposed development activities shall be designed and situated to avoid loss of trees within any riparian areas to the maximum extent practicable. Project construction must setback from the Tree Protection Zone (TPZ) of trees within the riparian area. A TPZ is defined as a circle whose center is within the base of an oak tree, the radius of which is equal to an oak tree's height or 10 feet, whichever is greater.

*Compensation*

A wetland/riparian Mitigation and Monitoring Plan (MMP) shall be prepared to compensate for a loss of approximately 0.25 acre of seasonal wetlands, 0.06 acre of a Roadside Drainage Ditch, and up to 0.06 acre of the loss of riparian habitat (see Table 3 of Appendix C1). The plan shall identify on-site preservation areas having a sufficient water budget (as determined by a Hydrologist) for the creation of seasonal wetland habitat that is of equal or greater quality to the seasonal wetland habitats being impacted at a minimum 2:1 creation: loss. If sufficient areas for the creation of wetland habitat cannot be identified on the preserve area, then the MMP shall include off-site mitigation, preferably within the same watershed, as an alternative strategy. At a minimum, the MMP shall:

- Define the location of all created wetlands.
- Provide evidence of a suitable water budget to support any created wetland habitats, as determined by a qualified Hydrologist.
- Identify species, size, number, and location of plants to be installed.
- Identify time of year for planting and any methods for supplemental watering during the establishment period.
- Identify the monitoring period for wetlands of no less than 5 years and no less than 10 years for riparian creation/enhancement.
- Identify measures that will be monitored, and define incremental and final success criteria that will be required for the wetland mitigation to be deemed a success.
- Identify adaptive management procedures that accommodate uncertainty that comes with wetland creation projects. These include (but are not limited to) measures to address colonization by invasive species, unexpected lack of water, excessive foraging of installed wetland plants by wildlife, etc.
- Define management and maintenance activities (weeding, repair of water delivery systems and browsing protection, etc.).

- Provide for surety in funding for MMP and for in-perpetuity preservation and management of created wetland habitats.

**Facts in Support of Findings:** The proposed project would preserve approximately 104.6 acres of open space for conservation purposes, including riparian habitat and corridors that would be considered a sensitive natural community. (Draft EIR, p. 3.3-28). The proposed project would construct an 18-inch and a 24-inch outfall that would drain into the west and east sides of Devany Creek and would be designed to be above the ordinary high water mark (OHWM). However, as a precautionary measure in case the OHWM is exceeded and 0.03 to 0.06 acre of riparian habitat are impacted, the proposed project would implement MM BIO-3. Implementation of MM BIO-3 would include minimization measures and compensation measures, including a Mitigation and Monitoring Plan (MMP) for identifying and creating riparian/seasonal wetland habitat equal or of greater quality than the riparian/seasonal wetland habitats being impacted. Through implementation of MM BIO-3, the proposed project would reduce impacts on riparian habitat to less than significant.

The Lead Agency finds that MM BIO-3 is feasible, is adopted, and will further reduce impacts related to riparian habitats. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with riparian habitats would be less than significant with mitigation incorporated.

## 1.6.4 - Impact BIO-3: Wetlands and Jurisdictional Features

**Impact BIO-3:** The proposed project would not 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.

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, p. 3.4-43). 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 EIR. (CEQA Guidelines § 15091(a)(1)).

### Mitigation Measures

Implement MM BIO-3.

**Facts in Support of Findings:** The proposed project is sited to avoid and minimize impacts to Devany Creek and its unnamed tributary to the fullest extent feasible. However, approximately 0.25 acre of seasonal wetlands on the northern portion of the site near the entrance on Dublin Canyon Road would be affected. (Draft EIR, p. 3.3-41). Although the proposed project would be required to obtain a compulsory permit from the Regional Water Quality Control Board (RWQCB) and the United States Army Corps of Engineers (USACE), out of an abundance of caution, the proposed project would implement MM BIO-3. As previously mentioned, implementation of MM BIO-3 would require the preparation of an MMP for identifying and creating riparian/seasonal wetland habitat equal or of greater quality than the riparian/seasonal wetland habitats being impacted. Through

implementation of MM BIO-3, the proposed project would reduce impacts on wetlands and jurisdictional waters to less than significant.

The Lead Agency finds that MM BIO-3 is feasible, is adopted, and will further reduce impacts related to wetlands and jurisdictional waters. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with wetlands and jurisdictional waters would be less than significant with mitigation incorporated.

## 1.6.5 - Impact BIO-5: Local Tree Preservation Policies or Ordinances

**Impact BIO-5:** The proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, 3.3-46). 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 EIR. (CEQA Guidelines § 15091(a)(1)).

### Mitigation Measures

**MM BIO-5 Tree Preservation Plan**

For trees to be retained, a tree preservation plan shall be prepared for the project identifying all protection and mitigation measures to be taken. These measures will remain in place for the duration of construction activities at the project site.

The following are recommendations for design and construction phases that will assist in successful tree preservation.

*Design recommendations*

a) Locate the trunk of all trees recommended for preservation that are located within 25 feet of the edge of grading and/or utility installation. Include trunk locations and tree tag numbers on all plans.
b) Establish a Tree Protection Zone (TPZ) around each tree to be preserved. For design purposes, the TPZ shall be 3 feet behind the edge of grading. No grading, excavation, construction or storage of materials shall occur within that zone.
c) Install protection around all trees to be preserved. No entry is permitted into a TPZ without permission of the Project Superintendent.
d) Use only herbicides safe for use around trees and labeled for that use, even below pavement.

*Pre-construction and demolition treatments and recommendations*

1. The demolition contractor shall meet with the Consulting Arborist before beginning work to discuss work procedures and tree protection.

2. Trees to be preserved may require pruning to provide adequate clearance from construction activities. All pruning shall be performed by a licensed State of California contractor possessing the C61 classification license and the D49 specification. All pruning shall adhere to the latest editions of the American National Standards Institute Z133 and A300 standards.
3. Install tree protective fencing at the edge of the TPZ. No grading, construction, installation or other activity is permitted within this area.
4. Stake the edge of grading along the East Bay Regional Park District (EBRPD) access road in order to review impacts to trees.

*Tree protection during construction*

1. Prior to beginning work, contractors working near trees to be preserved shall be required to meet with the Consulting Arborist at the project site to review all work procedures, access routes, storage areas, and tree protection measures.
2. Any grading, construction, demolition or other work that is expected to encounter tree roots shall be monitored by the Consulting Arborist.
3. If injury should occur to any tree during construction, it shall be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be applied.
4. Fences have been erected to protect trees to be preserved. Fences shall remain until all site work has been completed. Fences may not be relocated or removed without permission of the Project Superintendent.
5. Construction trailers, traffic, and storage areas shall remain outside fenced areas at all times.
6. No materials, equipment, spoil, waste, or wash-out water may be deposited, stored, or parked within the TPZ (fenced area).
7. Any additional tree pruning needed for clearance during construction shall be performed by a qualified Arborist and not by construction personnel. 8
8. Any roots damaged during grading or construction shall be exposed to sound tissue and cut cleanly with a saw.

*Tree Removal Permit*

The City of Pleasanton requires a permit to remove Heritage Trees. Implementation of the above mitigation measures would reduce loss of trees to a less than significant level.

**Facts in Support of Findings:** 95 of the 208 on-site trees surveyed meet the City's criteria for Heritage Trees. (Draft EIR, p. 3.3-44). Although the number of trees that would be removed or retained would be determined when the grading footprint is staked on the field, the potential removal of Heritage Trees would constitute a potentially significant impact. (Draft EIR, p. 3.3-44). Therefore, the proposed project would be required to implement MM BIO-5 to ensure conform with the City's Tree Preservation Ordinance. Through implementation of MM BIO-5, the proposed project would reduce impacts on local tree preservation policies and ordinances to less than significant.

The Lead Agency finds that MM BIO-5 is feasible, is adopted, and will further reduce impacts related to local tree preservation policies or ordinances to less than significant. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with local tree preservation policies or ordinances would be less than significant with mitigation incorporated.

**Cumulative Biological Resources Impact:** The proposed project would not have a cumulatively considerable impact with respect to biological resources.

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, p. 3.3-46 to 3.3-49). 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 EIR. (CEQA Guidelines § 15091(a)(1)).

### Mitigation Measures

Implement MM BIO-1a through MM BIO-1i, MM BIO-3, and MM BIO-5.

**Facts in Support of Findings:** Cumulative projects would be required to comply with all applicable federal, State, and local laws, regulations, and policies related to potential impacts on biological resources. Cumulative projects would be required to adhere to standard pre-construction surveys and avoidance procedures for wildlife species (see, e.g., MM BIO-1a through MM BIO-1i). Cumulative projects would also be required to implement applicable Avoidance and Minimization Measures for riparian habitat, woodlands, and jurisdictional waters (see, e.g., MM BIO-3). Cumulative projects would also be required to abide by local policies and ordinances such as the City's Tree Protection Ordinance and would be required to implement a tree preservation plan or similar measures as needed (MM BIO-5). Therefore, through compulsory adherence to all applicable local, State, and federal regulations and through implementation of MM BIO-1a through MM BIO-1i, MM BIO-3, and MM BIO-5, cumulative biological resources impacts would be reduced to a level that is less than significant and the proposed project's contribution to the less than significant cumulative impact would not be cumulatively considerable.

The Lead Agency finds that MM BIO-1a through MM BIO-5 are feasible, are adopted, and will further reduce impacts related to cumulative biological impacts. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with cumulative impacts would be less than significant with mitigation incorporated.

## 1.6.6 - Impact CUL-2: Archaeological Resources

**Impact CUL-2:** The proposed project could cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, p. 3.4-26). 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 EIR. (CEQA Guidelines § 15091(a)(1)).

### Mitigation Measures

**MM CUL-2** The project proponent shall note on any plans that require ground-disturbing excavation that there is a potential for exposing buried cultural resources including prehistoric Native American burials. The project proponent shall retain a Professional Archaeologist on an "on-call" basis during ground-disturbing construction for the project to review, identify and evaluate cultural resources that may be inadvertently exposed during construction. The Archaeologist shall review and evaluate any discoveries to determine whether they are historical resource(s) and/or unique archaeological resources under CEQA. If any prehistoric or historic artifacts, or other indication of cultural resources are found once the project construction is underway, all work shall stop within 20 meters (66 feet) of the find. A qualified Archaeologist shall be consulted for an immediate evaluation of the find prior to resuming groundbreaking construction activities within 20 meters of the find. If the find is determined to be an important archaeological resource, the resource shall be either avoided, if feasible, or recovered consistent with the requirements of the California Environmental Quality Act (CEQA) Guidelines.

**Facts in Support of Findings:** Although no archaeological resources were encountered on the project site during the Northwest Information Center records search and the pedestrian survey did not encounter any indication of pre-contact archaeological resources, damage or destruction to buried archaeological resources during construction would constitute a potentially significant impact. (Draft EIR, pp. 3.4-25 to 3.4-26). Therefore, the proposed project would be required to implement MM CUL-2, requiring the use of provisions for the inadvertent discovery of archaeological resources to reduce potential impacts to less than significant. Through implementation of MM CUL-2, the proposed project would reduce impacts on archaeological resources to less than significant.

The Lead Agency finds that MM CUL-2 is feasible, is adopted, and will further reduce impacts related to archaeological resources. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with archaeological resources would be less than significant with mitigation incorporated.

## 1.6.7 - Impact CUL-4: Listed or Eligible Tribal Cultural Resources

**Impact CUL-4:** The proposed project could 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 listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).

**Findings:** Less than significant impact with mitigation incorporated. (DEIR, p. 3.4-28). 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 EIR. (CEQA Guidelines § 15091(a)(1)).

### Mitigation Measures

Implement MM CUL-2.

**Facts in Support of Findings:** No Tribal Cultural Resources (TCRs) were identified within the California Register of Historical Resources (CRHR), local registers of historic resources, the Northwest Information Center (NWIC) records search results, Native American Heritage Commission (NAHC) Sacred Lands File search results, or during outreach efforts with Tribal representatives. (Draft EIR, p. 3.4-28). Although the proposed project would implement the City's standard Condition of Approval (COA) CUL-3 requiring archaeological consultation in the case of inadvertent discovery to ensure compliance with General Plan Housing Element Program 5.3, out of an abundance of caution in case subsurface construction activities uncover TCRs, the proposed project would also implement MM CUL-2. Through implementation of MM CUL-2, the proposed project would reduce impacts on listed or eligible TCRs to a less than significant level.

The Lead Agency finds that MM CUL-2 is feasible, is adopted, and will further reduce impacts related to listed and eligible TCRs to a less than significant level. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with listed or eligible TCRs would be less than significant with mitigation incorporated.

## 1.6.8 - Impact CUL-5: Lead Agency Determined Tribal Cultural Resources

**Impact CUL-5:** The proposed project could cause a substantial adverse change in the significance of a TCR, 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 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.

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, p. 3.4-29). 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 EIR. (CEQA Guidelines § 15091(a)(1)).

### Mitigation Measures

Implement MM CUL-2.

**Facts in Support of Findings:** No Lead Agency-determined TCRs were identified during Tribal consultation efforts conducted by the City pursuant to Assembly Bill (AB) 52 on September 18, 2025, which was conducted in accordance with the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. The City sent consultation letters to each Tribe on the NAHC consultation list. To date, no responses requesting to consult have been received. Although the proposed project would implement the City's standard COA CUL-3 to ensure consistency with Housing Element Program 5.3, out of an abundance of caution in the event TCRs are uncovered during project construction, the proposed project would also implement MM CUL-2. Through implementation of MM CUL-2, the proposed project would reduce impacts on Lead Agency-determined TCRs to less than significant.

The Lead Agency finds that MM CUL-5 is feasible, is adopted, and will further reduce impacts related to Lead Agency determined TCRs. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with Lead Agency-determined TCRs would be less than significant with mitigation incorporated.

## 1.6.9 - Impact GEO-1: Seismic-Induced Ground Failure and Landslides

**Impact GEO-1:** The proposed project would not 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.

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, p. 3.6-28). 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 EIR. (CEQA Guidelines § 15091(a)(1)).

### Mitigation Measures

**MM GEO-1 Design-level Geotechnical Study**

Prior to the issuance of any building or grading permits, a design-level geotechnical investigation on the project site and review of detailed site plans shall be performed by a qualified Geotechnical Engineer. The design-level geotechnical investigation could incorporate a variety of field methods and would include (but not be limited to) the following items:

- Evaluating the lateral extent and depth of colluvial soils.
- Performing a seismic refraction survey to determine shear wave velocities at deeper depths.
- Analyzing and developing slope grading and engineered buttress fill design criteria.
- Evaluating upslope sources of water.
- Evaluating the Site Classification for Seismic Design.
- Estimating appropriate minimum building setbacks from the face of fill slopes.

The qualified Geotechnical Engineer would be required to demonstrate that implementation of the recommendations would reduce potential impacts associated with liquefaction and landslide potential to below a level of significance in conformance with the standards in the California Building Standards Code (CBC). The applicant would be required to incorporate all recommended design features into project building plans, for review and approval by the City Engineer prior to the issuance of any building or grading permits.

**Facts in Support of Findings:**

## Seismic-induced Ground Failure

According to the Updated Geotechnical and Geologic Report, the main development area encompassing the 28 proposed single-family homes has low liquefaction potential. (Draft EIR, p. 3.6-25). However, the northeastern and southeastern portions of the project site have a moderate to high liquefaction potential. (Draft EIR, p. 3.6-26). Therefore, to ensure compliance with General Plan policies and programs, including Program 5.1 and 5.2 requiring the use of site-specific studies or geotechnical engineering studies, the proposed project would implement MM GEO-1. Implementation of MM GEO-1 would involve the hiring of a qualified Geotechnical Engineer to prepare a design-level geotechnical investigation and to provide recommendations that would be incorporated into the design of the proposed project to further reduce impacts related to seismic-induced ground failure such as liquefaction. Through implementation of MM GEO-1, the proposed project would reduce impacts resulting from seismic-induced ground failure to less than significant.

## Landslides

The project site is situated on complex topography with moderately steep to steep hillsides ranging from 774 feet in elevation above mean sea level (AMSL) on the western portion of the project site to approximately 438 feet AMSL along Devany Creek on the eastern portion of the project site. The Updated Geotechnical and Geologic Report concludes that while a majority of natural slopes are relatively stable, proposed cuts during future grading could affect the stability of finished slopes. (Draft EIR, pp. 3.6-26 to 3.6-27). This could result in a potentially significant impact to landslides as a result of strong seismic shaking. To reduce these impacts, and to demonstrate compliance with General Plan Programs 5.1 and 5.2, the proposed project would implement MM GEO-1. Through implementation of MM GEO-1, the proposed project would reduce impacts resulting from seismic-induced landslides to less than significant.

The Lead Agency finds that MM GEO-1 is feasible, is adopted, and will further reduce impacts related to seismic-induced ground failure and landslides. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with seismic-induced ground failure and landslides would be less than significant with mitigation incorporated.

## 1.6.10 - Impact GEO-3: On-Site Landslides and Collapse

**Impact GEO-3:** The proposed project would not 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.

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, p. 3.6-31). 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 EIR. (CEQA Guidelines § 15091(a)(1)).

### Mitigation Measures

Implement MM GEO-1.

**Facts in Support of Findings:** The majority of the project site is underlain by a thin layer of colluvium and residual soil with stiff clays and no groundwater, indicating a low potential for liquefaction in the main development area. Since the northern and southeastern sections of the project site have topographic and subsurface conditions that indicate potential for landslides and liquefaction, additional loading resulting from structures proposed in these areas may result in soils becoming unstable, with the potential to induce landslides or liquefaction. (Draft EIR, p. 3.6-29). The main development area of the project site encompassing the 28 proposed single-family homes, contains characteristics of collapsible soil consisting of sand and silt-sized particles held together by clayey material. (Draft EIR, p. 3.6-30). Since additional wetting from naturally occurring rainwater or leakage of water lines beneath these structures could result in compression and eventual collapse, the proposed project may result in potentially significant impacts with respect to on-site landslides and collapse. (Draft EIR, pp. 3.6-29 to 3.6-30). To address this, the proposed project would be required to implement MM GEO-1 (Draft EIR, p. 3.6-30). Implementation of MM GEO-1 would include extensive on-site and laboratory testing for on-site soil properties including boring, trenching, and in situ standard-penetration tests. The qualified Geotechnical Engineer would also be required to provide recommendations for in site plans and design features that would reduce potential impacts associated with unstable soil conditions to the extent feasible, in accordance with the California Building Standards Code (CBC) guidelines. (Draft EIR, p. 3.6-30). Therefore, implementation of MM GEO-1 would ensure that impacts of the proposed project related to substantial direct or indirect risks associated with on-site landslides or collapse remain less than significant.

The Lead Agency finds that MM GEO-1 is feasible, is adopted, and will further reduce impacts related to on-site landslides and collapse. Accordingly, the Lead Agency finds that, pursuant to Public

Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with on-site landslides and collapse would be less than significant with mitigation incorporated.

## 1.6.11 - Impact GEO-4: Expansive Soil

**Impact GEO-4:** The proposed project would not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, p. 3.6-32). 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 EIR. (CEQA Guidelines § 15091(a)(1)).

### Mitigation Measures

Implement MM GEO-1.

**Facts in Support of Findings:** The main development areas located in the central and eastern portions of the project site consist of soil of the Diablo clay series, which has expansive capabilities that undergo changes in moisture content as a result of seasonal fluctuations in California's Mediterranean climate from hot dry summers to cool moist winters. (Draft EIR, p. 3.6-31). Although colluvial and residual soils comprised of stiff clays on the project site range from an approximate depth between 2-11 feet below the surface, this depth varies throughout the project site. In addition, previous plasticity index tests performed on surficial clays one to three feet in depth indicated moderate to high plasticity. Therefore, the proposed project would have a potentially significant impact related to expansive soils. (Draft EIR, p. 3.6-31).

Implementation of recommendations from the Updated Geotechnical and Geological Report includes: (1) Burying all expansive colluvial soil located in deeper fills at least two feet below finished grade and (2) Covering all finished graded fill slopes to promote growth of erosion control materials. (Draft EIR, Appendix E). Although implementation of these recommendations would reduce impacts on expansive soils, out of an abundance of caution, the proposed project would implement MM GEO-1 to further reduce these impacts. (Draft EIR, p. 3.6-31). Implementation of MM GEO-1 would require the qualified Geotechnical Engineer to perform a variety of tests evaluating the expansive capabilities of the colluvium on the project site, including an Atterberg Limits Test to investigate the fluctuations in moisture content of on-site colluvium soils. Based on the results of these required tests, the qualified Geotechnical Engineer would provide appropriate recommendations for structure foundations and pavements that would be incorporated into final project grading and building plans in accordance with CBC guidelines. (Draft EIR, p. 3.6-31). Therefore, implementation of MM GEO-1 would ensure that impacts of the proposed project related to expansive soils remain less than significant.

The Lead Agency finds that MM GEO-1 is feasible, is adopted, and will further reduce impacts related to expansive soil. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with expansive soil would be less than significant with mitigation incorporated.

## 1.6.12 - Impact GEO-6: Paleontological Resources

**Impact GEO-6:** The proposed project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, p. 3.6-35). 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 EIR. (CEQA Guidelines § 15091(a)(1)).

### Mitigation Measures

**MM GEO-6a** Prior to the issuance of grading permits, the project proponent/developer shall demonstrate the retention of the services of a qualified professional Paleontologist as defined by the Society of Vertebrate Paleontology (SVP). The qualified Paleontologist shall prepare a Paleontological Resource Impact Mitigation Monitoring Program (PRIMMP). The project proponent/developer shall submit the PRIMMP to and receive approval from the City/Lead Agency. The PRIMMP will describe, in addition to industry standards and SVP standards, the level of monitoring required in the project area, qualifications of the Paleontological monitor for grading operations, and identification of personnel with authority and responsibility to temporarily halt or divert grading equipment to allow for recovery of large specimens. Furthermore, the PRIMMP shall provide direction for any fossil discoveries to be immediately reported, means and methods to be employed to quickly salvage fossils as they are unearthed to avoid construction delays, sampling procedures and protocol for collecting and processing sediments and specimens, fossil identification, and reporting and curation procedures to be employed. The report will include the paleontological records search conducted at the UCMP, pertinent exhibits, maps and reference procedures for reporting of findings.

**MM GEO-6b** On the first day of ground disturbance and prior to the start of any ground-disturbing activities, the qualified professional Paleontologist that meets SVP Standard Procedures shall prepare and conduct a project-wide Worker Environmental Awareness Program (WEAP) training. The WEAP training shall include a review of applicable federal, State, and local regulations related to paleontological resources; recognition and understanding of significant paleontological resources pertinent to the geography and geology of the region and the types of paleontological resources that may be encountered; procedures to be followed in the event that such resources are encountered; the protocols that apply in the event

of inadvertent discovery, including who to contact and appropriate avoidance measures until the find(s) can be properly evaluated and any other appropriate protocols. In the event construction crews are phased in, additional training will be conducted for new construction personnel.

**MM GEO-6c** During ground-disturbing construction activities, full time paleontological monitoring shall be conducted by a qualified Paleontological Resource Monitor meeting SVP standards and best practices, under the supervision of the Principal Paleontologist. Monitoring shall be restricted to areas that intrude into the Claremont shale and Monterey formations (i.e., generally below 2 feet) and undisturbed subsurface areas of marine sedimentary rock units of Miocene-age. In the event potentially significant paleontological resources are encountered during ground-disturbing activities, construction-related activities within 50 feet of the find shall stop. No excavation or other disturbances shall occur within the buffer zone until the find has been evaluated by the project Paleontologist. The Paleontologist shall collect samples of sediments which are likely to contain the remains of small fossil invertebrates, vertebrates, or microfossils. If the resources are found to be significant, protocol for collecting and processing sediments and specimens, as outlined in the Paleontological Resource Impact Mitigation Monitoring Program (PRIMMP), is to be implemented. The Paleontologist shall have the power to temporarily halt or divert grading equipment to allow for removal of abundant or large specimens. If no significant specimens are encountered during ground-disturbing activities, full time monitoring can be reduced to spot-checking or suspended entirely, at the discretion of the qualified professional Paleontologist and the City/Lead Agency.

**MM GEO-6d** The Paleontological Monitor shall keep a daily log and photographic record of all activities involving ground disturbance during the construction phase, as well as adhering to the procedures outlined in the Paleontological Resource Impact Mitigation Monitoring Program (PRIMMP). The Monitor's daily activities, findings, etc. shall be submitted to the Principal Paleontologist. All relevant details and findings shall be summarized in a report that shall be prepared at the completion of ground-disturbing activities and submitted to the City/Lead Agency and UCMP repository. Additionally, specimens shall be identified and curated into a permanent accredited repository (such as the University of California Museum of Paleontology [UCMP]) with permanent curation and retrievable storage.

**Facts in Support of Findings:** No fossil localities within the project boundaries during the University of California Museum of Paleontology (UCMP) Locality Search Online Database and records search conducted on March 25, 2025. Additionally, surficial deposits on most of the project site consist of colluvium and residual soils ranging from approximately 2-11 feet in depth, which have low paleontological potential, subsurface conditions consist of high paleontological potential rock units from the Claremont shale member and the Monterey Formation, which have been associated with vertebrate and invertebrate localities in the geographic region. Therefore, subsurface excavations

during construction that intrude into the Claremont shale and Monterey formations during construction would constitute a potentially significant impact on paleontological resources. (Draft EIR, pp. 3.6-32 to 3.6-22). Therefore, implementation of MM GEO-6a through MM GEO-6d (see Errata, page 5-4 to 5-7) would be required. (Draft EIR, p. 3.6-33). Through implementation of MM GEO-6a through MM GEO-6d, impacts on paleontological resources would remain less than significant.

The Lead Agency finds that MM GEO-6a through MM GEO-6d are feasible, are adopted, and will further reduce impacts related to paleontological resources. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with paleontological resources would be less than significant with mitigation incorporated.

## 1.6.13 - Impact HAZ-1: Removal and Disposal of Hazardous Materials During Construction

**Impact HAZ-1:** The proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, p. 3.8-18). 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 EIR. (CEQA Guidelines § 15091(a)(1)).

### Mitigation Measures

**MM HAZ-1** The applicant shall retain a licensed professional to conduct asbestos and lead paint surveys. Prior to the issuance of demolition permits for the two existing residences and associated structures, the applicant shall demonstrate removal of any suspect asbestos-containing materials and lead-based paint to the satisfaction of the City.

**Facts in Support of Findings:** Asbestos is a concern during demolition of structures that were built prior to 1980. County Assessor's Records indicate that the existing Lester Family properties, including the house at 11021 Dublin Canyon Road and the house at 11033 Dublin Canyon Road, were constructed in 1918 and 1966, respectively. (Draft EIR. p. 3.8-17). To ensure required compliance with all applicable hazardous material laws and regulations, including the Resource Conservation and Recovery Act of 1976, the California Code of Regulations, and Municipal Code Chapter 9.21, Construction and Demolition Debris, the proposed project would be required to implement MM HAZ-1. Through implementation of MM HAZ-1, the proposed project would conduct pre-demolition asbestos and lead paint surveys prior to demolition activities in order to safely remove and dispose of any such materials in accordance with State standards. (Draft EIR, p. 3.8-17). Therefore, implementation of MM HAZ-1 would ensure that impacts related to the removal and disposal of hazardous materials during construction remains less than significant.

The Lead Agency finds that MM HAZ-1 is feasible, is adopted, and will further reduce impacts related to the removal and disposal of hazardous materials during construction. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid the potentially significant impacts as identified in the EIR. Therefore, impacts associated with the removal and disposal of hazardous materials during construction would be less than significant with mitigation incorporated.

## 1.6.14 - Impact WILD-4: Flooding and Landslide Hazards Due to Post-Fire Instability/Drainage Changes

**Impact WILD-4:** The proposed project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

**Findings:** Less than significant impact with mitigation incorporated. (Draft EIR, p. 3.16-15). 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 EIR. (CEQA Guidelines § 15091(a)(1)).

### Mitigation Measures

Implement MM GEO-1.

**Facts in Support of Findings:** Although the project site is located within a High Fire Hazard Severity Zone, it is located outside of a 500-year flood zone, as delineated by the General Plan. However, according to the Geotechnical Review, the northern portion of the project site has a high susceptibility to landslides and the downhill creep of colluvial soils has potential slope instability. Additionally, the northeastern and southwestern slopes of the project site are located within a designated Landslide Zone of Required Investigation by the California Geological Survey (CGS). Therefore, the proposed project would have a potentially significant impact with respect to post-fire slope instability and drainage changes. (Draft EIR, pp. 3.16-14 to 3.16-15).

Although the proposed project would comply with City regulations including the City Grading and Drainage Plan, Erosion Control Measures, and Best Management Practices (BMPs), out of an abundance of caution the proposed project would also implement MM GEO-1. (Draft EIR, p. 3.16-15). Implementation of recommendations proposed as part of the design-level geotechnical investigation required under MM GEO-1 would extend to impacts related to post-fire slope instability and drainage changes, which would be further minimized through compliance with (Draft EIR, p. 3.16-15). Therefore, implementation of MM GEO-1 would ensure that impacts of the proposed project related to post-fire slope instability or drainage changes remain less than significant.

The Lead Agency finds that MM GEO-1 is feasible, is adopted, and will further reduce impacts related to post-fire slope instability or drainage changes. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid

the potentially significant impacts as identified in the EIR. Therefore, impacts associated with post-fire slope instability or drainage changes would be less than significant with mitigation incorporated.

## 1.7 - Impacts Identified in the EIR as Being Significant and Unavoidable Even After the Incorporation of All Feasible Mitigation Measures

The Lead Agency hereby finds that, despite the incorporation of mitigation measures outlined in the EIR and the attached Mitigation Monitoring and Reporting Program (MMRP), the following impacts from the proposed project and related approvals cannot be fully mitigated to a less than significant level and a Statement of Overriding Considerations is therefore included herein.

### 1.7.1 - Transportation and Traffic

**Impact TRANS-2:** The proposed project would conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision b.

**Findings:** 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 EIR. (CEQA Guidelines § 15091(a)(1)). However, impacts would still remain significant and unavoidable. (Draft EIR, p. 3.14-14). Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR. (CEQA Guidelines § 15091(a)(1)).

#### Mitigation Measures

No feasible mitigation measures.

**Facts in Support of Findings:** Although the City has not formally adopted VMT thresholds or a specific methodology for evaluating VMT impacts, the City's Housing Element Update Program EIR referenced the California Governor's Office of Land Use and Climate Innovation (LCI) approach for evaluating transportation impacts under CEQA. Since the proposed project did not meet screening criteria, a detailed VMT analysis was performed to analyze the proposed project's potential for a significant VMT impact with respect to the LCI's recommendation that residential VMT per capita should remain 15 percent below Alameda County's average. For the proposed project's VMT impact to be less than significant, the residential VMT per capita would be required to be reduced by 54.91 percent to be considered less than significant. Although the proposed project would achieve up to a 14 percent reduction through the deployment of all feasible VMT reduction strategies recommended by the Alameda County Transportation Commission VMT Tool and required by the City's Housing Element (see MM TRANS 2, Housing Element Update Program EIR), the proposed project would also require an additional 40.91 percent reduction in VMT to achieve a less than significant VMT impact. (Draft EIR, p. 3.14-13). This reduction is consistent with the findings of the City's Housing Element Update Program EIR, which included the project site as a candidate site in the City's Housing Element Update Program EIR and found that impacts on VMT would be significant and unavoidable even after implementation of all feasible VMT reduction strategies. (Draft EIR, p. 3.14-14). Therefore, consistent with the findings of the Housing Element Program EIR, which considered the deployment of all

feasible VMT reduction strategies, the proposed project's impacts would remain significant and unavoidable. (Draft EIR, p. 3.14-15).

The Lead Agency finds that there are no project-specific feasible mitigation measures or project design features that would reduce impacts and that impacts would remain significant and unavoidable.

**Cumulative Transportation and Traffic Impact:** The proposed project would have a cumulatively considerable contribution to VMT.

**Findings:** 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 EIR. (CEQA Guidelines § 15091(a)(1)). However, impacts would still remain significant and unavoidable even with mitigation incorporated. (Draft EIR, p. 3.14-18). Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR. (CEQA Guidelines § 15091(a)(3)).

## Mitigation Measures

There are no feasible mitigation measures.

**Facts in Support of Findings:** The proposed project would have a cumulatively considerable contribution to VMT. All other cumulative impacts related to transportation and traffic would be less than significant, as discussed below.

With respect to Impact TRANS-1, the proposed project would not have a significant impact on the circulation system. Moreover, other past, present and reasonably foreseeable development would be required to demonstrate consistency with applicable plans, programs and ordinances which would reduce potential cumulative impacts to below a level of significance. There is no development planned in the project vicinity and past and existing development within the geographic context would be required to comply with these policies. Because of the proposed project's proposed improvements, which include the striping of 6-foot-wide bike lanes on both sides of Dublin Canyon Road and the construction of sidewalks along Dublin Canyon Road and the project site's internal private streets, the proposed project is considered part of the cumulative solution toward meeting the City's long-range transportation goals. (Draft EIR, p. 3.13-17). Therefore, the proposed project would not have a cumulatively considerable contribution to cumulative impacts. (Draft EIR, p. 3.13-17).

With respect to Impact TRANS-3, the geographic context for potential cumulative impacts on hazards from design features or incompatible uses are specific to the project vicinity (e.g., site access, sight distance, etc.). There are no cumulative projects within a two-mile radius of the project vicinity; therefore, cumulative impacts from the proposed project would not combine with those of other projects. (Draft EIR, p. 3.14-18). The proposed project and other past, present, and reasonably foreseeable future projects would be required to comply with local standard requirements for

transportation-related design features specifically adopted to avoid and reduce hazards from project design or the location of incompatible uses, thereby reducing potential significant cumulative impacts to less than significant levels. Therefore, no significant impacts would result from the proposed project combined with cumulative projects. (Draft EIR, p. 3.14-18).

With respect to Impact TRANS-4, the provision of adequate emergency access is site-specific and would not combine with other projects. Moreover, the proposed project, together with projected cumulative projects anticipated in the General Plan, would be consistent with the City's Emergency Plan, and there are no cumulative projects within a two-mile radius of the project site. Furthermore, the proposed project and other past, present, and reasonably foreseeable future projects must comply with local standard requirements for adequate emergency access specifically adopted to avoid or reduce the potential for inadequate access. Therefore, no significant adverse cumulative impacts would result. (Draft EIR, p. 3.14-18).

With respect to Impact TRANS-2, the proposed project would have a significant and unavoidable impact on VMT because the proposed project would still require an additional 40.91 percent reduction in VMT to result in less than significant impacts, even after implementation of all feasible VMT reduction strategies. This finding is consistent with the City's Housing Element Program EIR, which analyzed the project site as a candidate housing site and concluded that impacts would be significant and unavoidable even after application of all feasible VMT reduction strategies. Therefore, although project design features such as off-street parking spaces and multimodal infrastructure would reduce project-generated VMT to the extent feasible, it would not do so to a level below significance. As such, the proposed project would have a cumulatively considerable contribution to VMT. (Draft EIR, 3.14-14).

## 1.8 - Findings Regarding Alternatives

### 1.8.1 - Introduction

This section presents findings regarding alternatives to the proposed project and a summary and discussion of the feasibility of the following alternatives evaluated in the Draft EIR:

- **Alternative 1**–No Project/No Build Alternative: Under the No Project/No Build Alternative (Alternative 1), the proposed project would not be constructed and existing operations on the project site would continue at the capacity of existing on-site buildings and infrastructure. No new grading or development would occur.
- **Alternative 2–No Project/Existing Zoning Alternative:** Under the No Project/Existing Zoning Alternative (Alternative 2), the project site would be redeveloped with uses allowed by-right for the existing zoning districts on each parcel. This alternative would not include annexation of the project site into the City. As such, permitted development would be subject to the County's zoning code. On the project site, each of the five existing parcels would develop one single-family dwelling unit consistent with existing zoning. Since APN 941-2600-002-6 is over 25 acres in size, the development of a secondary dwelling unit would be constructed on that parcel under this alternative. Therefore, this alternative would result in the development of five total dwelling units and one secondary dwelling unit. No demolishment of the existing

Lester Family residences and dedication of land to the EBRPD, parking improvements, or improvements to the Oak Hills Congregational Church access would occur. No improvements to Dublin Canyon Road, including the traffic signal and turn lane, would be constructed.

- **Alternative 3–Alternative Site:** The Alternative Site Alternative (Alternative 3) would utilize a different project site based on the sites identified in the City of Pleasanton 2023-2031 Housing Element Sites Inventory, Site 26 – St. Augustine (Site 26). Site 26 was selected as the alternative site due to its potential to accommodate 28 residential units and the absence of any other entitlement applications. Rezoning of Site 26 would be required. Alternative 3 would include the construction of 28 new detached single-family residential units, where operations are anticipated to be the same as the proposed project. Because of its location, Alternative 3 would not involve implementation of a new public trailhead, traffic signal, water pump, or road improvements. Furthermore, no demolishment of the two existing Lester Family homes or the annexation of the 2.5-acre church site and associated parking lots would occur.

In accordance with CEQA Guidelines Section 15126.6, the Draft EIR contained a comparative impact assessment of alternatives to the proposed project. (See e.g., Draft EIR, Table 6-1, Summary of Alternatives). The primary purpose of this analysis is to provide decision-makers and interested agencies, organizations and individuals with information about a reasonable range of potentially feasible project alternatives, which could avoid or reduce any of the proposed project's significant adverse environmental effects. Important considerations for these alternatives analyses are noted below:

- An EIR need not consider every conceivable alternative to a project;
- An EIR should identify alternatives that were considered by the lead agency, but rejected as infeasible during the scoping process;
- Reasons for rejecting an alternative include:
  - Failure to meet most of the basic project objectives identified in Section 1.3.2;
  - Infeasibility; and
  - Inability to avoid significant environmental effects.

### Alternative 1: No Project/No Build Alternative:

Under the No Project/No Build Alternative (Alternative 1), the proposed project would not be constructed and existing operations on the project site would continue at the capacity of existing on-site buildings and infrastructure. No new grading or development would occur, potentially resulting in lower environmental impacts.

As such, this alternative would result in lesser impacts with respect to aesthetics, light, and glare; air quality; biological resources; cultural resources and tribal cultural resources; energy; geology, soils, and seismicity; greenhouse gas emissions; hazards and hazardous materials; hydrology and water quality; land use and planning; noise; population and housing; public services; recreation; utilities and services systems; roadway safety hazards; emergency access; bicycle, pedestrian, and transit facilities; and wildfire.

This alternative would result in similar impacts with respect to agriculture and forestry resources. Because of the location of the project, which is located within an area where existing VMT per resident already exceeds the impact threshold according to the findings of the City's Housing Element Program EIR, VMT impacts would also be similar to the proposed project and therefore would remain significant and unavoidable. (Draft EIR, p. 6-11).

Although this project would result in the least environmental impact, this alternative would either partially meet or fail to meet project objectives related to:

1. Provide a well-designed residential neighborhood with a strong sense of community and connection with adjacent open space.
2. Encourage redevelopment of underused sites containing available infrastructure as identified in the Pleasanton General Plan Housing Element.
3. Develop a residential community consistent with Measures PP and QQ.
4. Provide open space areas across the project site and dedicate land to the EBRPD to be permanently preserved.
5. Provide public access, including a public parking/staging area and a trail connection, to Pleasanton Ridge.
6. Preserve the open space character at the edges of the City, in accordance with the City of Pleasanton General Plan Community Character Element.
7. Improve Dublin Canyon Road to increase access and safety by constructing roadways, sidewalks, and bike lanes.

**Finding:** Based on the discussion in the EIR and all other evidence before it, the City finds that the No Project Alternative does not meet any of the project objectives, and would thus represent a less desirable policy outcome as compared with the proposed project, which would fully meet the project objectives and is an active development proposal that would bring the City of Pleasanton all of the benefits set forth in Section 1.14, Statement of Overriding Considerations.

As previously mentioned, the No Project Alternative would also not mitigate any of the project's significant and unavoidable impacts and would conflict with the goals of the City's Housing Element Update for increasing its housing stock. As such, this alternative would not fully realize the objectives of the City's Housing Element Update, Statewide housing goals, and Plan Bay Area 2050. Furthermore, it would be expected that another residential development proposal would be submitted.

For all of these reasons, the Lead Agency rejects the No Project Alternative as infeasible.

## Alternative 2: No Project/Existing Zoning Alternative

Under the No Project/Existing Zoning Alternative (Alternative 2), the project site would be redeveloped with uses allowed by-right for the existing zoning districts on each parcel. This alternative would not include annexation of the project site into the City. As such, permitted development would be subject to the County's zoning code. On the project site, each of the five existing parcels would develop one single-family dwelling unit consistent with existing zoning. Since APN 941-2600-002-6 is over 25 acres in size, the development of a secondary dwelling unit would be constructed on that parcel under this alternative. Therefore, this alternative would result in the development of five total dwelling units and one secondary dwelling unit. No demolishment of the existing Lester Family residences and dedication of land to the EBRPD, parking improvements, or improvements to the Oak Hills Congregational Church access would occur. The smaller footprint would reduce the extent of grading and development, potentially resulting in slightly lower environmental impacts.

As such, this alternative would result in lesser impacts with respect to aesthetics, light, and glare; air quality; biological resources; cultural resources and tribal cultural resources; energy; geology, soils, and seismicity; greenhouse gas emissions; hazards and hazardous materials; noise; population and housing; public services; recreation; utilities and service systems; and wildfire.

This alternative would result in similar impacts with respect to agriculture and forestry resources; hydrology and water quality; land use and planning; mineral resources; and transportation.

Because this alternative would exist largely within the same boundaries as the existing project site, this alternative would require the same mitigation measures as the proposed project, with the exception of MM HAZ-1, which would not be required for this alternative because the existing homes would not be demolished. No improvements to Dublin Canyon Road, including the traffic signal and turn lane, would be constructed.

Therefore, although this alternative would reduce some environmental impacts, due to the decreased number of residences it would only partially meet the project's objectives related to:

1. Encouraging redevelopment of underused sites containing available infrastructure as identified in the Pleasanton General Plan Housing Element.
2. Providing public access, including a public parking/staging area and a trail connection, to Pleasanton Ridge.
3. Preserving the open space character at the edges of the City, in accordance with the City of Pleasanton General Plan Community Character Element.
4. Improving Dublin Canyon Road to increase access and safety by constructing roadways, sidewalks, and bike lanes.

Additionally, under Alternative 2, the western portion of the project site would not be dedicated to the EBRPD for conservation, and no improvements to the EBRPD trailhead and parking area on the eastern portion of the project site would occur. Therefore, the project's objective to

include beneficial improvements to the regional parks system and associated recreational facilities would not occur and this alternative would fail to meet that objective.

**Finding:** Based on the discussion in the EIR and all other evidence before it, the Lead Agency finds that the No Project/Existing Zoning Alternative advances several project objectives to a lesser degree than the proposed project and would therefore represent a less desirable policy outcome as compared with the proposed project, which would fully meet the project objectives and would bring the City of Pleasanton all of the benefits set forth in the Statement of Overriding Considerations.

The primary difference between this alternative and the proposed project is that this alternative would result in 23 fewer units than the proposed project. This alternative would not encourage redevelopment of sites identified in the City's Housing Element Update Program EIR to their maximum development potential and would thus not advance the City's Housing Element Update policies to the same degree as the proposed project. Furthermore, the environmental impacts of the alternative would not be substantially less than those of the proposed project, as this alternative would still result in a significant and unavoidable impact on VMT. (Draft EIR, p. 6-22). Because of the lack of off-site multimodal infrastructure improvements provided under this alternative, this alternative would also not advance the City's long-range transportation goals to the same degree as the proposed project.

For all of these reasons and each of them, the Lead Agency rejects the No Project/Existing Zoning Alternative as infeasible toward fully meeting project objectives.

## Alternative 3–Alternative Site

The Alternative Site Alternative (Alternative 3) considers a different project site based on the sites identified in the City of Pleasanton 2023-2031 Housing Element Sites Inventory, Site 26 – St. Augustine (Site 26). Site 26 was selected as an alternative site due to its potential to accommodate 28 residential units and the absence of any other entitlement applications. Rezoning of Site 26 would be required. Alternative 3 would include the construction of 28 new detached single-family residential units, where operations are anticipated to be the same as the proposed project. Because of its location, Alternative 3 would not involve implementation of a new public trailhead, traffic signal, water pump, or road improvements. Furthermore, no demolishment of the two existing Lester Family homes or the annexation of the 2.5-acre church site and associated parking lots would occur. Because of its similar building footprint, this alternative is expected to result in similar environmental impacts compared to the proposed project. However, because site conditions differ from those of the proposed project site, this alternative is expected to result in environmental impacts that may be either lesser or greater than those of the proposed project, depending on the resource category.

As such, this alternative would result in greater impacts with respect to construction-related air quality and construction noise.

This alternative would result in slightly lesser impacts with respect to biological resources; seismic-induced ground failure; seismic-induced liquefaction; landslides; hazards and hazardous materials; and wildfire.

This alternative would result in similar impacts with respect to aesthetics, light, and glare; agriculture and forestry resources; operational air quality; cultural resources and tribal cultural resources; energy; subsidence; strong seismic shaking; greenhouse gas emissions; hydrology and water quality; land use and planning; mineral resources; operational noise; population and housing; public services; recreation; transportation; and utilities and service systems.

Additionally, the project applicant does not own or control Site 26. Implementation of this alternative would require acquisition of the property from a third party, and there is no evidence in the record demonstrating that such acquisition is reasonably foreseeable within the project timeframe or on terms that would allow timely development. The uncertainty associated with obtaining site control introduces substantial risk related to project scheduling, financing, and implementation, and could delay or preclude realization of all of the project objectives.

Because of changes in variations in site features relative to the site proposed under the proposed project, this alternative would be required to use some mitigation measures required for the proposed project and mitigation measures for construction-related air quality and noise impacts that are not required for the proposed project. Therefore, most of the environmental impacts under this alternative would be either similar or greater than those of the proposed project. Furthermore, this alternative would either partially meet or fail to meet project objectives related to:

1. Providing open space areas across the project site and dedicating land to the EBRPD to be permanently preserved.
2. Providing public access, including a public parking/staging area and a trail connection, to Pleasanton Ridge.
3. Preserving the open space character at the edges of the City, in accordance with the City of Pleasanton General Plan Community Character Element.
4. Improving Dublin Canyon Road to increase access and safety by constructing roadways, sidewalks, and bike lanes.

**Finding:** Based on the discussion in the EIR and all other evidence before it, the Lead Agency finds that the Alternative Site Alternative advances several project objectives to a lesser degree than the proposed project would and therefore represent a less desirable policy outcome as compared with the proposed project, which would fully meet the project objectives and would bring the City of Pleasanton all of the benefits set forth in the Statement of Overriding Considerations.

The primary difference between this alternative and the proposed project is that this alternative would not result in off-site multimodal improvements or the preservation of open space. Therefore, this alternative would not provide beneficial improvements to the regional park system and would not advance the City's long-range transportation goals identified in the General Plan Circulation Element to the same degree as the proposed project. Additionally, most of the environmental impacts identified under this alternative would be similar to the proposed project, with even greater impacts with respect to construction noise and air quality. Despite the site's ability to accommodate a similar number of units, this alternative site is not owned by the project applicant, who would need to acquire the property in order to develop this alternative. Pursuant to CEQA Guidelines Section 15126.6(f), this is considered a key factor in determining whether an off-site alternative is potentially feasible.

For all of these reasons above, individually and cumulatively, the Lead Agency rejects the Alternative Site Alternative as infeasible.

### Environmentally Superior Alternative

Section 15126.6(e)(2) of the CEQA Guidelines indicates that an analysis of alternatives to a proposed project shall identify an environmentally superior alternative among the alternatives evaluated in an EIR.

Each of the three project alternatives would lessen the environmental impacts relative to the proposed project to a certain degree (as described above and further in the EIR). If the No Project Alternative is the environmentally superior alternative—which is the case here as it avoids all project impacts but fails to satisfy any of the project objectives—the EIR must also identify another environmentally superior alternative among the remaining alternatives. Overall, based on these Findings, the No Project/Existing Zoning Alternative would be considered the environmentally superior alternative, even though it fails to fully implement many of the project objectives and is therefore infeasible.

## 1.9 - Findings Regarding Cumulative Impacts

Consistent with CEQA's requirements, the EIR for the proposed project includes an analysis of cumulative impacts. As discussed above, except as to Traffic (VMT), all cumulative impacts associated with the proposed project are less than significant or can be mitigated to below significance. As discussed above in Section 1.7, there are no feasible mitigation measures for cumulative VMT impacts and therefore the Lead Agency finds that the project's impact on VMT would be significant and unavoidable and cumulatively considerable.

## 1.10 - Findings Regarding Growth Inducement

CEQA Guidelines Section 15126.2(e) requires a discussion of the ways in which a proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Typical growth-inducing factors might be the

extension of urban services or transportation infrastructure to a previously unserved or underserved area, or the removal of major barriers to development.

The proposed project would result in the demolition of the two existing single-family homes located on the northeastern portion of the project site for the construction of two new single-family homes; the construction of 28 new detached single-family homes on an undeveloped portion of the project site; and associated circulation, parking, and landscaping features. The proposed project would also preserve approximately 117.1 acres of designated open space across four parcels and would conduct off-site roadway improvements on Dublin Canyon Road and at the Oak Hills Congregation Site. The proposed project would annex all areas of the project site into the City except for Parcel B, which would be preserved open space under the jurisdiction of the EBRPD. Approximately 43.85 acres of the project site, including the area planned for the development are currently designated as Residential Low Density development in the City's General Plan. (Draft EIR, pp. 4-2 to 4-3). This General Plan land use designation allows for a maximum density of 1.99 dwelling units per acre, or for the development of approximately 87 dwelling units on the project site. Therefore, it can be concluded that the proposed development of 28 new lots has already been accounted for in the Pleasanton General Plan EIR and would thus not result in an increase beyond current projections. Furthermore, it should be noted that the project site was evaluated for 31 dwelling units within the City's Housing Element Update, and the City's population has since declined. Therefore, this growth would be in alignment with regional growth projections and would fulfill the City's projected housing needs.

The proposed project would not employ any full-time employees. Although the proposed project would result in existing new infrastructure extensions into previously unserved areas, these improvements would be developed to accommodate growth projections in the City's Housing Element Update. Although the proposed project would implement extensions of existing transportation infrastructure through the construction of a 5-foot pathway to the proposed EBRPD trailhead and staging area and an EVA access roadway between the Oak Hills Congregation and Street A, these improvements would be restricted to either emergency or non-vehicular uses. As such, no physical barriers to growth would be removed that would result in growth inducement beyond what was analyzed in the Housing Element Update Program EIR. These improvements would be designed strictly for the purpose of facilitating emergency access. As such, the EIR concludes that the proposed project would not result in direct or indirect growth-inducing impacts, and no mitigation is required.

The Lead Agency finds that the proposed project would not result in unplanned growth.

## 1.11 - Findings Regarding Significant Irreversible Environmental Changes

According to Sections 15126(c) and 15126.2(d) of the CEQA Guidelines, the Lead Agency must address any significant irreversible environmental changes that would occur should the proposed project be implemented. Generally, a project would result in significant irreversible environmental changes if any of the following would occur:

- The project would involve a large commitment of nonrenewable resources;

- The primary and secondary impacts of the project would generally commit future generations to similar uses;
- The project involves uses in which irreversible damage could result from any potential environmental accidents; or
- The proposed consumption of resources is not justified.

Implementation of the proposed project would result in the consumption of nonrenewable resources during both construction and operation. These include fossil fuels, metals (e.g., steel, copper), petrochemical materials (e.g., plastics), and aggregate materials such as sand and gravel. Although construction debris recycling would reduce waste and allow for partial recovery of materials, the project would still involve an irretrievable commitment of resources. Operational activities would continue to consume energy and water, but the proposed buildings would comply with the latest measures for energy efficiency and use renewable energy sources required by the CBC, including Title 24 standards for reducing impacts on energy resources (Draft EIR, p. 3.5-12) as well as compliance with the State's Model Water Efficient Landscape Ordinance. Therefore, impacts on energy resources would be less than significant.

Although the majority of the development within the project site is located within an undeveloped area of the City's UGB, the project site has been considered as a candidate housing site, Site 1 – Lester, in the City's Housing Element Update. The project site is also zoned PUD, which is designed to encourage imagination and housing variety in property development and to avoid the monotony of standard residential, commercial, and industrial developments. Therefore, the proposed project would not only be consistent with long-term uses proposed for the site in the City's Housing Element Update, but it would also demonstrate consistency with development standards for Residential Low Density development. Therefore, the proposed project would not induce new long-term land uses commitments beyond those already planned for in the City's Housing Element Update Program EIR.

The proposed project would comply with all applicable statewide and local regulations for hazardous materials handling during construction. The proposed project is a project consisting of primarily residential development and would thus utilize hazardous materials in small quantities associated with household and residential uses during operations. (Draft EIR, p. 3.8-17). Therefore, the proposed project would not involve industrial processes that would result in a high potential for hazardous environmental accidents.

Resource consumption associated with construction (fuel, aggregate, metals, lumber) and operation (energy and water) would be that used for typical residential infill development and multimodal improvements. These impacts would be minimized through compliance with current CBC requirements, including mandatory energy efficiency, water conservation, and fire-safety standards. Because the project would utilize a site that has been accounted for future resource allocation to accommodate projected population growth in the City's Housing Element Update, the long-term resource commitments beyond standard residential demand and multimodal use would be justified and not considered wasteful.

The Draft EIR concludes that while the project would result in environmental changes, these would not be significantly inefficient, unnecessary, or wasteful, and would be comparable to other residential developments in the region.

The Lead Agency finds that the proposed project would not result in significant irreversible changes.

## 1.12 - Mitigation Monitoring and Reporting Program

Pursuant to Public Resources Code Section 21081.6 and Guidelines Section 15091(d), the Lead Agency adopts the MMRP prepared for the proposed project, attached as Appendix A. Implementation of the mitigation measures contained in the MMRP is hereby made a COA of the proposed project. The MMRP is incorporated by reference in these Findings. In the event of any inconsistencies between the mitigation measures set forth herein and the MMRP, the MMRP shall control.

## 1.13 - Findings Regarding Recirculation

During the public review period after the Draft EIR was published, the Lead Agency received certain additional information. Lead Agency staff and consultants involved in preparing the various studies, reports and analyses included in the Draft EIR have also presented additional information since the publication of the Draft EIR. Some of this information was contained in comments submitted on the Draft EIR, and in responses to those comments contained in the Final EIR. Other information was presented at or before public meetings/hearings on the EIR. The EIR incorporates feasible mitigation, additions, clarifications, modifications, and other changes, in response to comments and as determined appropriate by Lead Agency staff and required under CEQA.

Under *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal*. (1993) 6 C4th 1112 (Laurel Heights II) and the CEQA Guidelines (14 California Code of Regulations [CCR] § 15088.5(a)(3)), when information added to the Final EIR consists of a suggested additional mitigation measure, recirculation is required only if the new mitigation measure meets all of the following criteria (*South County Citizens for Smart Growth v. County of Nevada* (2013) 221 CA4th 316, 330):

- It is feasible;
- It is considerably different from the alternatives or mitigation measures already evaluated in the Draft EIR;
- It would clearly lessen the project's significant environmental impacts; and
- It is not adopted.

Recirculation is only required only if each of the above tests is met. (*South County Citizens*, *supra* at 330). As described in detail in the Final EIR, mitigation measures proposed during the public comment period are either (1) not necessary; (2) not feasible; (3) or are already included as mitigation. Minor edits were made to MM GEO-6a and MM GEO-6b to provide revised numerical references for the respective impact section and did not involve any modifications to the contents of

those mitigation measures. As such, no additional/revised mitigation measures have any significant effects and the conclusions of the Draft EIR with respect to each impact section remain unchanged.

The Lead Agency has considered all relevant information including the opinions and comments of interested agencies, organizations and individuals. The Lead Agency finds that the additional mitigation does not meet the test for recirculation. Additionally, the Lead Agency finds that none of the additional information provided during the public comment period demonstrates any of the following situations requiring recirculation identified in CEQA Guidelines Section 15088.5 have occurred:

- A new significant environmental impact that would result from the project (or any alternative) or from a new mitigation measure proposed to be implemented.
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project (or an alternative), but the project's proponents decline to adopt it.
- The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Based on the foregoing and as explained in more detail in the Final EIR, and having reviewed all the information in the record of proceedings, the Lead Agency hereby finds that this additional information does not constitute significant new information nor does it require recirculation of the EIR. The additional information merely clarifies or amplifies an adequate EIR.

## 1.14 - Statement of Overriding Considerations

CEQA requires that a Lead Agency balance the benefits of a project against its unavoidable environmental risk in determining whether to approve the proposed project. If the benefits outweigh the unavoidable adverse effects, those effects may be considered “acceptable” pursuant to CEQA Guidelines Section 15093(a). CEQA requires that a Lead Agency support, in writing, the specific reasons for considering a project acceptable when significant impacts are infeasible to mitigate. Those reasons must be based on substantial evidence in the EIR or elsewhere in the administrative record pursuant to CEQA Guidelines Section 15093(b). The Lead Agency’s written reasons are referred to as a Statement of Overriding Considerations.

As explained in the above Findings of Fact, most of the project’s impacts on the environment would either be insignificant or, through the incorporation of mitigation measures as conditions of approval of the proposed project, can be reduced to less than significant. However, as set forth in Section 1.6 above, impacts to VMT will remain significant and unavoidable as no mitigation measures are feasible/even with implementation of all feasible mitigation measures. Further, as set forth in Section 1.7 above, there are/are no feasible alternatives to the proposed project, which would mitigate or avoid those environmental impacts and which would meet project objectives. Accordingly, as set forth below, the City of Pleasanton hereby declares that the following benefits

provided to the public through the approval and implementation of the proposed project outweigh the identified significant adverse environmental impacts of the proposed project that cannot be mitigated. The City of Pleasanton finds that each of the project benefits separately and individually outweighs all of the unavoidable adverse environmental effects identified in the EIR and therefore finds those impacts to be acceptable.

- **Housing Production:** The proposed project would utilize infill sites for housing development analyzed in the City's Housing Element Update. Therefore, the proposed project would support the objectives of the City's Housing Element Update, State housing laws, and Plan Bay Area 2050 by increasing the amount of housing stock in the City.
- **Advancing Conservation Protections:** The proposed project would result in the preservation of approximately 117.1 acres of open space, including 104.6 acres of open space for conservation purposes and 69.53 acres dedicated to the EBRPD. By dedicating undeveloped lands to the EBRPD, the proposed project would further the City's open space and conservation goals and would advance protections for special-status species, riparian habitats, wetlands, jurisdictional waters and Heritage Trees by ensuring that these lands remain undeveloped for perpetuity.
- **Expansion of Public Access to Regional Parks and Trails:** The project would provide a new public trailhead, parking/staging area, and trail connection to the Pleasanton Ridge Regional Park, completing a long-planned segment of the regional trail system and expanding public recreational opportunities.
- **Preservation of Community Character and Urban Edge**: By clustering development and preserving extensive open space, the project maintains the open-space character at the City's edge, protects scenic hillsides and ridgelines, and advances Measures PP and QQ and General Plan policies.
- **Reducing Hazardous Roadway Design Features:** The proposed project would construct a new traffic signal and pedestrian crossing at the intersection of Canyon Meadows Drive and Dublin Canyon Road. By constructing these features, the proposed project would not sonly reduce design hazards for pedestrians and bicyclists attempting to reach the EBRPD trailhead, but it would also reduce the potential for left-turn vehicle collisions for vehicles exiting from the intersection of proposed Street A and Dublin Canyon Road and for head-on and side-sweep vehicle collisions for vehicles traveling on Dublin Canyon Road.
- **Facilitating Multimodal Travel:** The proposed project would construct 6-foot-wide bike lanes and sidewalks on both sides of Dublin Canyon Road along the northern frontage of the project site. By implementing this design feature, the proposed project would not only provide connectivity to the proposed EBRPD trailhead, but it would also expand regional connectivity by filling in infrastructure "gaps" for pedestrians and bicyclists traveling in the project vicinity. Therefore, implementation of the proposed project would advance the City's long-range transportation goals, thus representing an improvement from existing conditions.

## 1.15 - Custodian of Record; Scope and Content of Record

The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at City of Pleasanton, Community Development Department, 200 Old Bernal Avenue, Pleasanton, CA 94566, Contact Natalie Amos, Associate Planner. This information is provided in compliance with Public Resources Code Section 21081.6.

Various documents, information, testimony, reports, studies, analyses and other materials (both oral and written) constitute the record upon which the City bases these Findings and the basis for the City's approval and/or adoption contained herein. These Findings cite specific pieces of evidence, but none of the City of Pleasanton's findings are based solely on those cited pieces of evidence. Rather, these Findings are based upon the entire record, and the Lead Agency intends to rely upon all supporting evidence in the record for each of its conclusions contained herein.

The documents in the record include all items referenced in Public Resources Code Section 21167.6(e) and any additional items not included, if otherwise required by law.

# Appendix A:
# Mitigation Monitoring and Reporting Program

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# Mitigation Monitoring and Reporting Program for the Hidden Canyon Residences and Preserve Project Environmental Impact Report City of Pleasanton, Alameda County, California

## State Clearinghouse Number 2019080461

Prepared for:
**City of Pleasanton**
Community Development Department
200 Old Bernal Avenue
Pleasanton, CA 94566
925.931.5613

Contact: Natalie Amos, Associate Planner

Prepared by:
**FirstCarbon Solutions**
2999 Oak Road, Suite 250
Walnut Creek, CA 94597
925.357.2562

Contact: Mary Bean, Project Director
Prathna Maharaj, AICP, Senior Project Manager

Report Date: April 10, 2026

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# PREFACE

Section 21081.6 of the California Environmental Quality Act (CEQA) and CEQA Guidelines Section 15097 require a Lead Agency to adopt a Mitigation Monitoring and Reporting Program (MMRP) whenever it adopts a Environmental Impact Report (EIR) in conjunction with a project approval. The purpose of the MMRP is to ensure compliance with the mitigation measures occurs during project implementation.

The Draft EIR prepared for the proposed Hidden Canyon Residences and Preserve Project (proposed project) concluded that project implementation could result in potentially significant effects on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval that reduce these potential impacts to a less than significant level. This MMRP documents how and when the mitigation measures adopted by the Lead Agency will be implemented and confirms that potential environmental impacts are reduced to less than significant levels as identified in the Draft EIR.

This document does not discuss those subjects that the environmental analysis demonstrates would result in less than significant impacts and for which no mitigation was proposed or necessary.

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## Table 1: Hidden Canyon Residences and Preserve Project Mitigation Monitoring and Reporting Program

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | |
|---|---|---|---|---|---|
| | | | | Date | Initial |
| **3.1 Aesthetics** | | | | | |
| **MM AES-4: Adhere to Design Review Process and Standards**<br>As part of the design review process for the proposed project, the applicant shall include the following features in its design review submittal:<br>• Structures facing a public street or neighboring property shall use minimally reflective glass, and other materials and colors used on the exterior of buildings and structures shall be selected with attention to minimizing reflective glare.<br>• Building windows shall be tinted with an anti-reflective material. | City of Pleasanton, Community Development Department Planning Division for review and approval of the Design Review Submittal | During application design review. | City of Pleasanton, Community Development Department Planning Division | | |
| **3.3 Biological Resources** | | | | | |
| **MM BIO-1a: Compensation Measures for Condgon's Tarplant**:<br>The project shall compensate for the loss of tarplant on the project development area via the preservation of estimated individuals at a mean ratio of 8:1. However, per the East Alameda County Conservation Strategy (EACCS), mitigation for Congdon's tarplant must also demonstrate habitat enhancement, not just preservation; therefore, a Resource Management Plan (RMP) shall be prepared and implemented, as described below by a qualified Biologist. At a minimum, the RMP shall include the following:<br>• Party or parties responsible for implementation of the RMP.<br>• Allowed and prohibited activities on preserved lands.<br>• The locations and types of any fencing, signs and/or displays to be constructed on preserved lands.<br>• A monitoring and management plan for non-native and/or invasive species considered detrimental to protected resources (i.e., weed abatement and invasive species removal).<br>• The types, frequency, and timing of any maintenance activities to be conducted on preserved lands (i.e., litter removal, fence or sign repairs, fire prevention activities such as mowing, etc.). | Community Development Department Planning Division; review of the RMP prepared by a qualified Biologist, demonstrating the required components per the EACCS. | Prior to site construction. | City of Pleasanton Development Department, Planning Division; applicable regulatory agency (ies) | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | |
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| | | | | Date | Initial |
| • A grazing and/or mowing component, and requirements of any grazing/mowing plan shall also be included. For grazing, this plan shall include applicable stocking rates (based on the best current information), how other sensitive resources occurring on-site such as riparian habitats will be protected (if necessary) and any monitoring requirements, such as the monitoring of Residual Dry Matter (RDM). A mowing plan shall include timing of mowing activities to best enhance habitat for this species.<br>• A mechanism whereby the RMP shall be funded in perpetuity. Such a mechanism would be the establishment by the applicant of a non-wasting endowment, funded by the applicant and/or through monthly Homeowner Association (HOA) fees. | | | | | |
| **MM BIO-1b: Avoidance and Minimization Measures for California Red-legged Frog**<br>*Avoidance and Minimization:*<br>Conduct protocol-level California red legged frog (CRLF) surveys or assume presence on-site.<br><br>Implementation of the following measures, partially summarized below, shall be taken during construction to avoid harm or mortality to individual CRLF.<br>• Conduct protocol-level CRLF surveys or assume presence on the site.<br>• Prior to the start of construction, an approved qualified Biologist will train all construction personnel regarding habitat sensitivity, identification of special-status species, and required practices.<br>• Pre-construction surveys shall be conducted to ensure that CRLF are absent from the construction area. If CRLF are present, they shall be relocated by a qualified Biologist.<br>• The construction zone shall be cleared, and silt fencing shall be erected and maintained around construction zones to prevent CRLF from moving into these areas. | City of Pleasanton, Community Development Department Planning Division for review and approval; review of documentation prepared by a qualified or Service-approved Biologist, field verification and site inspections, and review of RMP. | Prior to issuance of grading or construction permits; ongoing during construction | City of Pleasanton Development Department, Planning Division; applicable regulatory agency (ies) | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | |
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| | | | | Date | Initial |
| • A Biological Monitor shall be present on-site during times of construction, such as any impacts to the creek, to ensure no CRLF are harmed, injured, or killed during project buildout.<br><br>*EACCS-specific CRLF Avoidance Minimization Measures:*<br>• If aquatic habitat is present, a qualified Biologist shall stake and flag an exclusion zone prior to activities. The exclusion zone shall be fenced with orange construction zone and erosion control fencing (to be installed by construction crew). The exclusion zone shall encompass the maximum practicable distance from the work site and at least 500 feet from the aquatic feature wet or dry.<br>• A qualified Biologist shall conduct pre construction surveys prior to construction activities (before groundbreaking). If individuals are found, work shall not begin until they are moved out of the construction zone to a United States Fish and Wildlife Service (USFWS) or California Department of Fish and Wildlife CDFW) approved relocation site.<br>• A Service-approved Biologist shall be present for initial ground-disturbing activities.<br>• If the work site is within the typical dispersal distance (contact USFWS/CDFW for latest research on this distance for species of interest) of potential breeding habitat, barrier fencing shall be constructed around the worksite to prevent amphibians from entering the work area. Barrier fencing shall be removed within 72 hours of completion of work<br>• No monofilament plastic shall be used for erosion control.<br>• Construction personnel shall inspect open trenches in the morning and evening for trapped amphibians.<br>• A qualified Biologist possessing a valid Endangered Species Act Section 10(a)(1)(A) permit or Service approved under an active biological opinion, shall be contracted to trap and to move amphibians to nearby suitable habitat if amphibians are found inside fenced area. | | | | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | |
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| • Work shall be avoided within suitable habitat from October 15 (or the first measurable fall rain of 1 inch or greater, to May 1).<br><br>In addition, the EACCS specifies that a project shall obtain an Incidental Take Permit if occupied habitat is adjacent to the site and suitable habitat is on the project site.<br><br>*Compensation*<br>The project proposes to preserve in perpetuity approximately 104.6 acres of the project site as open space outside of the grading envelope. This amount of open space would more than sufficiently compensate for any loss of CRLF upland habitat. Additionally, to ensure that mitigation habitat meets or exceeds the value of the habitat lost to development. Additionally, Focal Species Impact/Mitigation Scoring Sheets, located in Appendix E of the EACCS, were used as part of the assessment for suitability of mitigation lands for CRLF. Standardized mitigation ratios for CRLF, according to Table 3-7 in the EACCS, are 3:1 if the development area is within critical habitat and 2.5:1 if the development area is outside of critical habitat. The vast majority of the development area of the project is outside of critical habitat; therefore, the proposed project is consistent with standardized ratios set forth by the EACCS for this species.<br><br>An RMP shall be prepared explicitly to manage the proposed open space areas for potentially sensitive species potentially occurring. This plan will be submitted to the City for review and approval. At minimum, this plan should:<br>• Identify approaches to be used and provide evidence that sufficient water budget exist for any proposed enhancement.<br>• Identify a suitable planting regime for restoring or enhancing riparian habitats.<br>• Identify success criteria for monitoring both wetland and riparian habitats that are consistent with similar habitats regionally.<br>• Monitor restored or enhanced riparian habitats for 5 years. | | | | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | |
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| | | | | Date | Initial |
| • Define and identify maintenance and management activities to manage open space habitats to meet stated goals of supporting habitat characteristics suitable for CRLF. This would include suitable fencing to control access, limited cattle grazing or other procedures to manage grass height and forage production at levels that benefit CRLF, removal of trash.<br>• Define and provide for a financial mechanism such as a non-wasting endowment or an assessment district that funds open space management into perpetuity. | | | | | |
| **MM BIO-1c: East Alameda County Conservation Strategy-specific Avoidance and Minimization Measures for Alameda Whipsnake:**<br>• No monofilament plastic shall be used for erosion control.<br>• Barrier fencing may be used to exclude focal reptiles. Barrier fencing shall be removed within 72 hours of completion of work.<br>• Construction crews or on-site Biological Monitor shall inspect open trenches in the morning and evening for trapped reptiles.<br>• Ground disturbance in suitable habitat shall be minimized.<br>• A United States Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife- (CDFW-) approved Biological Monitor shall be present for all ground-disturbing activities in suitable habitat.<br>• A qualified Biologist possessing a valid Endangered Species Act Section 10(a)(1)(A) permit or Service approved under an active biological opinion, and approved by the CDFW shall be contracted to trap and to move reptiles to nearby suitable habitat if listed reptiles are found inside fenced area.<br><br>*Compensation*<br>Clustering and siting of the project has also allowed for in perpetuity preservation of 104.6 acres of open space of similar habitat quality to the approximately 24 acres that would be impacted by the project. This amount of open space would more than sufficiently compensate for any loss of Alameda whipsnake upland habitat. | City of Pleasanton, Community Development Department Planning Division for review and approval; review of documentation prepared by qualified or agency-approved Biologists, field verification and site inspections, and review of open space preservation documentation. | Prior to issuance of grading or construction permits; ongoing during construction | City of Pleasanton Development Department, Planning Division; applicable regulatory agency (ies) | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | |
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| | | | | Date | Initial |
| Additionally, Focal Species Impact/Mitigation Scoring Sheets located in Appendix E of the East Alameda County Conservation Strategy (EACCS) were used as part of the assessment for suitability of mitigation lands for Alameda whipsnake. Standardized mitigation ratios for Alameda whipsnake, according to Table 3-9 in the EACCS, are as follows:<br>1. If the development area is within critical habitat and the mitigation area is within critical habitat, and both are within the same Recovery Unit (both areas in this case are within Recovery Unit 3) the mitigation ratio is 3:1.<br>2. If the development area is outside of critical habitat but inside a Recovery Unit and the mitigation area is outside critical habitat but inside the same recovery unit, the mitigation ratio is 3:1.<br>3. If the development area is outside of critical habitat but inside a Recovery Unit and the mitigation area is inside critical habit and within the same Recovery Unit, 2.5:1.<br>4. All other types of mitigation would require site-specific agency approval.<br><br>Areas proposed for preservation by the project would meet the EACCS goals of preserving a mosaic of habitats at an approximate 3:1 ratio, including woodland and upland habitats adjacent to riparian woodlands. The majority of the proposed open space consists of upland habitats (i.e., grasslands). | | | | | |
| **MM BIO-1d: Mitigation Measures for Golden Eagle, White-tailed Kite, Norther Harrier, and Migratory Birds:**<br>Trees planned for removal shall be removed during nonbreeding season (September 1 through January 31). If it is not possible to avoid tree removal or other disturbances during breeding season (February 1 through August 31), a qualified Biologist shall conduct a pre-construction survey for tree nesting raptors and other tree- or ground nesting migratory birds in all trees or other areas of potential nesting habitat within the construction footprint and within 250 feet of the footprint. This survey shall be conducted no more than 7 days | City of Pleasanton, Community Development Department Planning Division for review and approval; review of documentation prepared by a qualified biologist, | Prior to tree removal or ground-disturbing activities. | City of Pleasanton Development Department, Planning Division; applicable regulatory agency (ies) | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | |
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| prior to initiation of demolition/construction activities during the early part of breeding season (February 1 through April 30), and no more than 30 days prior to initiation of these activities during the latter part of the breeding season (May 1 through August 31). If nesting raptors or migratory birds are detected on the project site during the survey, a suitable construction-free buffer will be established around all active nests. Precise dimensions of the buffer (up to 250 feet) would be determined at that time and may vary depending on location and species. Buffers will remain in place for the duration of breeding season or until it has been confirmed by a qualified Biologist that all chicks have fledged and are independent of their parents. Pre-construction surveys during nonbreeding season are not necessary, as birds are expected to abandon their roosts during construction activities. Implementation of the above measures would mitigate impacts to tree-nesting raptors and other migratory birds to a less than significant level.<br><br>*Specific East Alameda County Conservation Strategy Avoidance and Minimization Measures for the golden eagle*<br>Although nesting habitat is marginal on the development site and its proximity, in the unlikely event that an eagle did nest on the project site, the following mitigation would ensure that the project does not cause nest abandonment. Pre-construction surveys for other nesting birds and raptors shall include a survey for nesting golden eagles to determine their presence or absence within 250 feet of the development footprint.<br>• If an active nest is identified near a proposed work area, work shall be conducted outside of the nesting season (February 1 to September 1).<br>• If an active nest is identified near a proposed work area and work cannot be conducted outside of the nesting season, a no-activity zone shall be established by a qualified Biologist. The no-activity zone will be large enough to avoid nest abandonment and at a minimum will be a 250-feet radius around the nest. | field verification and site inspections, and review of open space preservation documentation. | | | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | |
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| | | | | Date | Initial |
| • If an effective no-activity zone cannot be established in either case, an experienced golden eagle Biologist will develop a site specific plan (i.e., a plan that considers the type and extent of the proposed activity, the duration and timing of the activity, the sensitivity and habituation of the eagles, and the dissimilarity of the proposed activity with background activities) to minimize the potential to affect the reproductive success of the eagles.<br><br>*Compensation*<br>The project proposes to preserve approximately 104.6 acres of the project site outside of the grading envelope as open space. This amount of open space would more than sufficiently compensate for any loss of golden eagle foraging habitat. Additionally, Focal Species Impact/Mitigation Scoring Sheets located in Appendix E of the EACCS were used as part of the assessment for suitability of mitigation lands for the golden eagle. Standardized mitigation ratios for the golden eagle, according to Table 3-10 in the EACCS, is 3:1 within the East Bay Hills Mitigation Area where the project and associated conservation land are sited. The majority of the area proposed for preservation consists of grassland habitat, although it also includes woodland and riparian woodland habitat. | | | | | |
| **MM BIO-1e: Avoidance and Minimization Measures for American Badger:**<br>Pre-construction surveys conducted for burrowing owls (MM BIO-1i) will also be used to determine presence or absence of badgers within or immediately adjacent to the development footprint. Therefore, the burrowing owl study identified in MM BIO-1i will include American badger. If an active badger den is identified during pre construction surveys within or immediately adjacent to the construction envelope, a construction-free buffer of up to 300 feet (or other distance specified by California Department of Fish and Wildlife [CDFW]) shall be established around the den. Because badgers are known to use multiple burrows in a breeding burrow complex, a Biological Monitor shall be present on the project site | City of Pleasanton, Community Development Department Planning Division for review and approval; review of documentation prepared by a qualified biologist and field verification and site inspections. | Prior of issuance of grading or construction permits. | City of Pleasanton Community Development Department Planning Division, USFWS, CDFW | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | |
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| | | | | Date | Initial |
| during construction activities to ensure the buffer is adequate to avoid direct impact to individuals or den abandonment. The monitor would be necessary on the project site until it is determined that any badger young are of an independent age and construction activities would not harm individual badgers. Once it has been determined that badgers have vacated the project site, burrows can be collapsed or excavated and ground disturbance can proceed.<br><br>Specific Avoidance and Minimization Measures for the badger reported in Table 3-3 of the East Alameda County Conservation Strategy (EACCS) include:<br>• If potential dens are located within the proposed work area and cannot be avoided during construction, qualified Biologist will determine if the dens are occupied or were recently occupied using methodology coordinated with the United States Fish and Wildlife Service (USFWS) and CDFW.<br>• If unoccupied, the qualified Biologist will collapse these dens by hand in accordance with USFWS procedures. Exclusion zones will be implemented following USFWS procedures or the latest USFWS procedures available at the time. The radius of these zones will follow current standards or will be as follows: Potential Den–50 feet; Known Den–100 feet; Natal or Pupping Den–to be determined on a case-by-case basis in coordination with USFWS and CDFW.<br>• Pipes will be capped and trenches will contain exit ramps to avoid direct mortality while construction areas are active.<br><br>*Compensation*<br>The project shall permanently protect 104.6 acres as open space, which is considered more than adequate to offset any loss of badger habitat. Additionally, Focal Species Impact/Mitigation Scoring Sheets located in Appendix E of the EACCS were used as part of the assessment for suitability of mitigation lands for the badger. Standardized mitigation ratios for the badger, according to Table 3-10 | | | | | |

<table>
<tr><th rowspan="2">Mitigation Measures</th><th rowspan="2">Method of Verification</th><th rowspan="2">Timing of Verification</th><th rowspan="2">Responsible for Verification</th><th colspan="2">Verification of Completion</th></tr>
<tr><th>Date</th><th>Initial</th></tr>
<tr><td>in the EACCS, is 3:1 within the East Bay Hills Mitigation Area, where the project and</td><td></td><td></td><td></td><td></td><td></td></tr>
<tr><td>MM BIO-1f: Mitigation Measure for Crotch’s Bumble Bee:<br>A qualified Biologist shall conduct pre construction surveys with methodology approved by the California Department of Fish and Wildlife (CDFW) during the three stages of Crotch’s bumble bee flight period; once a positive identification is made, no further general surveys are necessary; at that point, intensive surveys would occur. The three stages of flight periods include: 1) queen flight after emergence is February March; 2) highest detection time for nests is April–August; 3) queens solo flight is September–October when queens find a hibernation area. Surveys will be conducted in the two flight periods prior to the start of construction with two surveys occurring at least 3 weeks apart within each of those flight periods. These surveys will increase the likelihood this species and their underground nests are observed will they be present on the project site. Survey schedules are shown below:
<table>
<tr><th>Construction Start Date</th><th>Required Survey Periods</th><th>Dates of Survey Periods</th></tr>
<tr><td>November-March</td><td>2 and 3</td><td>Two surveys April-August; two surveys September-October</td></tr>
<tr><td>April-August</td><td>3 and 1</td><td>Two surveys September-October; two surveys February-March</td></tr>
<tr><td>September-October</td><td>1 and 2</td><td>Two surveys February-March; two surveys April-August</td></tr>
</table>
</td><td>City of Pleasanton Community Development Department Planning Division for review and approval; review of documentation prepared by a qualified Biologist and field verification and site inspections.</td><td>Prior to issuance of grading or construction permits</td><td>City of Pleasanton Community Development Department Planning Division, CDFW</td><td></td><td></td></tr>
</table>

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | |
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| Bumble bees observed shall be photographed and a Global Positioning System (GPS) point taken. If a Crotch's bumble bee is positively identified, general surveys shall stop and intensive surveys will begin.<br><br>*General Survey Timing*<br>This survey shall be conducted the season prior to the start of work (i.e., if work is expected to start in the late summer, surveys may occur that same year; if work is expected to start in winter or early spring, the surveys shall occur the year before).<br><br>*Avoidance*<br>Should a Crotch's bumble bee be observed, intensive surveys to locate underground nests shall be conducted. Appropriate weather for intensive surveys is warm and sunny or sunny with some overcast with temperatures between 60° Fahrenheit (degrees Fahrenheit) and 90°. Should an underground nest be located, individuals at the nest shall be photographed to confirm species. If a confirmed underground nest of Crotch's bumble bee is observed, the nest shall be flagged and a 25-foot buffer established around the nest.<br><br>*Minimization*<br>If a Crotch's bumble bee or a Crotch's bumble bee nest is observed, an avoidance plan would be developed and reviewed by CDFW prior to project work and/or vegetation removal or ground disturbance.<br><br>*Compensation*<br>If Crotch's bumble bee exists on-site and if take avoidance is not feasible, then a mitigation plan that provides for on- or off site compensation shall be completed. The mitigation plan shall provide for a minimum of a 1:1 replacement ratio of suitable habitat. It shall define the location and whether this mitigation is on or off-site, measures to restore and/or enhance existing habitat, management strategies to maintain the conservation value of the habitat into perpetuity, and a funding source for the ongoing management. | | | | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | |
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| Compensation may necessitate the need to obtain an Incidental Take Permit from CDFW under the California Endangered Species Act (CESA). If in the end, the Fish and Game Commission chooses to not list the Crotch's bumble bee under CESA, then this would vacate the need to implement the minimization and avoidance methods above. | | | | | |
| **MM BIO-1g: Mitigation Measure for San Francisco Dusky-Footed Woodrats:**<br>*Avoidance and Minimization*<br>A qualified Biologist shall conduct a pre construction survey for San Francisco dusky footed woodrat nests no more than 30 days and no less than 14 days prior to the onset of construction activities in or within 50 feet of riparian habitat. This survey timing allows for the scheduling of and deconstruction of any woodrat nests which need relocating. The survey shall encompass all construction zones and surrounding lands within 50 feet. If no woodrat nests are present, no additional measures are required.<br><br>A report shall be prepared for submission to the City summarizing the results of the survey which identifies any buffer zones and outlines recommended next steps, including measures implemented to prevent impacts to San Francisco dusky-footed woodrats<br><br>*Nest deconstruction*<br>Identified nests shall be avoided, where possible. If avoidance is not possible, as determined by a qualified Biologist in coordination with the applicant, the nest(s) will be manually deconstructed by a qualified Biologist when helpless young are not present, typically during the nonbreeding season (October through January). The nest will be reconstructed in a nearby suitable area.<br><br>*Construction-free buffers*<br>If it is determined during the pre construction survey that young may be present, a suitable buffer, delineated with flagging, depending on the timing within the breeding season (ranging from 15–50 feet) will be established around the nest by the qualified Biologist and | City of Pleasanton Community Development Department Planning Division for review and approval; review of documentation prepared by a qualified Biologist and field verification and site inspections. | Prior to issuance of grading or construction permits. | City of Pleasanton Community Development Department Planning Division | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | |
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| maintained during construction until the young are independent and have successfully moved from the nest on their own. | | | | | |
| **MM BIO-1h: Mitigation Measure for Ringtails:**<br>*Pre-construction Survey*<br>A qualified Biologist shall conduct pre-construction surveys for the ringtail prior to any disturbance to the property. All suitable surveyed with walking transects within 2 days prior to the onset of construction. This survey can be conducted in conjunction with other pre-construction surveys.<br>*Tailgate Training*<br>All workers on the project and access corridor shall attend a tailgate training that includes a description of the species, summary of its biology, and minimization measures and instructions on what to do if a ringtail is observed.<br>*Protective Measures for Individuals*<br>In the event an individual is discovered within a construction zone on-site, construction would be halted until the individual self-relocates from the project site. A ringtail would not be expected to be residing within the area of development; therefore, self-relocation is believed to be inevitable. Once the Biologist has determined that the animal has moved outside of potential danger, construction activities could resume. If the ringtail is found to be residing within a construction zone on-site, an appropriate construction free buffer (to be determined by a qualified Biologist) would be established around the area being used by the ringtail until the nest is abandoned by adult(s) and young for the year (approximately after September). | City of Pleasanton Community Development Department Planning Division for review and approval; Review of documentation prepared by a qualified Biologist and field verification and site inspections. | Prior to issuance of grading or construction permits. | City of Pleasanton Community Development Department Planning Division | | |
| **MM BIO-1i: Avoidance and Minimization Measures for Burrowing Owls:**<br>To avoid potential impacts to active burrowing owl nests and adult owls, a qualified Biologist shall conduct pre construction surveys for burrowing owls within the construction footprint and within 250 feet of the footprint no more than 7 days prior to project ground | City of Pleasanton Community Development Department Planning Division for review and | Prior to issuance of grading or construction permits. | City of Pleasanton Community Development Department Planning Division | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | |
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| disturbance during the early part of breeding season (i.e., February 1 through April 30), and no more than 30 days prior to onset of ground disturbance during any other times of year. These surveys shall be conducted in a manner consistent with accepted burrowing owl survey protocols. Specific Avoidance and Minimization Measures for the burrowing owl are reported in Table 3-3 of the East Alameda County Conservation Strategy (EACCS). These measures are mandatory for mitigation and include:<br>• If an active nest is identified near a proposed work area work will be conducted outside of the nesting season (March 15 to September 1).<br>• If an active nest is identified near a proposed work area and work cannot be conducted outside of the nesting season, a no-activity zone shall be established by a qualified Biologist. The no-activity zone shall be large enough to avoid nest abandonment and will at a minimum, be 250-feet radius from the nest.<br>• If the burrowing owls are present at the project site during the nonbreeding period, a qualified Biologist shall establish a no-activity zone of at least 150 feet.<br>• If an effective no-activity zone cannot be established in either case, an experienced burrowing owl Biologist shall develop a site-specific plan (i.e., a plan that considers the type and extent of the proposed activity, the duration and timing of the activity, the sensitivity and habituation of the owls, and the dissimilarity of the proposed activity with background activities) to minimize the potential to affect the reproductive success of the owls.<br><br>*Compensation*<br>To ensure that mitigation habitat meets or exceeds the value of habitat lost to development, Focal Species Impact/Mitigation Scoring Sheets located in Appendix E of the EACCS were used as part of the assessment for suitability of mitigation lands for the burrowing owl. Standardized mitigation ratios for the burrowing owl, according to | approval; Review of documentation prepared by a qualified Biologist and field verification and site inspections. | | | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | |
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| Table 3-10 in the EACCS, is 3:1 within the East Bay Hills Mitigation Area where the project and associated conservation land is sited. | | | | | |
| **MM BIO-3: Mitigation Measure for Aquatic/Wetland Habitats:**<br>*Minimization*<br>To minimize impacts, measures taken during construction activities shall include placing construction silt fencing around preserved aquatic features and riparian areas to ensure that construction activities do not inadvertently impact these areas.<br><br>As part of project buildout, all proposed lighting shall be designed to avoid light and glare impacts to preserved riparian corridors. Light sources shall not be visible from riparian areas and will not illuminate riparian areas or cause glare on the opposite side of the channels (e.g., to neighboring properties). Additionally, proposed development activities shall be designed and situated to avoid loss of trees within any riparian areas to the maximum extent practicable. Project construction must setback from the Tree Protection Zone (TPZ) of trees within the riparian area. A TPZ is defined as a circle whose center is within the base of an oak tree, the radius of which is equal to an oak tree's height or 10 feet, whichever is greater.<br><br>*Compensation*<br>A wetland/riparian Mitigation and Monitoring Plan (MMP) shall be prepared to compensate for a loss of approximately 0.25 acre of seasonal wetlands, 0.06 acre of a Roadside Drainage Ditch, and up to 0.06 acre of the loss of riparian habitat (see Table 3 of Appendix C1). The plan shall identify on site preservation areas having a sufficient water budget (as determined by a Hydrologist) for the creation of seasonal wetland habitat that is of equal or greater quality to the seasonal wetland habitats being impacted at a minimum 2:1 creation: loss. If sufficient areas for the creation of wetland habitat cannot be identified on the preserve area, then the MMP shall include off-site mitigation, preferably within the same watershed, as an alternative strategy. At a minimum, the MMP shall:<br>• Define the location of all created wetlands. | City of Pleasanton Community Development Department Planning Division for review and approval; review of documentation prepared by a qualified Biologist and field verification and site inspections. | Prior to issuance of grading or construction permits. | City of Pleasanton Community Development Department Planning Division | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | |
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| • Provide evidence of a suitable water budget to support any created wetland habitats, as determined by a qualified Hydrologist.<br>• Identify species, size, number, and location of plants to be installed.<br>• Identify time of year for planting and any methods for supplemental watering during the establishment period.<br>• Identify the monitoring period for wetlands of no less than 5 years and no less than 10 years for riparian creation/enhancement.<br>• Identify measures that will be monitored, and define incremental and final success criteria that will be required for the wetland mitigation to be deemed a success.<br>• Identify adaptive management procedures that accommodate uncertainty that comes with wetland creation projects. These include (but are not limited to) measures to address colonization by invasive species, unexpected lack of water, excessive foraging of installed wetland plants by wildlife, etc.<br>• Define management and maintenance activities (weeding, repair of water delivery systems and browsing protection, etc.).<br>• Provide for surety in funding for MMP and for in perpetuity preservation and management of created wetland habitats. | | | | | |
| **MM BIO-5: Tree Preservation Plan:**<br>For trees to be retained, a tree preservation plan shall be prepared for the project identifying all protection and mitigation measures to be taken. These measures should remain in place for the duration of construction activities at the project site.<br><br>The following are recommendations for design and construction phases that will assist in successful tree preservation.<br><br>*Design recommendations*<br>a. Locate the trunk of all trees recommended for preservation that are located within 25 feet of the edge of grading and/or utility installation. Include trunk locations and tree tag numbers on all plans. | City of Pleasanton Community Development Department Planning Division for review and approval; review of the tree preservation plan prepared by a qualified Biologist and field verification and site | Prior to issuance of grading or construction permits; ongoing during construction | City of Pleasanton Community Development Department Planning Division | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | |
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| b. Establish a Tree Protection Zone (TPZ) around each tree to be preserved. For design purposes, the TPZ shall be 3 feet behind the edge of grading. No grading, excavation, construction or storage of materials shall occur within that zone.<br>c. Install protection around all trees to be preserved. No entry is permitted into a TPZ without permission of the Project Superintendent.<br>d. Use only herbicides safe for use around trees and labeled for that use, even below pavement.<br><br>*Pre-construction and demolition treatments and recommendations:*<br>1. The demolition contractor shall meet with the Consulting Arborist before beginning work to discuss work procedures and tree protection.<br>2. Trees to be preserved may require pruning to provide adequate clearance from construction activities. All pruning shall be performed by a licensed State of California contractor possessing the C61 classification license and the D49 specification. All pruning shall adhere to the latest editions of the American National Standards Institute Z133 and A300 standards.<br>3. Install tree protective fencing at the edge of the TPZ. No grading, construction, installation or other activity is permitted within this area.<br>4. Stake the edge of grading along the East Bay Regional Park District (EBRPD) access road in order to review impacts to trees.<br><br>*Tree protection during construction:*<br>1. Prior to beginning work, contractors working near trees to be preserved shall be required to meet with the Consulting Arborist at the project site to review all work procedures, access routes, storage areas, and tree protection measures. | inspections. Approval of tree removal permit. | | | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | |
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| 2. Any grading, construction, demolition or other work that is expected to encounter tree roots shall be monitored by the Consulting Arborist.<br>3. If injury should occur to any tree during construction, it shall be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be applied.<br>4. Fences have been erected to protect trees to be preserved. Fences shall remain until all site work has been completed. Fences may not be relocated or removed without permission of the Project Superintendent.<br>5. Construction trailers, traffic, and storage areas shall remain outside fenced areas at all times.<br>6. No materials, equipment, spoil, waste, or wash-out water may be deposited, stored, or parked within the TPZ (fenced area).<br>7. Any additional tree pruning needed for clearance during construction shall be performed by a qualified Arborist and not by construction personnel.<br>8. Any roots damaged during grading or construction shall be exposed to sound tissue and cut cleanly with a saw.<br><br>*Tree Removal Permit:*<br>The City of Pleasanton requires a permit to remove Heritage Trees. Implementation of the above Mitigation Measures would reduce loss of trees to a less than significant level. | | | | | |
| **3.4 Cultural Resources and Tribal Cultural Resources** | | | | | |
| **MM CUL-2:** The project proponent shall note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources including prehistoric Native American burials.<br><br>The project proponent shall retain a Professional Archaeologist on an "on-call" basis during ground-disturbing construction for the project to review, identify and evaluate cultural resources that may be inadvertently exposed during construction. The Archaeologist shall | City of Pleasanton Community Development Department Planning Division for review and approval; Review of project plans to | Prior to issuance of grading or construction permits; ongoing during construction | City of Pleasanton Community Development Department Planning Division | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | |
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| review and evaluate any discoveries to determine whether they are historical resource(s) and/or unique archaeological resources under CEQA.<br><br>If any prehistoric or historic artifacts, or other indication of cultural resources are found once the project construction is underway, all work shall stop within 20 meters (66 feet) of the find. A qualified Archaeologist shall be consulted for an immediate evaluation of the find prior to resuming groundbreaking construction activities within 20 meters of the find. If the find is determined to be an important archaeological resource, the resource shall be either avoided, if feasible, or recovered consistent with the requirements of the California Environmental Quality Act (CEQA) Guidelines. | confirm inclusion of a note indicating the potential to encounter buried cultural resources, Retention of a qualified Professional Archaeologist who shall review and evaluate any discoveries and field verification and incident documentation. | | | | |
| **3.6 Geology, Soils, and Seismicity** | | | | | |
| **MM GEO-1: Design-level Geotechnical Study**<br>Prior to the issuance of any building or grading permits, a design-level geotechnical investigation on the project site and review of detailed site plans shall be performed by a qualified Geotechnical Engineer. The design level geotechnical investigation could incorporate a variety of field methods and would include (but not be limited to) the following items:<br>• Evaluating the lateral extent and depth of colluvial soils.<br>• Performing a seismic refraction survey to determine shear wave velocities at deeper depths.<br>• Analyzing and developing slope grading and engineered buttress fill design criteria.<br>• Evaluating upslope sources of water.<br>• Evaluating the Site Classification for Seismic Design.<br>• Estimating appropriate minimum building setbacks from the face of fill slopes | Review of documentation prepared by a qualified Geotechnical Engineer, agency review by the City Engineer | Prior to issuance of any grading or building permits. | City of Pleasanton Community Development Department Planning Division | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | |
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| The qualified Geotechnical Engineer would be required to demonstrate that implementation of the recommendations would reduce potential impacts associated with liquefaction and landslide potential to below a level of significance in conformance with the standards in the California Building Standards Code (CBC). The applicant would be required to incorporate all recommended design features into project building plans, for review and approval by the City Engineer prior to the issuance of any building or grading permits. | | | | | |
| **MM GEO-6a**: Prior to the issuance of grading permits, the project proponent/developer shall demonstrate the retention of the services of a qualified professional Paleontologist as defined by the Society of Vertebrate Paleontology (SVP). The qualified Paleontologist shall prepare a Paleontological Resource Impact Mitigation Monitoring Program (PRIMMP). The project proponent/developer shall submit the PRIMMP to and receive approval from the City/Lead Agency. The PRIMMP will describe, in addition to industry standards and SVP standards, the level of monitoring required in the project area, qualifications of the Paleontological monitor for grading operations, and identification of personnel with authority and responsibility to temporarily halt or divert grading equipment to allow for recovery of large specimens. Furthermore, the PRIMMP shall provide direction for any fossil discoveries to be immediately reported, means and methods to be employed to quickly salvage fossils as they are unearthed to avoid construction delays, sampling procedures and protocol for collecting and processing sediments and specimens, fossil identification, and reporting and curation procedures to be employed. The report will include the paleontological records search conducted at the UCMP, pertinent exhibits, maps and reference procedures for reporting of findings. | City of Pleasanton Community Development Department Planning Division for review and approval; review of PRIMMP prepared by a qualified professional paleontologist and field verification. | Prior to issuance of grading permits. | City of Pleasanton City of Pleasanton Community Development Department Planning Division; SVP-qualified PRM | | |
| **MM GEO-6b**: On the first day of ground disturbance and prior to the start of any ground-disturbing activities, the qualified professional Paleontologist that meets SVP Standard Procedures shall prepare and conduct a project-wide Worker Environmental Awareness Program | City of Pleasanton Community Development Department | The first day of ground disturbance and prior to the start of any | City of Pleasanton City of Pleasanton Community Development | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | |
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| (WEAP) training. The WEAP training shall include a review of applicable federal, State, and local regulations related to paleontological resources; recognition and understanding of significant paleontological resources pertinent to the geography and geology of the region and the types of paleontological resources that may be encountered; procedures to be followed in the event that such resources are encountered; the protocols that apply in the event of inadvertent discovery, including who to contact and appropriate avoidance measures until the find(s) can be properly evaluated and any other appropriate protocols. In the event construction crews are phased in, additional training will be conducted for new construction personnel | Planning Division for review and approval; review of WEAP training prepared by a qualified professional Paleontologist meeting Society of Vertebrate Paleontology (SVP) standards and field verification. | ground-disturbing activities. | Department Planning Division; SVP-qualified PRM | | |
| **MM GEO-6c:** During ground-disturbing construction activities, full time paleontological monitoring shall be conducted by a qualified Paleontological Resource Monitor meeting SVP standards and best practices, under the supervision of the Principal Paleontologist. Monitoring shall be restricted to areas that intrude into the Claremont shale and Monterey formations (i.e., generally below 2 feet) and undisturbed subsurface areas of marine sedimentary rock units of Miocene-age. In the event potentially significant paleontological resources are encountered during ground-disturbing activities, construction-related activities within 50 feet of the find shall stop. No excavation or other disturbances shall occur within the buffer zone until the find has been evaluated by the project Paleontologist. The Paleontologist shall collect samples of sediments which are likely to contain the remains of small fossil invertebrates, vertebrates, or microfossils. If the resources are found to be significant, protocol for collecting and processing sediments and specimens, as outlined in the Paleontological Resource Impact Mitigation Monitoring Program (PRIMMP), is to be implemented. The Paleontologist shall have the power to temporarily halt or divert grading equipment to allow for removal of abundant or large specimens. If no significant specimens are encountered during ground-disturbing activities, full time monitoring can be reduced to | City of Pleasanton Community Development Department Planning Division for review and approval; review of documentation prepared by a qualified professional Paleontologist and Paleontological Resource Monitor, and field verification and site inspections. | During ground-disturbing construction activities. | City of Pleasanton Community Development Department Planning Division; SVP-qualified PRM | | |

| Mitigation Measures | Method of Verification | Timing of Verification | Responsible for Verification | Verification of Completion | |
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| spot-checking or suspended entirely, at the discretion of the qualified professional Paleontologist and the City/Lead Agency. | | | | | |
| **MM GEO-6d:** The Paleontological Monitor shall keep a daily log and photographic record of all activities involving ground disturbance during the construction phase, as well adhering to the procedures outlined in the Paleontological Resource Impact Mitigation Monitoring Program (PRIMMP). The Monitor's daily activities, findings, etc. shall be submitted to the Principal Paleontologist. All relevant details and findings shall be summarized in a report that shall be prepared at the completion of ground-disturbing activities and submitted to the City/Lead Agency and UCMP repository. Additionally, specimens shall be identified and curated into a permanent accredited repository (such as the University of California Museum of Paleontology [UCMP]) with permanent curation and retrievable storage. | City of Pleasanton Community Development Department Planning Division for review and approval; review of documentation prepared by the qualified Paleontological Resource Monitor and Principal Paleontologist, and confirmation of submittals. | During ground-disturbing construction activities. | City of Pleasanton Community Development Department Planning Division; SVP-qualified PRM, accredited repository | | |
| **3.8 Hazards and Hazardous Materials** | | | | | |
| **MM HAZ-1**: The applicant shall retain a licensed professional to conduct asbestos and lead paint surveys. Prior to the issuance of demolition permits for the two existing residences and associated structures, the applicant shall demonstrate removal of any suspect asbestos-containing materials and lead-based paint to the satisfaction of the City. | City of Pleasanton Community Development Department Planning Division for review and approval; review of documentation prepared by licensed professionals and permit verification. | Prior to issuance of demolition permits. | City of Pleasanton Community Development Department Planning Division | | |